

MINUTES OF THE TOWN COUNCIL
Town Hall Council Chambers
January 2, 2007 - Tuesday

Present: Michael Smart, President
Paul J. Leary, Vice-President
Jack Carey
Kenneth DiFazio
Susan Kay
Thomas J. Lacey
Arthur Mathews
Michael Molisse
Patrick O'Connor
Gregory Shanahan
Kevin Whitaker

Also Present: Franklin Fryer, Town Clerk
Jane Hackett, Chief of Staff
George Lane, Town Solicitor
Richard Swanson, Town Auditor

Recording Secretary: Mary Briggs

President Smart called the Town Council Meeting to order at 7:30 pm. The Town Clerk called the roll. All members were present. President Smart called for a moment of silence in honor of former President Gerald R. Ford.

ANNOUNCEMENTS

Councilor Carey reported that the third annual "Frozen Wildcats" plunge at Wessagusset Beach took place over the weekend, and congratulated Councilor Lacey for his participation.

Councilor Molisse reported the soil load project at Legion Field is ongoing and that there will be an informational meeting on January 17, 2007.

Councilor Mathews reported that the Community Preservation Committee has scheduled meetings on January 11 and January 25.

Councilor Shanahan congratulated Councilor Mathews on the new addition to his family.

President Smart reported that the Town Clerk's office will close at 3 PM on January 4, 2007 for renovations and will reopen January 8, 2007.

APPROVAL OF MINUTES

Budget Management Committee Meeting of November 20, 2006 - A motion was made by Councilor Leary to ACCEPT the minutes from 11/20/06 and was seconded by Councilor Kay. UNANIMOUSLY VOTED.

Town Council Meeting of November 20, 2006 - A motion was made by Councilor Leary to ACCEPT the minutes from 11/20/06 and was seconded by Councilor Kay. UNANIMOUSLY VOTED.

Budget Management Committee Meeting of December 4, 2006 - A motion was made by Councilor Leary to ACCEPT the minutes from 12/4/06 and was seconded by Councilor Kay. UNANIMOUSLY VOTED.

Town Council Meeting of December 4, 2006 - A motion was made by Councilor Leary to ACCEPT the minutes from 12/4 and was seconded by Councilor Kay. UNANIMOUSLY VOTED.

CITIZEN'S CONCERN/COUNCIL RESPONSE

PUBLIC HEARINGS

7:35 pm - 06 143 - Revisions to Ordinance to Regulate Yard Sales

A MOTION was made by Councilor Leary to OPEN the public hearing on item number 06-143 and was seconded by Councilor Kay. UNANIMOUSLY VOTED.

This item was published on 12/22/06.

Councilor Kay reviewed the revisions to the Ordinance. The Ordinance Committee met on 9/15/06, 9/14/06 and on 10/19/06. The Committee felt the existing ordinance fell short and that inconsistencies exist. The committee reviewed similar ordinances from several towns. The proposed changes were published in entirety in the Patriot Ledger.

Rob Linden, 130 Prospect Hill Drive, who identified himself as a past president of the neighborhood association spoke in favor of the revisions to the ordinance, particularly in regard to use of advertising signage.

Wilma Del Monico of Prospect Hill Drive said the first ordinance was unenforceable, as the new one will be. She said violators were only addressed when the Weymouth Police Department received a complaint. She said this action was being taken as a result of a dispute between two people in the neighborhood, and one of them is her husband.

Ralph Dyer of 278 River Street asked how the town would enforce the new ordinance. He stated

that multiple yard sales are a problem all over town, and that the police give it low priority. He thanked Councilor Shanahan for addressing the problem in his neighborhood.

Councilor Kay noted that the proposed revised ordinance will legitimize yard sales. There was no prior application process, nor a filing fee. With it, the application will be copied and sent to the police department.

Dave Robie of 559 Pleasant Street noted he has been before the council several times on this issue. He stated the ordinance has not served its purpose, and the concept needs to be reexamined. He listed who he thought the ordinance will hurt: new families, growing families, senior citizens downsizing their households, those in temporary housing, collectors, spring cleaners, thrifty citizens, and the yard sale as a social event. He then listed who he thought it might help: neighbors who have ongoing issues with other neighbors. He recommended the council not get involved in a neighborhood squabble, and if anything, repeal the original ordinance.

