

**MINUTES OF THE TOWN COUNCIL**  
**Town Hall Council Chambers**  
**February 6, 2006**

Present: Michael Smart, President  
Paul J. Leary, Vice-President  
Kenneth DiFazio  
Sue Kay  
T. J. Lacey  
Michael Molisse  
Patrick O'Connor  
Gregory Shanahan  
Kevin Whitaker

Not Present: Jack Carey  
Arthur Mathews

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

Recording Secretary: Janet Murray

President Smart called the Town Council Meeting to order at 7:30pm.

**ANNOUNCEMENTS**

Councilor Molisse stated that the February Recreation brochure is out with a listing of activities. He also stated that the Recreation Department would be holding a Valentine's Day Party at the Immaculate Conception Parish Hall on Saturday February 12, 2006. The admission is free, but participants are asked to bring a donation for the food pantry.

Councilor Lacey stated that Sacred Hearth Church will be raffling off a car to raise money for their school. The car was donated by Mr. Dan Quirk. The raffle tickets will cost \$100 each and only 500 tickets will be sold. Tickets may be purchased by calling 781-335-6010. The winning ticket will be drawn on 3/4/06 at the Sacred Hearth Gala Dinner.

Councilor Leary stated that on 2/7/06 at 7pm the South Weymouth Neighborhood Association will hold a joint meeting with the Pond Plain Civic Association. The meeting will be held at the South Weymouth Church of the Nazarene. The topic for discussion will be traffic mitigation with LNR.

Councilor Smart stated that the comments for the Notice of Project Change were faxed to the office of Secretary Pritchard at MEPA as well as mailed to him.

## **MINUTES**

### Budget/Management Committee-12/1/05

A MOTION was made by Councilor Leary to ACCEPT the minutes from 12/01/05 and was seconded by Councilor Kay and UNANIMOUSLY VOTED.

### Town Council-1/3/06

A MOTION was made by Councilor Kay to ACCEPT the minutes from 01/03/06 and was seconded by Councilor Molisse and UNANIMOUSLY VOTED.

### Budget/Management-1/23/06

A MOTION was made by Councilor Leary to ACCEPT the minutes from 01/23/06 and was seconded by Councilor Kay and UNANIMOUSLY VOTED.

### Public Safety-1/24/06

A MOTION was made by Councilor Leary to ACCEPT the minutes from 01/24/06 and was seconded by Councilor O'Connor and UNANIMOUSLY VOTED.

## **CITIZEN'S CONCERN/COUNCIL RESPONSE**

*Linda MacDonald-Maintenance of streets and common areas*

Ms. MacDonald of 58 Laurel Street stated that she is concerned with the inconsistent cleaning along Middle Street at Broad to Middle Street at Commercial Street. Ms. McDonald stated that this area is a multi use/multi zone area.

She stated that she has written many letters and made many phone calls with no response.

The Mayor has been quoted as saying that he reminds local businesses of their responsibility to maintain their property.

Ms. McDonald stated that she had been told that Mr. O'Connor and Mr. Slattery came before the Council to explain how they coordinate the cleaning of the area from Town Hall and the School Administration Building.

She questioned if it would be possible to have a calendar available to notify the neighborhood when street cleaning would take place. She noted that this type of notification is done when water pipes are being flushed.

She asked if this was an issue of labor constraints due to contracts. Are employees allowed to pick up trash with their hands, work alone, push a broom, and do we have the necessary

equipment? She wondered if there were budget constraints? Also, is there a policy/procedure in place? Has the Town considered hiring a private contractor?

One specific comment was in regard to the fact that leaves were shoveled out of catch basins only to be left on the sidewalk above the basin.

President Smart stated that he would relay the concerns through Councilor Mathews who is the Chairperson of the Public Works Committee. He noted that the Mayor spoke to this issue in his State of the Town address. The Mayor considers this a priority for businesses and residents to keep their property cleaned-up.

President Smart also noted that there are over 200 miles of roadways and there is a maintenance schedule. He stated that this is a large task considering the budget and equipment available.

Councilor Shanahan stated that there are options such as calling the Mayor's Hotline and District Councilors to express concerns.

