

**TOWN COUNCIL MEETING
TOWN HALL-COUNCIL CHAMBERS
JANUARY 25, 2010**

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

Not Present: Maureen Duffy-Town Auditor

Also Present: Franklin Fryer, Town Clerk
James Wilson, Chief Financial Officer
Michael Gallagher, Director of Administrative & Community Services
George Lane, Town Solicitor
James Clarke, Director of Planning
Roland Moussally, Executive Director of the Wey. Housing Authority
Walter Flynn, Chair of Community Preservation Committee

Recording Secretary: Diane T. Hachey

Council President Mathews called the meeting to order at 7:30 P.M. Franklin Fryer conducted a roll call with all Councilors present.

Announcement of Committee Designations-Council President Mathews

President Mathews announced the 2010 committee designations, namely the Chair and Vice Chair of each as follows:

Budget/Management-Chair-Kenneth DiFazio, Vice Chair-Patrick O'Connor
Ordinance-Chair-Michael Smart, Vice Chair Brian McDonald
Economic Development-Chair-Victor Pap , Vice Chair-Kevin Whitaker
Public Safety-Chair-Patrick O'Connor, Vice Chair-Michael Smart
Public Works-Chair-Ed Harrington, Vice Chair-Kenneth DiFazio
Public Parks and Recreation-Chair-Michael Molisse, Vice Chair-Ed Harrington
Rules-Chair-Kevin Whitaker, Vice Chair Robert Conlon

Senior Citizens-Chair Robert Conlon, Vice Chair-Michael Molisse
Education-Chair-Thomas J. Lacey, Vice Chair-Victor Pap
Environmental-Chair Brian McDonald, Vice Chair-Thomas J. Lacey

Additionally, President Mathews announced the following Council designees:

Community Preservation Committee-Ed Harrington
Memorial Committee-Patrick O'Connor
Commission on Disabilities-Robert Conlon

Announcements

Councilor Molisse warned constituents of a mailing from “State of Massachusetts, Norfolk County” which claims that constituents are responsible for maintenance and repair of their water line, and requests payment to insure their pipes.

He confirmed with Robert O'Connor that this mailing was not initiated by the town and cautions constituents as to its integrity.

Secondly, he announced that the Council office has received in excess of 56 emails on the proposed renovations to Riley Field. To date the Council has not received a plan from either administration nor the Weymouth Sports Council, but once they do it will be shared with the community.

Councilor Harrington noted his support with the Mayor's initiative to curb drug use in the town, he noted that his comments, as recently published in the Weymouth News, may have been taken out of context. He supports Mayor Kay's efforts and will be submitting a letter to the editor to that effect.

Minutes

Ordinance Committee Meeting Minutes of November 16, 2009-Revised-Tabled from December 14, 2009

Councilor O'Connor motioned to take the above minutes off the table, motion seconded by Councilor Harrington and voted unanimously. Councilor O'Connor motioned to approve, as amended, motion seconded by Councilor Harrington and voted unanimously.

Town Council Meeting Minutes of December 14, 2009

Councilor O'Connor motioned to approve, motion seconded by Councilor Harrington and voted unanimously.

Public Works Committee Meeting of December 21, 2009

Councilor O'Connor motioned to approve, motion seconded by Councilor Smart and voted unanimously.

Budget/Management Committee Meeting of December 21, 2009

Councilor O'Connor motioned to approve, motion seconded by Councilor Smart and voted unanimously.

Town Council Meeting of December 21, 2009

Councilor O'Connor motioned to approve, motion seconded by Councilor Smart and voted unanimously.

Town Council Meeting of January 4, 2010

Councilor O'Connor motioned to approve, motion seconded by Councilor Smart and voted unanimously.

Resident and Community Comment

Yard Sale Ordinance-Paul Delmonico of 144 Prospect Hill Drive

Mr. Delmonico stated that the Yard Sale Ordinance has been in effect for eight years, was rewritten four years ago, and is still not working. He claims that it was written only for him and cited the following figures he obtained from driving through town and counting yard sales in relation to those individuals who pulled permits:

2007-- 349 sales with 222 violations
2008-- 568 sales with 333 violations
2009-- 630 sales with 303 violations

Mr. Delmonico claims that in three years there have been more than 1,000 sales with only five warnings issued by the Police Department. He is proposing that we either make the ordinance fair or get rid of it.

Councilor Pap noted that this is not the first time Mr. Delmonico has appeared before Council, and he motioned to refer this issue to the Ordinance Committee to revisit. Councilor Whitaker seconded the motion.

Councilor Molisse voiced his disagreement concerning referral.

Councilor Smart is opposed to referral to the Ordinance Committee because he is not in favor of changing the ordinance.

Councilor McDonald stated that the ordinance was put into place for those who habitually held sales every weekend. He feels that the current ordinance is fair and doesn't foresee an amendment.

Councilor O'Connor is opposed to the referral and noted that Mr. Delmonico's figures as stated, indicate improvement over time for offenders. He further noted that this ordinance is in its infancy and it takes time to catch on. People having more than four yard sales per year should consider opening a business.