Councilor Carey noted he would be in support of the revision to the ordinance, and does not believe it is proposed to deal with 2 neighbors arguing.

Sandy Gildea of River Street asked if the permit will have to be posted.

Councilor Kay noted language on the application which states “please post....”and that signage would be required to be removed within one day of the sale.

Wilma Del Monico again addressed the council, and stated that the issue is between two people, and that the only one who was ever cited or appeared in court as a result of complaints was her husband. She urged the council that it is “right, just and fair” and that if they make a law, they need to enforce it equally. She also urged that the charitable aspect be kept in the revised ordinance. She asked if the council knew the number of violations in the past year to the current ordinance.

President Smart did not know. He advised Ms. Del Monico this was not being taken lightly.

Paul Del Monico stated that there were 49 violations this year, and 68 last year, but he was the only resident required to appear in court.

Councilor Molisse credited the Ordinance Committee for their work, and stated he thinks this will work well; more than three yard sales per year is considered a business. He recommends changing the wording in the revision- change “daylight” to 8 AM.

Councilor Kay noted it is tough to enforce the current ordinance and this will help. She agrees with a change in the wording to an 8AM start time.

Councilor Whitaker noted that the council as the legislative body is not the enforcement authority. The number of yard sales would not change in the revision, as the fourth would be a written warning. He does not feel that imposing a fee will help with enforcement, but recommended if there is one, it be kept reasonable. He suggested time frame deadlines for obtaining applications of 4 PM may not be convenient to applicants, and suggested a downloadable form.

Mr. Robie requested clarification on whether three or four yard sales are permissible.

Councilor Whitaker responded that the revision allows for three; however, a fourth held would be subject to only a written warning.

A MOTION was made by Councilor Mathews to CLOSE the public hearing and was seconded by Councilor Shanahan. UNANIMOUSLY VOTED.

8:00 PM Redevelopment of Legion Field - Dan Kelliher

Dan Kelliher of 29 Middle Street addressed the council. He requested public documents concerning the redevelopment project and has not heard back. He has requested all public documents, including financial statements, contracts, minutes from any meetings which may have a direct or indirect influence on the project, test results on soil and groundwater and off-site testing, test standards for contaminants, and any meeting schedules.

President Smart noted that an informational meeting has been scheduled with the Mayor for January 17, 2007. He requested that Mr. Kelliher put his requests in writing and he would pass the request to administration for handling. He noted testing has been done both by the town, and the MBTA.

Mr. Kelliher also requested any contracts for dumping, including Environmental Partners, LLC and Cashman Balfour Beatty.

Councilor Molisse noted some of the results were provided by Bob O'Connor in December.

Mr. Kelliher stated he was happy with results he received so far, but is not sure what the testing standards are.

Councilor Molisse stated testing is done at site, as delivered. He noted that Environmental Partners will be at the informational meeting.

Councilor Mathews noted that testing was done by the Department of Conservation and Public Works, and that a representative from the Department of Conservation has been to a number of meetings.

Councilor Lacey noted there are numerous issues, and in order to expedite, a specific written request should be presented.

Councilor Whitaker noted that in terms of technical questions, the council may not be in the best position to respond, and several organizational committees have been involved, but a formal request through the Freedom of Information Act should be submitted with specific requests.

Councilor DiFazio noted the amount of information requested may be voluminous but will be addressed to the administration.

COMMUNICATION FROM MAYOR, TOWN OFFICERS, AND TOWN BOARDS

07-001 - Home Rule Petition- an Act Relative to Certain Housing in the Town of Weymouth

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Ms. Hackett stated that this is a technicality, excluding age discrimination, to be age 62+, in the sale of the Fulton School.

Councilor Leary made a MOTION to refer this matter to the Senior Citizen Committee, and was seconded by Councilor Kay. UNANIMOUSLY VOTED.

REPORTS OF COMMITTEES

Ordinance Committee - Chairperson Kay

06 143 - Revisions to Ordinance to Regulate Yard Sales –

Councilor Kay made a MOTION to amend Chapter 6-1101 of the Code of Ordinances, by deleting section 6-1101 in its entirety and inserting in place the following which was read in its entirety at the Public Hearing earlier-- was advertised on 12/22/06:

- (a) Definition

Yard Sales, garage sales, tag sales or like sales are defined as: a sale, or offering for sale, or personal tangible property from residential premises.

