

MINUTES OF THE TOWN COUNCIL
Town Hall Council Chambers
January 20, 2009 - Tuesday

Present: Michael Smart, President
Robert Conlon
Kenneth DiFazio
Ed Harrington
Thomas J. Lacey
Arthur Mathews
Brian McDonald
Michael Molisse
Patrick O'Connor
Victor Pap III
Kevin Whitaker

Also Present: Franklin Fryer, Town Clerk
George Lane, Town Solicitor
Maureen Duffy, Town Auditor
James Wilson, Chief Financial Officer
Mayor Susan Kay

Recording Secretary: Mary Briggs

President Smart called the Town Council Meeting to order at 7:30 PM. Town Clerk Franklin Fryer called the roll with all members present. President Smart welcomed Mr. Fryer back after his absence.

ANNOUNCEMENTS

Councilor Mathews reported that the Conservation Commission will hold a Public Hearing on January 28, 2009 at 7:30 PM in Town Council chambers on the Alexan project at Arbor Hill.

Councilor Pap reported that the North Weymouth Civic Association now has an email address: north.weymouth@gmail.com and he also commended resident Ernest Remondini, who has been selected as Commissioner of the Year for his service on the Weymouth Housing Authority.

Councilor Conlon read a statement thanking public safety officers, including police and fire/rescue personnel and paramedics who responded to a medical emergency at his home on January 17, 2009.

APPROVAL OF MINUTES

January 5, 2009 - Town Council Meeting

A MOTION was made by Councilor Mathews to approve the minutes from the Town Council meeting of January 5, 2009 and was seconded by Councilor O'Connor UNANIMOUSLY VOTED.

COMMUNICATIONS AND REPORTS FROM THE MAYOR, TOWN OFFICERS, AND TOWN BOARDS

09 005 – Deeds in Lieu of Foreclosure

Mr. Wilson submitted on behalf of the Mayor seeking to accept a deed in lieu of tax foreclosure, in accordance with Chapter 60, Section 77-C of the Massachusetts General Laws. This measure allows the town to accept a deed from the owner of the property rather than undergoing the time and cost of tax foreclosure proceedings.

A MOTION was made by Councilor Mathews to REFER item 09 005 to the Budget/Management Committee and was seconded by Councilor O'Connor.

09 006 – Exemption from Civil Service for Position of Police Chief

Mr. Molisse made a statement first for the record:

"For the record, I have two family members on the Weymouth Police Department and in anticipation of this measure coming before the Council, I did solicit and receive an opinion from the General Counsel of the State Ethics Commission. The General Counsel informed me there is a potential conflict of interest, so with large regret, I am recusing myself from the negotiations on this item."

Councilor Molisse left the Council Chambers.

Mayor Kay presented the measure to Council, along with her reasons for the submission and a sample of a Home Rule Petition. She petitioned the Council afford her the ability to be heard, and referred to a standing committee.

A MOTION was made by Councilor Mathews to refer item 09 006 to the Ordinance Committee, and was seconded by Councilor Whitaker. VOTE PASSED, 9-1 (Councilor Lacey – NAY).

REPORTS OF COMMITTEES

Budget/Management Committee- Chairman Kenneth DiFazio

09 001 – Authorization to Over Expend for Snow Removal

Councilor DiFazio reported that this item was referred to the Budget/Management Committee on January 1, 2009. The committee met on January 20, 2009 and voted unanimous favorable action. A MOTION was made by Councilor DiFazio, on behalf of the Budget/Management Committee, for FAVORABLE ACTION, in accordance with Massachusetts General Laws, Chapter 44, Section 31-D, that the Town Council authorize the Department of Public Works, with the approval of the Mayor, to overexpend any and all line items, Program 0620 associated with snow removal. At this time, there is a reported \$343,500 deficit in the snow removal budget. The motion was seconded by Councilor Mathews and UNANIMOUSLY VOTED.

09 002 – Snow Removal-Reserve Fund Transfer

Councilor DiFazio reported that this item was referred to the Budget/Management Committee on January 5, 2009. The committee met on January 20, 2009 and voted unanimous favorable action. A MOTION was made by Councilor DiFazio, on behalf of the Budget/Management Committee, that the Town of Weymouth transfer the sum of \$150,000 from the Reserve Fund to the following line item numbers for the purpose of funding the FY09 costs associated with departmental expenses. They are:

snow removal overtime	\$25,000
snow removal expense line item	\$75,000
salt and sand expenses line item	\$50,000

The motion was seconded by Councilor Mathews and UNANIMOUSLY VOTED.

09 003 – Tax Title Costs-Reserve Fund Transfer

Councilor DiFazio reported that this item was referred to the Budget/Management Committee on January 5, 2009. The committee met on January 20, 2009 and voted unanimous favorable action. A MOTION was made by Councilor DiFazio, on behalf of the Budget/Management Committee, that the Town of Weymouth transfer the sum of \$15,000 from the Reserve Fund to Fund 0002, for the purpose of paying legal and related expenses for tax foreclosures and tax title takings, and was seconded by Councilor Mathews. UNANIMOUSLY VOTED.

NEW BUSINESS

09 004 – Interim Town Clerk

President Smart noted this item is necessary due to the absence of Mr. Fryer from October 2008 until January 14, 2009. The Assistant Town Clerk had been performing the duties of the Town Clerk during this time, without having been appointed in the interim. A MOTION was made by Councilor DiFazio to refer item 09 004 to the Budget/Management Committee and was seconded by Councilor O'Connor. UNANIMOUSLY VOTED.

ADJOURNMENT

At 7:45 PM, there being no further business, a MOTION to adjourn was made by Councilor Mathews and seconded by Councilor O'Connor. UNANIMOUSLY VOTED.

Respectfully Submitted by

Approved By

Mary Briggs

Michael Smart, Council President