

MINUTES OF THE TOWN COUNCIL
Town Hall Council Chambers
January 18, 2005

Present: T. J. Lacey, President
Michael Smart, Vice-President
Paul Leary
Colin McPherson
Joseph Connolly
Kenneth DiFazio
Susan Kay
Michael Molisse
Arthur Mathews
Gregory Hargadon
Gregory Shanahan

Also Present: George Lane, Town Solicitor
James Wilson, Chief Financial Officer
Franklin Fryer, Town Clerk
Richard Swanson, Town Treasurer
Jane Hackett, Chief of Staff

Recording Secretary: Janet Murray

President Lacey called the Town Councilor Meeting to order at 7:30pm.

ANNOUNCEMENTS

Councilor McPherson noted that the NAS/Lennar public hearings will be occurring in the next few weeks. He noted that there are a lot of documents, which he has posted to his website: ColinMcpherson.com.

Councilor Leary noted that the first public hearing is January 24, 2005 at the Abigail Adams Intermediate School at 7:30pm. The other meetings are to be held on February 3, 2005 and February 10, 2005 at the same location and time. He also noted that on January 20, 2005 there will be a meeting of the South Weymouth Neighborhood Association to discuss traffic issues.

Councilor Molisse noted that he and Councilor Kay were to present a citation this evening to Matt Shea, a heavyweight wrestling champ from Weymouth. However, he was not able to attend tonight's meeting. The presentation will be rescheduled.

MINUTES

Environmental Committee: A MOTION was made by Councilor Smart to ACCEPT the minutes from the Environmental Committee meeting on December 14, 2004 and was seconded by Councilor Mathews and UNANIMOUSLY VOTED.

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Ordinance Committee: A MOTION was made by Councilor Smart to ACCEPT the minutes from the Ordinance Committee meeting on December 20, 2004 and was seconded by Councilor Hargadon and UNANIMOUSLY VOTED.

Town Council: A MOTION was made by Councilor Smart to ACCEPT the minutes from the Town Council meeting on December 20, 2004, and was seconded by Councilor Molisse and UNANIMOUSLY VOTED.

CITIZEN'S CONCERN/COUNCIL RESPONSE

Mr. Robert Casimiro – Secure and verifiable identification for contractors.

Mr. Casimiro of 617 Broad Street, in Weymouth appeared before the Council. He is the Executive Director of the Massachusetts Commission for Immigration Reform (MCIR). Laurie Hall, 175 Abrams Hill Road, Duxbury, MA, appeared with him. She is the founder and chairperson of MCIR.

Mr. Casimiro stated that he believes that the town should adopt an ordinance to require contractors to verify that all employees hired have a valid Social Security Number. In this way, illegal aliens are denied employment and discouraged from coming here.

Ms. Hall presented documents regarding this issue to the Council.

Mr. Casimiro stated that the focus of this ordinance would be determined by the Ordinance Committee.

Councilor Kay asked for clarification as to what is being requested. Mr. Casimiro would like to see the Town require that an employee's Social Security Number be verified for validity.

Councilor Lacey stated that this needs to be formalized into a measure. Mr. Casimiro noted that the Responsible Employee Ordinance (REO) would be a place to start. He also noted that he had spoken to a town contractor who was supportive of this.

PUBLIC HEARINGS

04 128 – Rezoning request – Weathervane rezoning joint public hearing with Planning Department

Joint Public Hearing with Town Council

By request of Weathervane Development for proposed rezoning from PIP to R-1 the parcels shown on Sheets 51 and 55, Block 576, Lots 19, 20, 21, 22, a portion of 24 and a portion of Lot 1 shown on Sheet 55, Block 607 and the following parcel from R-1 to PIP shown on Sheets 51 and 55, Block 608, a portion of Lot 1

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Paul Dillon, Chairperson of the Planning, Mary Akoury, Walter Flynn, and Paul Hurley were present. Mr. Hurley noted that he needs to recuse himself from the hearing as he is a direct abutter of this project.

A MOTION was made by Paul Dillon to OPEN the public hearing for Item #04 128 and was seconded by Mary Akoury and UNANIMOUSLY VOTED.

A MOTION was made by Councilor Smart to OPEN the public hearing on item #04 128 and was seconded by Councilor Kay and UNANIMOUSLY VOTED.

It was noted that this item was published on both January 4, 2005 and January 11, 2005.

Mr. James Bristol, III appeared before the Council and the Planning Board. William Seymour, and Gabe Crocker of Gale Associates were also present. The request is to rezone from Planned Industrial Park (PIP) to R-1 for several sites, and to rezone from R-1 to Planned Industrial Park on several other sites.