(B) Terms and Conditions

1. No more than three (3) yard sales, garage sales, tag sales or like sales shall be held at any one location or residence per calendar year. Each day shall constitute a separate sale.
2. An application for each sale shall be filed with the Town Clerk's Office with the required fee as set by the Town Council. A copy of the permit shall be forwarded forthwith to the Police Department.
3. No property, except personal property owned by the resident of the location of the sale, family members or neighbors shall be sold. The sale of merchandise by a business entity, new merchandise or merchandise in bulk is prohibited under this section.
4. Property for sale will be displayed only on the day of the sale.
5. Hours of sale shall be restricted to daylight hours.
6. The Town of Weymouth Police Department shall enforce this ordinance pursuant to the provisions of M.G.L. c. 40,s. 21D, as amended, or by the institution of applicable civil or criminal proceedings.
7. Any person who violates this ordinance shall be liable for a written warning on a first offense, fined one-hundred dollars (\$100) for a second offense, two-hundred dollars (\$200) for a third offense and three-hundred (\$300) for four or more offenses. Each day in which any such violation shall continue shall be deemed a separate offense.

This was seconded by Councilor Leary.

Discussion:

Councilor O'Connor noted Councilor Molisse had suggested instituting an 8 AM start time. He agrees with the 3-sale limit. He thanked Councilor Kay and the Ordinance Committee for their work. He agrees with Councilor Whitaker on the matter of the fee, but does not agree with the fourth sale added. He would strongly discourage people from violating. He also questioned under #7 (Terms and Conditions) if the number of offenses are for a calendar year or total. Councilor O'Connor AMENDED the MOTION to \$0 set for the application fee, and was seconded by Councilor Whitaker.

President Smart allowed the discussion to continue with the intent to take up the AMENDMENT to the MOTION with the vote.

Councilor Kay brought up a point of information; she questioned if the AMENDMENT included the 8 AM start time. Councilor O'Connor added it to his AMENDMENT- The AMENDMENT is to make the start time 8 AM and the fee set at nothing.

Councilor Whitaker suggested dividing the question. Section 2, section 5 and a typographical issue in section 7 should be addressed.

President Smart reminded all Councilors that there is an amended motion on the table, and doesn't understand how dividing the question will work. Comments are welcome on the motion and the amendment to the motion.

Councilor O'Connor then read back his amendment to the motion-- set fee at \$0.00 and 8 AM start time instead of daylight.

Councilor Whitaker brought up a point of information; the amended motion does not cover the rest of the ordinance, it only covers two aspects. They are dealing with legal language.

Councilor O'Connor then offered to re-read the motion including his amendment. Setting the fee at \$0.0 does not change the language. The only language change would be changing "daylight hours" to 8AM.

Solicitor Lane suggested under item 5, "hours of sale shall be restricted to daylight hours, but not to commence earlier than 8 AM."

Councilor O'Connor agreed to that wording.

Councilor Kay noted that she did not recommend a fee in the motion; however noted that in committee, the recommended fee was two dollars (\$2).

She then suggested that if it was the will to split the question, set the fee separately. The language says that the council will set the fee. It makes more sense to vote that separately. President Smart noted the application document showing a \$2 fee is a draft.

Councilor O'Connor reiterated his amendment which sets the fee at \$0.00. The second amendment could be taken up after. Councilor O'Connor then made a SUBSTITUTE MOTION

that the fee be set at zero dollars, and the daylight hours be taken up at a later time. This was seconded by Councilor Carey.

Councilor Whitaker requested dividing the question, and made a MOTION to APPROVE Section A, and was seconded by Councilor Leary.

President Smart asked if the original MOTION and AMENDMENT were withdrawn. Councilor Kay noted she stands by her original motion.

President Smart reviewed: the original MOTION to APPROVE the draft proposal and a SUBSTITUTE MOTION to set the fee at zero dollars. He will allow the question to be divided. The MOTION on the floor is to APPROVE Section A. MOTION CARRIES 10/1 with Councilor Lacey the dissenting vote.