Councilor Whitaker questioned if this needed to be referred to the Public Works Committee. Councilor Smart stated that forwarding it to Councilor Mathews is the same as referring it.

## **PUBLIC HEARINGS**

### **05 164-Fats, Oils and Grease Proposed Ordinance-Joint Public Hearing/Board of Health continued from 1/17/06**

A MOTION was made by Councilor Leary to OPEN the Public Hearing on Item #05 164 and was seconded by Councilor Whitaker and UNANIMOUSLY VOTED.

A MOTION was made by Richard Wetterberg to OPEN the Public Hearing on Item #05 164 and was seconded by Karen DeTellis and UNANIMOUSLY VOTED.

This item had been referred back to Ordinance Committee. There was no public comment.

Dan McCormack stated that three of the four changes requested were able to be made.

- The recordkeeping requirement for purchases has been eliminated. The recordkeeping requirement will be for storage and removal of waste only.
- Warning provision has been added for the first offense, with escalating penalties for further offenses.
- On page 5 under section J number 1, wording will be changed to state that when a blockage is traced to an establishment, the Board of Health "may order" the installation of an active or outdoor system instead of "can" order the immediate installation of an active or outdoor system.

The request to allow for financial assistance was not added.

There was no public comment this evening.

A MOTION was made by Councilor Leary to CLOSE the Public Hearing on Item #05 164 and was seconded by Councilor Molisse and UNANIMOUSLY VOTED.

A MOTION was made by Richard Wetterberg to CLOSE the Public Hearing on Item #05 164 and was seconded by Karen DeTellis and UNANIMOUSLY VOTED.

**05 170-Free Cash Appropriation-Police Department Match for Grant**

A MOTION was made by Councilor Leary to OPEN the Public Hearing on Item #05 170 and was seconded by Councilor Kay and UNANIMOUSLY VOTED.

This is the cost of the Town's share of the purchase of bulletproof vests.

This item was published on 01/28/06. There was no public comment.

Ms. Hackett stated that if this measure and measure 06 011 were to pass there would be \$9,900 in free cash for the remainder of the fiscal year.

A MOTION was made by Councilor Leary to CLOSE the Public Hearing on Item #05 170 and was seconded by Councilor Kay and UNANIMOUSLY VOTED.

**06 011-Free Cash Appropriation-Fire Department Match for Grant**

A MOTION was made by Councilor Leary to OPEN the Public Hearing on Item #06 011 and was seconded by Councilor Kay and UNANIMOUSLY VOTED.

This item was published on 01/28/06. There was no public comment.

This is the cost of the Town's share of the purchase of self-contained breathing apparatus.

A MOTION was made by Councilor Leary to CLOSE the Public Hearing on Item #06 011 and was seconded by Councilor Kay and UNANIMOUSLY VOTED.

**COMMUNICATION FROM MAYOR, TOWN OFFICERS, AND TOWN BOARDS**

**06 016-Fiscal Year 2005 Unpaid Bills-\$1,073.52**

A MOTION was made by Councilor Leary to REFER Item #06 016 to the Budget/Management Committee and was seconded by Councilor Kay and was UNANIMOUSLY VOTED.

**06 017-Appointment to Health Advisory Committee -Diane Curtis**

A MOTION was made by Councilor Leary to REFER Item #06 017 to Budget/Management Committee and was seconded by Councilor Kay and was UNANIMOUSLY VOTED.

**06 018-Appointment to Cultural Council-Michelle Desaulniers**

A MOTION was made by Councilor Leary to REFER Item #06 018 to Budget/Management Committee and was seconded by Councilor Kay and was UNANIMOUSLY VOTED.

**06 019-Reserve Fund Transfer-Fourth of July Barge-\$10,000**

A MOTION was made by Councilor Leary to REFER Item #06 019 to Budget/Management Committee and was seconded by Councilor Kay and was UNANIMOUSLY VOTED.