Mr. Seymour noted that there had been an information meeting back in September. The plan from September has not changed. The plan calls for 119 age-restricted units and a 9-hole (par 32) golf course. The development's infrastructure is in place. There are 66 units already completed with 15 under construction. There are currently 120 residents living in Weathervane.

The tax revenue per unit per year is between \$4000 and \$5000. \$330,000 per year is currently generated from the finished homes. At full build out, between \$500,000 and \$650,000 would be generated in tax revenue.

In January 2003, at a joint hearing, a proposal was put forth to expand the project by the rezoning portions of twelve different parcels. At that point the permitting for the golf course was not done as the applicant intended to gain control of the subject five parcels.

The rezoning allows for a better golf course (par 36) and also allows the clubhouse to be repositioned away from abutters. It also allows for an additional of 24 units. Rezone 4 parcels on Sheet 51, lots 19, 20, 21, & 24 about 6.4 acres from PIP to R-1, additionally, parcel on sheet 51, a portion of lot 1 to be rezoned back to PIP from R-1. This allows for 6 additional units within the cluster unit for a total of 30 more units in addition to the 119 units already permitted. It allows for improved maintenance facility and access on a dedicated drive, an increases tax base and it provides a buffer between the golf area and the abutters.

There is a significant amount of wetlands in the area.

Mary Akoury asked if the access road from Union Street would be changed. It was noted that it would not be changed.

Walter Flynn questioned the secondary road. It was noted that there will not be any public access to this road. There is access on this dirt road to the maintenance facility and to several other businesses on this road.

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Mary Akoury questioned the access to the club house. This access will be from Weathervane Drive which is off of Liberty Street.

Councilor Kay asked about the size of the clubhouse. Mr. Seymour noted that he didn't know the exact size of the clubhouse but he noted that there will be 186 parking spots.

Councilor Smart questioned the emergency/maintenance access road. This road will not be connected for auto traffic. It also will not be used by the project for access. James Clarke, Director of Planning and Community Development noted that this access road is not a public way. It is a private way.

Councilor Smart questioned if the dirt road is blocked by gates. It was noted that it is blocked by boulders. He also asked if there are any plans for any further land acquisitions. It was noted that this is not the applicant's intentions. The project is surrounded by wetlands and there is no additional land.

Councilor Leary questioned the access to the golf course with the placement of boulders. It was noted that the garage has not been built yet.

If the rezoning is approved, Mr. Seymour noted that this is the beginning of a very long project. A special permit will be required as well as a hearing before the Conservation Commission.

Councilor Mathews asked if there will be a high fence to protect the cars driving down the access road. There are not plans at this time. There will be a post and rail fencing.

There was not public comment.

A MOTION was made by Mary Akoury to CLOSE the public hearing and was seconded by Walter Flynn and was UNANIMOUSLY VOTED.

A MOTION was made by Mary Akoury to TAKE UNDER ADVISEMENT until January 20, 2005, the Weathervane rezoning request (Item #04 128) and was seconded by Walter Flynn and UNANIMOUSLY VOTED.

A MOTION was made by Councilor Smart to CLOSE the public hearing on Item #04 128 and was seconded by Councilor Kay and was UNANIMOUSLY VOTED.

It was noted that once the Planning Board has made a decision, the Town Council will take action on it.

04 233 – Appropriation request - \$17,088 School collective bargaining agreement

A MOTION was made by Councilor Smart to OPEN the public hearing on Item #04 233 and was seconded by Councilor Kay and was UNANIMOUSLY VOTED.

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This item was published on January 7, 2005.

Joseph Rull, Superintendent, noted that this agreement with SEIU local is for three years with rate increases of 2% in FY 05, 3% in FY 06, and 4% in FY 07. There are 19 members in this unit. There is an increase in longevity in FY 06. Uniform allowances will be increased in FY 06 and FY 07

Councilor Smart questioned if there will be a need for additional workers with the addition of the new High school. Mr. Rull noted that there has been a request for a painter/laborer. There were previously 21 members of this unit.

There was no public comment.

A MOTION was made by Councilor Smart to CLOSE the public hearing on Item #04 233 and was seconded by Councilor Kay and UNANIMOUSLY VOTED.

04 234 – Appropriation request - \$150,000 – Grading Legion Field

A MOTION was made by Councilor Smart to OPEN the public hearing on Item #04 234 and was seconded by Councilor Kay and was UNANIMOUSLY VOTED.

This item was published on January 7, 2005. Mr. Wilson noted that there is currently \$1.7 million dollars in free cash. If all measures pass tonight, there will then be \$1.3 million.