Councilor Whitaker made a MOTION to APPROVE Section B-1, and was seconded by Councilor Leary. Councilor DiFazio noted the change from four to three in the number of sales allowed per year. He requested the reasoning behind reducing the number from the original ordinance. Councilor Kay responded that it was a decision made in committee, noting all other yard sale ordinances reviewed from other locales were set at three. It was felt to be a reasonable number for the average resident.

Councilor Shanahan noted that it appears that regardless of the time and effort put into this by the committee, and the hours discussed, some members may be denied the chance to speak, based on the division of the question. President Smart noted discussion will come up as each item is proposed.

Councilor Shanahan noted that as a whole, a tremendous amount of work went into this revision. He spoke to item one. There were many phone calls from constituents pursuant to the number of yard sales a residence could hold. Too frequent sales impact the quality of life of a residential neighborhood.

Councilor Lacey stated that his position remains the same as it did with the original ordinance; he voted against it then and will now as well. He believes the town council should not be regulating, but his sense from the constituents who spoke tonight is that they feel this is a zoning issue. His position has not changed since 2001, and he will not be supporting the issue.

Councilor Mathews notes he supports the ordinance by and large. Although he was not a member of the council in 2001, and has seen over the years that there are deficiencies in the original ordinance. If the document is not passed tonight, the original stands. He will be supporting.

Councilor Molisse is in favor of the three yard sale limit. He does not believe any resident needs more than that in a year unless they are running it as a business.

Vote Carries 9/2 with Councilors Lacey and DiFazio dissenting.

Councilor Whitaker made a MOTION to APPROVE Section B-2, with the deletion of “with the required fee set by the Town Council.” There was no second.

Councilor Kay made a MOTION to APPROVE Section B-2 as it stands, and was seconded by Councilor Molisse.

Councilor O’Connor made a SUBSTITUTE MOTION to APPROVE Section B-2 , as amended with the inclusion of “with the required fee of \$0.00.” He would not take it out entirely; if the measure were to become a cost burden to the town the fee could then be changed. Councilor Whitaker seconded the MOTION.

Councilor Di Fazio asked the Ordinance Committee chair for the reasoning to adding the requirement of an application process and how it will satisfy the concern for the ordinance.

Councilor Kay responded that with the current ordinance there is no process to track yard sales. The Ordinance Committee felt strongly that an application process, with copies to the regulatory agency (WPD) will give a start to being able to enforce the ordinance.

Councilor DiFazio noted that in reviewing the October 19th meeting minutes, the police chief, who was present, noted that having an application would not make his job any easier. He can obtain the information regarding whether a resident is in violation of the ordinance as easily without having an application on file. In light of this, Councilor DiFazio will not support this particular section.

Councilor Kay noted that the chief was also asked when he responded to complaints. He confirmed that a complaint from a neighbor usually initiated the process. When Councilor Kay asked specifically if an application process would be helpful, he responded yes. She apologized

for this issue not being included in the minutes. It will be a vehicle by which the police department can enforce an ordinance voted by Town Council.

President Smart also noted the chief's only method other than complaints to police currently is an advertisement of a sale. There is nothing in place as a process to track.

Councilor DiFazio failed to see where the chief noted that this is a problem.

President Smart responded that the application process is a way to make residents accountable for the number of sales held.

Councilor Molisse stated that having an application on file will allow follow-up in the Town Clerk's office as well to track numbers of sales at residences, without relying on hearsay.

Councilor Leary stated that in the ordinance, a fee should not be set. If a filing fee is to be imposed, it should be decided by council separately. His opinion is the ordinance is fine the way it's written.

President Smart noted that as written, there is no fee amount mentioned in section B-1 through 7; however, having the draft ordinance attached to a draft application which does specify a filing fee amount, would appear that it is in fact a part of the ordinance. His opinion is in order to discuss this issue that it can be a part of it. In speaking with Councilor Kay, the filing fee was to be brought up should the vote on the ordinance pass. Because it is attached, it should be voted with the ordinance.

Councilor Leary went on record as opposed to any change in Section B-2.