Councilor Harrington stated that the ordinance is successful and it prohibits an excess of yard sales which effects quality of life for our residents.

Councilor Lacey is not in favor of referral, he understands that Mr. Delmonico does not agree with the ordinance, as is evidenced by Mr. Delmonico's weekly calls to him.

President Mathews will not vote in favor of this referral, although he will support a letter addressed to administration which speaks to enforcement of the ordinance.

On the motion for referral to the Ordinance Committee, the vote was 2-9 (Councilors Pap and Whitaker voting nay)-motion does not pass.

Councilor DiFazio motioned to notify administration in writing of the report of numbers from Mr. Delmonico and ensure that selective enforcement is not occurring, motion seconded by Councilor O'Connor. It was noted that Councilor DiFazio would draft said letter. Roll call vote as follows:

Councilor Conlon-YES
Councilor DiFazio-YES
Councilor Harrington-YES
Councilor Lacey-NO
Councilor McDonald-YES
Councilor Molisse-NO
Councilor O'Connor-YES
Councilor Pap-YES
Councilor Whitaker-NO
Councilor Mathews-YES
Councilor Smart-YES

Vote passes 8-3 in favor of drafting letter to administration.

United States Census Bureau Employment Opportunities-Theresa Clark-Recruiting Assistant

Ms. Clarke explained that every 10 years a count of citizens is required by law, and this figure is very important. It determines the number of our representatives in the House of Representatives, in addition to other important factors. The Census Bureau is looking to hire 100 people, with either part time or full time status. The assignment would last from 2-8 weeks with a 20 hour commitment. The time frame is from April to September and the pay is \$18.50/hour for door-to-door census takers, \$14.00/ hour for clerk positions, with a \$.50 per mile travel reimbursement. Workers must be at least 18 years of age and must complete a basic skills test.

It was noted that this is a great opportunity, given the current state of the economy. Interested parties are encouraged to contact the Census Bureau on line at www.2010censusjobs.com or via phone at 1-866-861-2010. Residents are cautioned that all census takers will be displaying an identification badge and will give a statement of confidentiality upon their arrival.

Councilor Conlon commended Ms. Clarke for her presentation and noted the importance of accurate census figures, which determine the distribution of federal funding.

Public Hearings

7:35 PM-09 143-Community Preservation Committee/Whitman's Pond Restoration and Preservation

Councilor O'Connor stated that this measure was advertised on January 15, 2010. Councilor O'Connor motioned to open the public hearing, motion seconded by Councilor Smart and voted unanimously.

Mr. Wilson presented that this measure seeks to raise and appropriate the sum of \$50,875 from the 2010 fiscal year open space set aside account to fund the restoration and preservation of the main body of Whitman's Pond through herbicide weed control. It was noted that the current balance in the CPC account is \$72,600 and further that this was voted unanimously by the CPC.

President Mathews asked if there were comments from the public to which the following gentleman spoke:

Tom Daru, of 333 Columbian Street, Treasurer of the Whitman's Pond Association, spoke in favor of this measure, and is hopeful that the town will secure a grant and stated that this treatment will last for a few years.

Councilor O'Connor motioned to close the public hearing, motion seconded by Councilor Smart and voted unanimously.

7:36 PM-09 144-Community Preservation Committee-Weymouth Housing Authority Window Replacement

Councilor O'Connor stated that this measure was advertised on January 15, 2010.

Councilor O'Connor motioned to open the public hearing, motion seconded by Councilor Smart and voted unanimously.

Mr. Wilson stated that \$110,000 is requested to be allocated as follows: \$69,981 from the Community Housing reserve line item and \$40,019 from the general reserve CPA in order to fund the replacement cost of windows for the Joseph Crehan Housing project for the elderly, at the Calnan and Harrington Circle.

Mr. Clarke stated that the Weymouth Housing Authority approached the CPC at their December 3 meeting and noted that this will allow for an additional building to be fitted with replacement windows.

President Mathews asked if there were any comments from the public, to which there was no reply.

Mr. Moussally, Executive Director of the Weymouth Housing Authority and Robert Fondren, the architect assigned to this endeavor, were available for questions.

A discussion ensued which brought to light that 128 units will be completed with this funding, with an additional 28 units to hopefully be completed when additional monies become available.

It was noted that the Weymouth Housing Authority is encouraged to approach the CPC with additional requests as they develop.

Councilor O'Connor motioned to close the public hearing, motion seconded by Councilor Smart and voted unanimously.

Communications and Reports from the Mayor, Town Officers and Town Boards

Mr. Gallagher presented on behalf of the Mayor's Office.

09 146-Reserve Fund Transfer-Extraordinary Repair of Boiler Equipment

It is being requested to transfer \$3,986 from the reserve fund to fund 0002 for the purpose of funding the cost of replacing the hydrotherm block at Town Hall.

Councilor O'Connor motioned for referral to the Budget/Management Committee, motion seconded by Councilor Smart and voted unanimously.