Mr. Wilson noted that the total figure for this project is \$300,000. The additional \$150,000 will be secured from a state grant.

Councilor Smart questioned the existence of an engineering company. It was noted that Environmental Partners has been hired. He is concerned that the drainage issues are properly addressed. It was noted that the drainage issues will be addressed.

Councilor Leary asked if the peat would be compressed. It was noted that it will be compressed.

Councilor DiFazio asked for clarification on the drainage. This issue will be addressed in two stages, the first during construction, and the second after the project is completed.

Paul Gabriel noted that there will be a constant monitoring program.

Councilor Smart asked about the truck routes and street sweeping. The town will take care of the street sweeping.

There was no public comment.

A MOTION was made by Councilor Smart to CLOSE the public hearing on Item #04 234 and was seconded by Councilor Kay and UNANIMOUSLY VOTED.

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04 235 – Appropriation request - \$32,239 – Two D.P.W. laborers

A MOTION was made by Councilor Smart to OPEN the public hearing on Item #04 235 and was seconded by Councilor Kay and was UNANIMOUSLY VOTED.

This item was published on January 7, 2005.

Mr. Wilson noted that mechanics are performing this work and this half year request is a better use of time and labor force. Next year, the impact will double.

There was no public comment.

A MOTION was made by Councilor Smart to CLOSE the public hearing on Item #04 235 and was seconded by Councilor Kay and UNANIMOUSLY VOTED.

04 236 – Appropriation request - \$80,000 – Fuel Depot

A MOTION was made by Councilor Smart to OPEN the public hearing on Item #04 236 and was seconded by Councilor Kay and was UNANIMOUSLY VOTED.

This item was published on January 7, 2005.

Mr. Wilson noted that the FY 06 cost was not known. The cost of fuel has increased from \$.93.7 per gallon to \$1.27 per gallon. This was an increase of 38%.

Councilor Smart asked what size storage tank there is. It was noted that the tank holds 10,000 gallons.

There was no public comment.

A MOTION was made by Councilor Smart to CLOSE the public hearing on Item #04 236 and was seconded by Councilor Kay and UNANIMOUSLY VOTED.

04 237 & 04 245 – Appropriation request – High School Debt Service-combined total \$153,000

A MOTION was made by Councilor Smart to OPEN the public hearing on Item #04 237 & #04 245 and was seconded by Councilor Kay and was UNANIMOUSLY VOTED.

This item was published on January 7, 2005.

Mr. Wilson noted that this is a contingent request. We will not know the final cost until February or March. The town must bond the High School project in March. The cost of the bonding procedure was not known. In August it was estimated that the cost would be \$67,000. In December it increased to \$153,000. The total to be bonded is \$51 million.

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Councilor Kay asked for clarification on the need for this request. Mr. Wilson noted that the money from the state (approximately 2/3 of the project cost) may not be available in time to bond in March. The amount to be bonded could be less if the money were to come in. Mr. Wilson also noted that the hold up is due to the disbanding of the SBA under the Department of Education. It has been reorganized under the Treasurer's office. Any extra money will stay in the High School Project fund, and then fall to free cash.

The general contractor hopes to be off site by the end of the fiscal year. However, there is a security system that needs to be installed as well as a boiler project, and a window project. These items will continue through the summer. All the contracts could be closed out in the fall of 2005.

There was no public comment.

A MOTION was made by Councilor Smart to CLOSE the public hearing on Item #04 237 & #04 245 and was seconded by Councilor Kay and UNANIMOUSLY VOTED.

OLD BUSINESS

04 247 – O'Connor and Drew Audited financial statements and management letter – Fiscal 2004

Richard Swanson gave an overview of the audit. Mr. Swanson introduced Kevin and Chad. He noted that the town is getting an exceptional value from this firm. There were only two issues noted on the management letter. The audit is an unqualified opinion. This means that it is a clean audit. That is there are no major discrepancies. This audit does not need to be qualified.

The financial statements are fairly presented based on the audit. The financial position of the town in the past year has strengthened.

A MOTION was made by Councilor Smart to REFER to Budget Management Item #04 247 and was seconded by Councilor Leary and UNANIMOUSLY VOTED.

COMMUNICATION FROM MAYOR, TOWN OFFICERS, AND TOWN BOARDS

05 001 – Appropriation request - \$102,855 – Non-union general government

This request is for a 2% cost of living increase retroactive to July 1, 2004. This will require publication and public hearing.

A MOTION was made to REFER to Budget Management Item #05 001 and was seconded by Arthur Mathews and UNANIMOUSLY VOTED.