Councilor Shanahan reminded the council that this isn't the only application and/or fee in the town. Residents who wish to use beach property have a similar option. The intent of the ordinance is if you complete an application and receive a permit for a sale, you are not in violation of holding six yard sales and ruining the summer for your neighbors. While not a fan of the fee, he feels potentially there has to be one. He is in favor of the entire ordinance, and of Section B-2.

President Smart also spoke to the fee. Although the amount of fee has been discussed at different amounts, he feels it adds a layer of accountability. A fee of say, \$2 would not overly burden a

resident who wants to have a sale. He is opposed to the SUBSTITUTE MOTION to amend the fee to zero dollars.

Councilor Whitaker stated it makes good sense to address this piece by piece where there is such discussion concerning each section. With respect to the police chief, he has said this will not make his job any easier, but it's not going to matter. Passing of the ordinance is not going to require the police to go out looking for violators unless there's a complaint to address. In addition, there's nothing that says the permit must be posted in the ordinance.

Several council members disagreed; however the permit posting language is on the permit application but not in the ordinance language, and he noted the application itself has not been approved. There is no requirement in the ordinance language. A resident will have to come in to town hall during business hours to obtain the necessary paperwork and pay the fee. The way the ordinance is currently written, a permit does not have to be shown or posted. The police are not going to get a pile of applications and look through them to determine who's having lawful sales or not, unless there's a gross violation. They will still be responding to complaints. Having said that, adding heightened requirements is unnecessary. If it's just to make a paper trail, and mindful of having lost police positions in the past, creating additional administrative tasks is not something he is in favor of. Applications will not change the current practice. He is not in favor of the application, but will compromise.

President Smart reminded the members that the council cannot set fees, merely make a recommendation to set a fee to the Mayor.

Councilor Mathews stated he is in favor of the SUBSTITUTE MOTION with a fee in the amount of zero dollars, because it will make it more readily available, via internet download, or by picking up at any of the town offices, and at hours more convenient than just the town hall.

A ROLL VOTE was taken:

Councilor Carey- NO; Councilor Kay-NO; Councilor DiFazio-No; Councilor Lacey-No; Councilor Leary-NO; Councilor Molisse-NO ; Councilor Shanahan-NO; Councilor Smart-NO; Councilor Whitaker-No. Councilor Mathews-Yes, Councilor O'Connor-Yes; Vote on the SUBSTITUTE MOTION fails, 9/2.

President Smart went back to the main MOTION on Item B-2, which is as advertised, to approve the Draft Ordinance and Application, with the application fee as set by the Town Council.

Councilor O'Connor made a point of information; he suggested that the language is more appropriate if read "as recommended by the Town Council" instead of "as set...", President Smart asked if that was an amendment to the main MOTION, which Councilor O'Connor acknowledged. Councilor Kay seconded the AMENDED MOTION. VOTE PASSED 9/2 with Councilor DiFazio and Councilor Lacey voting NO.

Councilor Whitaker made a MOTION to APPROVE both items 3 and 4 in Section B, and was seconded by Councilor Kay.

Councilor Shanahan noted he supports these items as he has the entire ordinance, as submitted by the Ordinance Committee after 4-5 meetings. Item #3 well protects the average homeowner competing with flea market re-salers.

Councilor DiFazio asked if the only difference between the original ordinance, sections 2 and 3 and the proposed, 3 and 4 is the inclusion of the sale of neighbors property and if that is the intent.

Councilor Leary responded in the affirmative

VOTE PASSED 10/1, with Councilor Lacey voting NO.

Councilor Whitaker made a MOTION an AMENDED item 5 in section B: "Hours shall be restricted to daylight hours, but not to begin earlier than 8 AM" and Councilor Kay seconded the motion.

Councilor Shanahan commended Councilor Molisse for raising this issue.

VOTE PASSED 10/1, with Councilor Lacey voting NO.

Councilor Whitaker made a MOTION to approve item 6 in Section B and was seconded by Councilor Kay.

Councilor DiFazio noted that item 6 would bypass section C of the old ordinance, which relates to permitting nonprofit organizations to sell new merchandise. He questioned complete elimination of this section.

Councilor Kay responded that during discussion it was felt that by not including any group, profit or nonprofit, that no one would be singled out. Allowing a nonprofit to hold more than three in a year would be detrimental.