**REPORTS OF COMMITTEES**

**Budget Management Committee – Chairman DiFazio**

**05 170-Free Cash Appropriation-Police Dept. Match for Grant**

This Item was referred on 12/19/05. The Committee met on 01/23/06. This Item was published on 1/28/06. A Public Hearing was held on 02/07/06. The committee voted unanimously to recommend favorable action.

A MOTION was made by Councilor DiFazio to APPROVE Item #05 170 and was seconded by Councilor Kay and was UNANIMOUSLY VOTED.

**06 011-Free Cash Appropriation-Fire Dept. Match for Grant**

This Item was referred on 01/03/06. The Committee met on 01/23/06. This Item was published on 1/28/06. A Public Hearing was held on 02/07/06. The committee voted unanimously to recommend favorable action.

A MOTION was made by Councilor DiFazio to APPROVE Item #06 011 and was seconded by Councilor Molisse and was UNANIMOUSLY VOTED.

**06 014-Expanding Technology in Weymouth Government**

This Item was referred on 01/17/06. The Committee met on 01/23/06. The committee voted to recommend negative action.

Councilor DiFazio stated that this measure was submitted to the Council by Councilor Whitaker. Councilor Whitaker provided a memorandum explaining the technical aspects of the recommendations. At the Budget/Management meeting on 1/23/06, Administration appeared before the committee and informed the committee that there had been some preliminary work done in regards to the cost of this recommendation. The committee also discussed the need for this type of recommendation. After reviewing and voting unanimously for negative action, the reasons therefore were the inhibiting potential cost of set up and maintenance, as well as not finding a need for this work to be done.

A MOTION was made by Councilor DiFazio for NO ACTION on Item #06 014 and was seconded by Councilor Kay and PASSED on an 8-1 vote.

**Ordinance Committee-Chairperson Kay**

**05 164-Fats, Oils and Grease Proposed Ordinance**

This Item was referred on 12/05/06. A Joint Public Hearing of the Ordinance Committee with the Board of Health 01/17/06 and continued to 02/07/06 as the measure was referred back to the Ordinance Committee. The Committee met on 01/31/06. Four (4) main concerns were discussed; three of the four issues were able to be resolved positively. The fourth issue, regarding financial assistance was not available as this work was considered a betterment.

A MOTION was made by Councilor Kay to APPROVE Item #05 164 and was seconded by Councilor Shanahan and was UNANIMOUSLY VOTED.

**05 139-Review of Section 3-102-Appointments**

This Item was referred on 10/3/05. The Committee met on 10/17/05, 11/19/05, 12/13/05, and on 1/31/06. The Committee received a report from Solicitor Lane stating that the change to Section 3-102 can only originate from the Mayor. The committee voted unanimously to recommend no action.

A MOTION was made by Councilor Kay to TAKE NO ACTION on Item #05 139 and was seconded by Councilor O'Connor and was PASSED on an 8-1 vote.

Councilor Kay noted that a resident, Gary Peters, appeared before the Ordinance Committee. He submitted a list of questions to be forwarded to the Town Solicitor. The Committee agreed and Councilor Kay will submit this to Solicitor Lane.

**Senior Citizens Committee-Chairperson Kay**

**Community Preservation Act Exemption Procedure**

Councilor Kay reported that the Committee met on 1/26/06 to discuss the procedure for the Community Preservation Act Exemption. They heard testimony from Mr. Irving Murstein that the CPA-4 form is invasive and cumbersome. She noted that Mr. Murstein had received a written response from the Department of Revenue (DOR).

DOR responded that this is the form that they use. DOR also noted that both State and Federal Privacy Laws protect tax returns and other personal data from being disclosed. The Supervisor of Public Records has ruled that certain personal information on the CPA-4 exemption application is exempt from disclosure under general privacy exemption of state public records law.

Councilor Kay stated that the Committee voted unanimously to draft a letter to DOR requesting that the form be revised to be easier to fill out and less invasive. She also stated that Administration would be asked to send a letter, too.

A MOTION was made by Councilor Kay to draft a letter, to be approved by the Council and then SENT to DOR and was seconded by Councilor Leary and UNANIMOUSLY VOTED.