05 002 – Appropriation request - \$3,555 – Water retained earnings

This request is for a 2% cost of living increase retroactive to July 1, 2004. This will require publication and public hearing. This money would come from water retained earnings.

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A MOTION was made to REFER to Budget Management Item #05 002 and was seconded by Arthur Mathews and UNANIMOUSLY VOTED.

05 003 – Appropriation request - \$5,956 – Sewer retained earnings

This request is for a 2% cost of living increase retroactive to July 1, 2004. This will require publication and public hearing.

A MOTION was made to REFER to Budget Management Item #05 003 and was seconded by Arthur Mathews and UNANIMOUSLY VOTED.

05 004 – Appropriation request \$48,135.90 – Non-union school

This request is for a 2% cost of living increase as of July 1, 2005. This will require publication and public hearing.

A MOTION was made to REFER to Budget Management Item #05 004 and was seconded by Arthur Mathews and UNANIMOUSLY VOTED.

05 005 – Reserve Fund Transfer - \$20,262 – Special Education Van

This item does not require publication or a public hearing. This is to replace a van that needed to be taken out of service. There is currently no back up.

A MOTION was made to REFER to Budget Management Item #05 005 and was seconded by Arthur Mathews and UNANIMOUSLY VOTED.

05 006 – Appointment – Richard Marino – Director of Public Health

During the reconciliation process it came to the Mayor's attention that this appointment was never made.

A MOTION was made to REFER to Budget Management Item #05 006 and was seconded by Arthur Mathews and UNANIMOUSLY VOTED.

05 007 – Reappointment – Robert MacLean – Board of Library Trustees

A MOTION was made to REFER to Budget Management Item #05 007 and was seconded by Arthur Mathews and UNANIMOUSLY VOTED.

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REPORTS OF COMMITTEES

Budget Management Committee – Chairman DiFazio

04 232 – Reserve Fund Transfer – Police Department new hires

This item was referred on December 20, 2004. The Committee voted unanimous favorable action on January 6, 2005.

A MOTION was made by Councilor DiFazio to recommend FAVORABLE ACTION on Item #04 232 and was seconded by Arthur Mathews and UNANIMOUSLY VOTED.

04 234 – Appropriation request - \$150,000 – Grading Legion Field

This item was referred on December 20, 2004. The committee voted unanimous favorable action January 6, 2005. A public hearing was held January 18, 2005.

A MOTION was made by Councilor DiFazio to recommend FAVORABLE ACTION on Item #04 234 and was seconded by Arthur Mathews and UNANIMOUSLY VOTED.

04 235 – Appropriation request - \$32,239 – Two D.P.W. Laborers

This item was referred on December 20, 2004. The committee voted unanimous favorable action December 28, 2004. A public hearing was held January 18, 2005.

A MOTION was made by Councilor DiFazio to recommend FAVORABLE ACTION on Item #04 235 and was seconded by Arthur Mathews and UNANIMOUSLY VOTED.

04 236 – Appropriation request - \$80,000 – Fuel depot

This item was referred on December 20, 2004. The committee voted unanimous favorable action December 28, 2004. A public hearing was held January 18, 2005.

A MOTION was made by Councilor DiFazio to recommend FAVORABLE ACTION on Item #04 236 and was seconded by Arthur Mathews and UNANIMOUSLY VOTED.

04 237 – Appropriation request – High School debt service – combined total - \$153,000

This item was referred on December 20, 2004. The committee voted unanimous favorable action January 6, 2005. A public hearing was held January 18, 2005.

A MOTION was made by Councilor DiFazio to recommend FAVORABLE ACTION on Item #04 237 and was seconded by Arthur Mathews and UNANIMOUSLY VOTED.

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04 245 – Appropriation request – High School debt service – combined total – \$153,000

This item was referred on December 20, 2004. The committee voted unanimous favorable action January 6, 2005. A public hearing was held January 18, 2005.

A MOTION was made by Councilor DiFazio to recommend FAVORABLE ACTION on Item #04 237 and was seconded by Arthur Mathews and UNANIMOUSLY VOTED.

NEW BUSINESS

Councilor DiFazio noted that the East Weymouth Neighborhood Association will be hold the 2nd annual Best Chowder in Weymouth Contest on January 27, 2005 at 6:30pm at the Sons of Italy Hall.

Councilor McPherson noted that Richard Swanson the town's auditor would be stepping back his hours to part time.

ADJOURNMENT

At 9:15pm there being no further business, Councilor Leary MOTIONED to adjourn and Councilor Molisse seconded and was UNANIMOUSLY VOTED.

Approved by: _____
T.J. Lacey, President