Councilor DiFazio noted that in the existing ordinance, section C, permitting nonprofit groups to sell bulk merchandise, allows them to abide by the remaining limitations. A nonprofit could come in now and however obtained bulk merchandise could be sold.

Solicitor Lane noted in discussion that because of the lack of criteria to define a nonprofit organization, keeping the existing language became confusing. It was completely removed as a result.

Councilor Whitaker noted there was also a discussion relative to taking the emphasis off the person to the property having the yard sale and as written, could give the impression of unlimited yard sales for a nonprofit. He stressed focusing on the property instead of who the individual is applying for the sale.

VOTE PASSED 9/2, with Councilor Lacey and Councilor DiFazio voting NO.

Councilor Whitaker made a MOTION to APPROVE item 7, Section B, but with a suggested AMENDMENT; Insert the word “dollars” after “three-hundred (\$300); this motion was seconded by Councilor Kay.

Councilor O’Connor requested from Councilor Kay if these fines apply in a calendar year or in general. Councilor Kay responded that the limitations apply to a calendar year.

Solicitor Lane noted it is implicit in the ordinance that three sales are allowed in a calendar year.

Councilor O’Connor then made a SUBSTITUTE MOTION to insert in the first sentence, after “Any person who violates this ordinance”, the words “within a calendar year” and was seconded by Councilor Kay.

Councilor Whitaker noted his concern with the language. Reading it implies that someone could hold as many yard sales as they want and be held to a \$600 fine. If the council desires maximizing the fine, language needs to be cleaned up to read fourth “and any subsequent offense”. There was no second.

Discussion of SUBSTITUTE MOTION continued.

Councilor Mathews compared item 7 with the original ordinance, and discovered flaws. The penalty section of the 2001 ordinance did not have a written warning clause; someone who is ignorant of the ordinance would not be financially penalized for the first offense. He supports this measure.

Councilor Shanahan noted he supports this item as he has the entire ordinance, notwithstanding this evening's tutorial on how to break the law. This will put a limit on the law-abiding citizens.

Councilor Leary notes there are two SUBSTITUTE MOTIONS: one is the \$300 typo; the other, "within a calendar year" is superfluous; it already states this in item one of Section B.

Councilor Whitaker noted that for discussion purposes, that people can be fined. The language should be changed. He suggests continuing fines beyond the fourth offense. President Smart noted he did not get a second to that MOTION. Councilor Whitaker noted he did not make a MOTION; he put it out there for discussion.

Solicitor Lane noted that Councilor Whitaker brings to light a good point; if the wording reads "for each of four or more offenses" if striving for clarity.

Councilor Whitaker was asked if he would care to offer an AMENDMENT to the SUBSTITUTE MOTION, to read "for each of four or more offenses". Councilor Whitaker asked to review the language and the President will come back to him.

Councilor Mathews suggested that it is consistent with the original ordinance. He thinks if the town increases per offense, it then goes from civil to criminal proceedings.

President Smart asked for clarification from Solicitor Lane, who responded that each offense over the third offense would still be the \$300 for each additional offense.

Councilor DiFazio asked if this would be the last vote as it is the last section, or would the application be voted as well.

President Smart noted that as it is a draft, Councilor Kay can bring it up after the ordinance itself is voted.

Councilor DiFazio voiced his opinion on item 7, Section B, as well as the ordinance as a whole. He believes the original ordinance was adequate to reach the objective as to why there was an ordinance in the first place. There is a department which is in place to enforce, and has not had issues enforcing the existing ordinance. He believes the objective can be met by adequately addressing the original ordinance. He believes it has been largely a waste of time and needless hard work by the committee.

Councilor Whitaker made a MOTION to ADOPT the SUBSTITUTE MOTION and make an AMENDMENT to line 3 and delete “four or more offenses” and replace it with “each additional offense”, and was seconded by Councilor O’Connor.

AMENDMENT TO the SUBSTITUTE MOTION PASSES 9/2, with Councilors DiFazio and Lacey voting NO.

For clarification, President Smart noted there was an original MOTION, then a SUBSTITUTE to that MOTION, and an AMENDMENT to the SUBSTITUTE MOTION, which includes the \$300 dollar reference, as well as the wording “each additional offense, which was then VOTED.