**Rules Committee-*Chairperson Whitaker***

**06 012-Mandated Review of Town Council Rules and Regulations**

Councilor Whitaker stated that under Rule 55 concerning adoptions of Rules, the Rules must be reviewed and adopted within 60 days after the first Council Meeting of every even year. This review is being conducted. Councilor Whitaker asked that the Council temporarily suspend Rule 55 so that the Committee has an additional 30 days to continue the review.

Councilor Whitaker made a MOTION to APPROVE the request to temporarily suspend Rule 55 for an additional 30 days and was seconded by Councilor Kay and UNANIMOUSLY VOTED.

**Public Safety Committee-*Chairperson O'Connor***

**Staffing Levels/Equipment-Fire Department**

Councilor O'Connor stated that the Public Safety Committee met on 1/24/06. Fire Chief Leary and the President of Local 1616 were present at this meeting. There was discussion of the staffing levels and the condition of the fire stations.

He noted that he had a discussion with the Mayor, and the Mayor stated that he would look to repair one of the fire stations within the next year.

Councilor O'Connor stated that many of the issues brought up could not be immediately resolved due to economic constraints.

**Road Paving**

Councilor O'Connor stated that this issue would be handled by the DPW Committee.

**NEW BUSINESS**

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

Councilor Leary stated that he had written a letter requesting that the Weymouth appointees to the South Shore Tri-Town Development Corporation Board of Directors are approved by the Council, as all multiple member boards are.

A MOTION was made by Councilor Kay to REFER to Budget/Management Item #06 015 and was seconded by Councilor Shanahan.

Solicitor Lane asked that this measure not be discussed on 2/13/06 as he is not available on this date.

Councilor Lacey made a SUBSTITUTE MOTION to REFER Item #06 015 to the Ordinance Committee and was seconded by Councilor DiFazio.

Councilor Lacey stated that this measure would have no budgetary impact to the Town of Weymouth. He stated that there would be a need to research and review Ordinances which specifically speak to the appointments of the Mayor and their ability to do so or not before the Council.

Councilor Leary stated that he believes that this measure should go before the Budget/Management Committee as this committee handles all appointments, whether budgetary or otherwise.

Councilor DiFazio stated that he believed that Councilor Lacey had a valid point. He stated that this matter deals with the interpretation of the Charter and the Ordinances as to whether this action can be done or not; never mind whether the committee itself makes the appointment or not. The actual interpretation of the Charter and the Ordinances is what will resolve Councilor Leary's request. If this is resolved in a way that says the Council is able to confirm the appointment, then by routine, the appointments would come before the Budget/Management Committee.

Councilor Whitaker asked if the item should be referred to the Naval Air Station Committee.

President Smart stated that when a matter is dealing with the Charter, Ordinances, or Rules, either the Budget/Management or Ordinance Committee would review it.

President Smart questioned Solicitor Lane regarding this issue. Solicitor Lane noted that it was up to the discretion of the Council as to which committee a measure is referred to.

The motion to refer the measure to the Ordinance Committee PASSED on a 5-4 vote as follows.

Councilor Carey – absent

Councilor DiFazio – Y

Councilor Kay – N

Councilor Lacey – Y

Councilor Leary – N

Councilor Smart – N

Councilor Mathews – absent

Councilor Molisse – Y

Councilor O'Connor – Y

Councilor Shanahan – Y

Councilor Whitaker – N

### **Late Agenda Item**

President Smart made a MOTION to ADD a Late Agenda Item and was seconded by Councilor Kay and was UNANIMOUSLY VOTED.



President Smart read a Resolution regarding the sale of the radio station WJDA. He noted that he has been working with both Quincy and Braintree on this issue.

The resolution requests that the new owners of the radio station continue to provide local news and media coverage on WJDA representative of the towns of Weymouth, Braintree, and Quincy.

A MOTION was made by Councilor O'Connor to APPROVE the Resolution and was seconded by Councilor Leary and PASSED on an 8-1 vote.

**ADJOURNMENT**

At 8:35pm there being no further business, Councilor Leary MOTIONED to adjourn and Councilor Kay seconded and was UNANIMOUSLY VOTED.

Approved by: \_\_\_\_\_  
Michael Smart, President