09 147-Reserve Fund Transfer-Water Department

It is being requested to transfer \$41,399 from the water enterprise reserve fund to pay for certain fiscal 2010 costs associated with the MWRA bond for the new water treatment plant.

Councilor O'Connor motioned for referral to the Budget/Management Committee, motion seconded by Councilor Smart and voted unanimously.

10 002- Appointment to the Board of Elder Services-Steve Manupelli

In accordance with section 2-10, the Mayor submits the name of Steve Manupelli of 21 Nanset Road for appointment to the Board of Elder Services-term to expire June 30, 2012.

Councilor O'Connor motioned for referral to the Budget/Management Committee, motion seconded by Councilor Smart and voted unanimously.

10 003- Appointment to the Waterfront Committee-Dan Keefe

In accordance with section 2-10-the Mayor submits the name of Daniel Keefe of 56 Concannon Circle for appointment to the Waterfront Committee-term to expire June 30, 2011.

Councilor O'Connor motioned for referral to the Budget/Management Committee, motion seconded by Councilor Smart and voted unanimously.

10 004- Appointment to the Veteran's Council-Francine Nesson

In accordance with section 2-10, the Mayor submits the name of Francine Nesson of 19 Carrol Street, for appointment to the Veteran's Council-term to expire June 30, 2012. This is to fill the vacancy created by the resignation of Paul Shinney.

Councilor O'Connor motioned for referral to the Budget/Management Committee, motion seconded by Councilor Smart and voted unanimously.

10 005- Appointment to the Community Preservation Committee-Donna O'Sullivan

In accordance with section 2-10, the Mayor submits the name of Donna O'Sullivan of 50 Shore Drive for appointment to the Community Preservation Committee-term to expire on June 30, 2010.

This is to fill the vacancy created by the resignation of Laura Harbottle.

Councilor O'Connor motioned for referral to the Budget/Management Committee, motion seconded by Councilor Smart and voted unanimously.

10 006- Appointment to the Community Events Committee-Fran Xerokostas

In accordance with section 2-10, the Mayor submits the name of Fran Xerokostas of 120 Oak Street for appointment to the Community Events Committee-term to expire on June 30, 2012.

This is to fill the vacancy of Anne Marie McCarthy.

Councilor O'Connor motioned for referral to the Budget/Management Committee, motion seconded by Councilor Smart and voted unanimously.

10 007-Community Preservation Committee-Whitman's Pond Preservation for Funding on Conservation Restriction for Open Space Land Purchase on Woodbine Road

Mr. Gallagher noted that this measure requests that the Town of Weymouth raise and appropriate the sum of \$4000 from the fiscal year 2010 general reserve fund for purpose of funding the preservation of the main body of Whitman's Pond through enforcement of the conservation restriction for the CPC property located off of Woodbine Road.

Councilor O'Connor motioned for referral to the Budget/Management Committee, motion seconded by Councilor Smart and voted unanimously.

10 008- Community Preservation Committee-Preservation of Wall and Gates at Veterans' Memorial Field

Mr. Gallagher noted that this measure requests that the Town of Weymouth raise and appropriate the sum of \$271,000 from the CPC unreserved fund balance for the purpose of funding the preservation of the historic wall and gate at Veterans Memorial Field.

Councilor O'Connor motioned for referral to the Budget/Management Committee, motion seconded by Councilor Smart and voted unanimously.

Reports of Committees

Budget/Management Committee-Councilor DiFazio

09 143-Community Preservation Committee-Whitman's Pond Restoration and Preservation

Councilor DiFazio noted that this measure was referred to the Budget/Management Committee on December 14, 2009, the committee met on December 21 and voted unanimous favorable action. On behalf of the Budget/Management Committee he motions for favorable action on measure number 09 143, motion seconded by Councilor O'Connor and voted 10-1 (Councilor Whitaker voting nay).

09 144-Community Preservation Committee Weymouth Housing Authority Window Replacement

Councilor DiFazio noted that this measure was referred to the Budget/Management Committee on December 14, the committee met on December 21, and voted unanimous favorable action. On behalf of the Budget/Management Committee he motions for favorable action on measure number 09 144, motion seconded by Councilor O'Connor and voted 9-1-1 (Councilor Whitaker voting nay and Councilor Pap abstaining).

New Business

10 001-Review of Town Council Rules for 2010-2012-Council President Arthur Mathews

President Mathews stated that pursuant to Town Council Rule number 55-Adoption of Rules-"Rules will be reviewed and adopted within 90 days following the first Council meeting in every even year."

Councilor O'Connor motioned for referral to the Rules Committee, motion seconded by Councilor Smart and voted unanimously.

Councilor O'Connor announced that the next Town Council Meeting will be held on February 1, 2010 at 7:30 PM.

At 8:42 PM, there being no further business to attend to, Councilor O'Connor motioned to adjourn, motion seconded by Councilor Smart and voted unanimously.

Respectfully Submitted by:

Approved By;

Diane T. Hachey

Council President Arthur Mathews