President Smart noted that although it is not on the agenda, since the ordinance has been passed, it is important to discuss and act on the application and fees.

Councilor Kay noted the application mentioned in the ordinance is not specific to the attached draft. The only item she would like to clarify is if it is necessary to include a reference to religious organizations. As far as the fee, the committee has discussed it at length, and believes that the \$2 is equitable, and that is her recommendation, and made a MOTION to APPROVE the recommendation of a \$2 filing fee. Councilor Leary seconded the motion.

Councilor Mathews likes everything about the application except the fee. The application should be more readily available. Fee paying online is not feasible.

Councilor Molisse noted that he is in favor of the minimal fee. With the town website, residents should be able to download the form, then drop a check in the mail without it being a problem. Councilor O’Connor echoes Councilor Mathews comments, and thanked the committee for their work in putting together the documents. He is opposed to setting a fee higher than zero.

A ROLL CALL VOTE was taken on the recommendation for a fee of \$2: Councilor Carey-Yes, Councilor DiFazio-No, Councilor Kay-Yes, Councilor Lacey-No, Councilor Mathews-No, Councilor Molisse-Yes, Councilor O'Connor-No, Councilor Shanahan-Yes, Councilor Whitaker-No, Councilor Leary-Yes, President Smart-Yes. Vote PASSED 6/5, and will be forwarded to the administration for approval.

MOTIONS, ORDERS AND RESOLUTIONS

06 154 - Town Auditor Contract-Ratification of Vote - Councilor Leary

Councilor Leary made a MOTION to TABLE item 06-154, in light of new information which has come to light, and was seconded by Councilor Kay. UNANIMOUSLY VOTED.

05 171 - Home Rule Petition-Randall Avenue Water Tower-Ratification of Vote - Councilor Leary -

A MOTION to RATIFY the petition, UNANIMOUSLY VOTED on December 15, 2005, under 2-9B-- same night action was made by Councilor Leary and seconded by Councilor Kay.

UNANIMOUSLY VOTED

Councilor Leary then made a MOTION to RATIFY the vote of December 15, 2005 which was signed by the Mayor on 2/1/06. Councilor Leary read aloud the petition and the motion was seconded by Councilor Kay.

Councilor DiFazio requested to know why this needed to be ratified, and why 2-9B was necessary. President Smart responded that the motion passed in the House but was not funded or forwarded to the Senate. It was recommended that the vote be ratified and resubmitted to the Senate by January 26, 2007.

UNANIMOUSLY VOTED

Resolution Supporting Restoration of the Fiscal Year 2007 MWRA Sewer Debt Assistance-Councilor Leary -

Councilor Leary read the Draft Dated 12/23/06:

A WEYMOUTH TOWN COUNCIL RESOLUTION IN SUPPORT OF RESTORATION OF
THE
FISCAL YEAR 2007 MWRA SEWER DEBT ASSISTANCE

Whereas, it is the Weymouth Town Council's understanding that Governor Romney has voted to eliminate \$25 million in state funds dedicated to water and sewer debt relief.

Whereas, MWRA debt service assistance is vital to the financial relief of taxpayers in local communities.

Whereas, this action results in a 4.6% increase in estimated allocation of Fiscal Year 2007 Sewer Debt Service.

Whereas, the ramifications of this increase will negatively impact the taxpayers of the Town of Weymouth.

Now, therefore, on Tuesday, January 2, 2007, the Town Council of the Town of Weymouth voted favorably to urge all local public officials to support restoration of the Fiscal Year 2007 debt assistance; as well a long-term commitment to fund for this important source of relief for all taxpayers in the Commonwealth of Massachusetts who are served by the MWRA.

Resolution offered by:
Michael Smart, President of the Town Council

A MOTION to APPROVE the resolution was made by Councilor Leary and seconded by Councilor Kay. President Smart reported that governor-elect Patrick has indicated he will reinstate cuts made by Governor Romney. UNANIMOUSLY VOTED.

Adjournment

At 9:45 PM, there being no further business, a MOTION to adjourn was made by Councilor Leary and was seconded by Councilor Kay. UNANIMOUSLY VOTED.

Approval

Michael Smart

Council President