

**ORDINANCE COMMITTEE MEETING MINUTES OF  
MARCH 7, 2006—6:00 PM  
COUNCIL CHAMBERS**

**Present:** Susan Kay-Chairperson  
Michael Smart-Vice Chairperson  
Arthur Mathews  
Greg Shanahan  
Kevin Whitaker

**Also Present:** James Wilson-Chief Financial Officer  
George Lane-Town Solicitor  
Councilor Paul J. Leary

**Recording Secretary:** Diane T. Hachey

Chairperson Kay called the Ordinance Committee Meeting to order at 6:10 PM.

**06 015-Appointment of South Shore Tri-Town Development Corporation Board Members**

Chairperson Kay requested that Councilor Leary and Solicitor Lane approach the Committee in order that they be involved in the discussion.

Councilor Leary gave an overview of his proposed measure including his reasons for raising the issue. He feels that the Council has been accused of being ineffective in its handling of the redevelopment plan at the Naval Air Station, he feels that the fact that the Council does not have a say in the appointment of SSTTDC Board Members is a major, contributing factor. Furthermore, he feels that the SSTTDC Board Members should be considered a multi-member board –and the Charter indicates that the Council has the authority to approve appointments.

Solicitor Lane expressed his appreciation to Councilor Leary for raising this most important issue and gave a brief overview of the history of appointments from the Selectmen to the current Mayoral-Town Council form of government. He assured all members that he thoroughly researched this issue and consulted with colleagues whose forte is in this area-prior to finalizing his written opinion.

The Home Rule began in 1966 which granted municipalities the power to enact Home Rule Charter. The Legislature enacted Chapter 301 of the Acts of 1998 which states that the Board of Selectmen were the appointing authority as related to the Board of Directors. The Mayor, named as the successor to the Selectmen, acts according to the Charter. The legislation of the South Shore Tri-Town Development Corporation is a separate entity for which appointments are made by the Mayor. The said appointments (considered appointments to a regional body and not town offices ) to the Tri-Town Board of Directors are to be made by the Mayor and do not require approval by the Town Council.

Councilor Whitaker noted that he agrees wholeheartedly with Councilor Leary's intent, but

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understands Solicitor Lane's ruling and emphasized the fact that we must abide by the governing legislation and rules. He further noted that the Mayor has already made his appointment. To this end, Councilor Whitaker offered the following alternative solution: a proposed resolution lobbying legislators to grant Town Council authority to review said appointments. A copy of the proposed resolution was distributed to all Committee members, Councilor Leary and Solicitor Lane for their perusal. Councilor Whitaker is proposing an amendment to Chapter 301 of the Acts of 1998 such that Mayoral appointments to the Board of Directors for South Shore Tri-Town Development Corporation are reviewed by the Weymouth Town Council-in accord with current appointment practice, as related to the Charter.

Councilor Mathews made a suggestion that this issue be addressed during the next review of the Charter-to occur in 2009. He further reiterated that he would propose that all appointments, inclusive of regional, be approved by the Council.

Solicitor Lane noted that effecting such a change is not only necessary at the Charter level, but also at the legislative level.

Councilor Smart questioned the fact that the Council approves appointments to the Weymouth Housing Authority and deferred to Solicitor Lane to explain the difference between those appointments and those of South Shore Tri-Town Development Corporation.

Solicitor Lane explained that the Weymouth Housing Authority exists under a separate Charter and is a Weymouth entity, whereby, in comparison, Tri-Town is a regional entity.

Councilor Leary asked Solicitor Lane to clarify the meaning of "reserved by the General Court". Solicitor Lane's response was that municipalities are granted the authority to enact the Home Rule.

Councilor Kay requested legal clarification of a multi-member body as cited in Section 2-10 of the Charter as this issue is ambiguous. Solicitor Lane concurs and feels this section could use some clarification.

Councilor Whitaker wished to clarify that these are 5 year appointments and feels that since the appointments have been made, we have sufficient time to work with the legislators. He asked of Councilor Leary if he desired to go forward with his original proposal or explore filing the resolution. Councilor Leary reviewed the proposed resolution and is in favor, but is concerned with the timing issue. He cited the effort involved in attempting to change legislation.

Councilor Smart noted his agreement in favor of the resolution-but feels that as a Committee there is a need to vote on the measure. He acknowledged that Councilor Leary was hoping that the approval process would be amended.

Councilor Mathews asked if in order to amend the legislation, if we require the approval of Abington and Rockland, to which Solicitor Lane answered in the negative.

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Councilor Kay asked of Councilor Leary if he is satisfied with Solicitor Lane's ruling. Councilor Leary replied that he is satisfied and that the Committee could either table the issue or he would be willing to accept the outcome of the Committee vote.

Councilor Whitaker **motioned to continue measure number 06 015**-Councilor Shanahan seconded-**VOTED UNANIMOUSLY**.

At 6:55 PM, there being no further business to conduct, Councilor Mathews motioned to adjourn-seconded by Councilor Shanahan-**VOTED UNANIMOUSLY**.

Respectfully Submitted,

Diane T. Hachey  
Recording Secretary

Approved By,

Sue Kay  
Chairperson, Ordinance Committee