

MINUTES OF THE TOWN COUNCIL
Town Hall Council Chambers
February 22, 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
Franklin Fryer, Town Clerk
Richard Swanson, Town Auditor
George Lane, Town Solicitor
Denise Coleman, Human Resources Director
Daniel McCormack

Recording Secretary: Janet Murray

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

ANNOUNCEMENTS

Councilor Smart informed those present that the 3rd public hearing regarding the reuse of the Naval Air Station would be held this Thursday, 2/24/05 at the Abigail Adams Intermediate School.

Councilor Hargadon stated that the World Series Trophy won by the Boston Red Sox will be on display in the Gold Lunch Room at Weymouth High School on 3/12/05

Councilor Lacey spoke about the flow of information regarding the reuse plan for the Naval Air Station. Councilor Leary noted that all Councilors should forward to Councilor Lacey any questions, issues, and/or concerns.

MINUTES

Budget/Management – 1/31/05

A MOTION was made by Councilor Smart to APPROVE the minutes from the Budget/Management Committee meeting of 1/31/05 and was seconded by Councilor Leary and UNANIMOUSLY VOTED.

A MOTION was made by Councilor Smart to TAKE OUT OF ORDER “New Business” and was seconded by Councilor Hargadon and UNANIMOUSLY VOTED.

NEW BUSINESS

Weymouth Neck Remediation/Clean-up of Webb State Park
ConocoPhillips Company – Dianne Seefried – Project Manager
Russell Wilder – Licensed Site Professional
URS – Primary Consultant

Ms. Seefried and Mr. Wilder made a presentation to the Council regarding the almost completed remediation/clean-up work being done at Webb State Park. Mr. Wilder stated that most of the work is finished. There are seven sites remaining to be completed.

Councilor Shanahan questioned where the hazardous material is taken. The material is transported to Rochester, NH. It was noted that there will be a textile barrier beneath a 3 foot cap. The land will be re-graded. This area is an exclusion zone and is fenced off. Trucks are decontaminated and use a clean pad prior to leaving the site.

Councilor Smart questioned the continued monitoring of the test pits, and monitoring wells. The amount of monitoring will depend on noted trends but could be at least two years.

Councilor Leary asked for clarification on the stakeholder engagement. It was noted that the Association for Retarded Citizens (ARC) and the residents were meeting weekly. Air monitoring will continue. The ARC will still be able to access their building.

Councilor Kay suggested that the company work with Bradley Hayes of the Water and Sewer Department to bring the abandoned water line back into service. It was noted that the project should be completed by early 2006 and all work is subject to audit.

Councilor McPherson asked for clarification of any changes to Webb State Park. It was noted that the work being done is in the form of improvements as opposed to changes.

PUBLIC HEARINGS

05 001 – Appropriation Request - \$102,855 Non-union General Government

A MOTION was made by Councilor Smart to REOPEN the public hearing on Item #05 001 and was seconded by Councilor Kay and was UNANIMOUSLY VOTED.

Councilor McPherson recused himself.

Dan McCormack of the Mayor’s Office stated that this is a 2% Cost of Living Adjustment (COLA) for FY 2005 and is retroactive to 7/1/04.

Councilor Kay stated that all questions have been answered. The amount of this item was decreased on 1/6/05 as the water and sewer amounts were removed from this measure and placed into separate measures.

There was no public comment.

A MOTION was made by Councilor Smart to CLOSE the public hearing on Item #05 001 and was seconded by Councilor Hargadon and UNANIMOUSLY VOTED.

04 179 – Community Preservation Act

A MOTION was made by Councilor Smart to OPEN the public hearing on Item #04 179 and was seconded by Councilor Mathews and UNANIMOUSLY VOTED.

This item was published on 2/12/05. It would place the Community Preservation Act on the ballot for voters to decide.

Councilor DiFazio stated that Massachusetts General Law (MGL) enacted 12/00 allows for towns to raise money through fees and to receive matching state funds. In 2004, 61 out of 351 communities in Massachusetts participated in this program. The money is raised from recording fees imposed by the state and from towns imposing up to a 3% surcharge.

The Budget/Management Committee recommended a 1% surcharge, an exemption on the first \$100,000 of a properties value, and an exemption for low-income and senior residents. It was noted that the additional burden on the average taxpayer would be approximately \$20. This surcharge would raise \$462,613, which would be matched by the state for a total of \$924,000.

This item was discussed extensively on 9/20/04, 11/15/04, 11/29/04, 12/28/04, 1/6/05, and 1/18/05.

Councilor Connolly asked for clarification on the number of members on the Community Preservation Committee. It was noted that there are usually five to seven members made up of a mix of Planning Department employees and Planning Board members as well as citizens. Who appoints the members to this committee is not clear.

Anne Hilbert of Doris Drive spoke in opposition to this item. She stated that this item is unfair and that it is a burden. She also warned that the state matching funds may not always be available. She also questioned the amount of the stipends to be paid to the members of the Community Preservation Committee members.

A MOTION was made by Councilor Smart to CLOSE the public hearing on Item #04 179 and was seconded by Councilor Hargadon and UNANIMOUSLY VOTED.

05 008 – Appropriation Request - \$5956 – Water Retained Earnings

A MOTION was made by Councilor Smart to OPEN the public hearing on Item #05 008 and was seconded by Councilor Hargadon and UNANIMOUSLY VOTED.

This item was published on 2/12/05.

Ms. Coleman stated that this is a Cost of Living Adjustment for Water Department non-union members for fiscal year 2005 and is retroactive to 7/1/04. The source of funding is the water retained earnings fund.

There was no public comment.

A MOTION was made by Councilor Smart to CLOSE the public hearing on Item #05 008 and was seconded by Councilor Mathews and UNANIMOUSLY VOTED.

05 009 – Appropriation Request - \$3555 – Sewer Retained Earnings

A MOTION was made by Councilor Smart to OPEN the public hearing on Item #05 009 and was seconded by Councilor Mathews and UNANIMOUSLY VOTED.

This item was published on 2/12/05.

Ms. Coleman stated that this is a Cost of Living Adjustment for Sewer Department non-union members for fiscal year 2005 and is retroactive to 7/1/04. The source of funding is the sewer retained earnings fund.

There was no public comment.

A MOTION was made by Councilor Smart to CLOSE the public hearing on Item #05 009 and was seconded by Councilor Leary and UNANIMOUSLY VOTED.

05 010 – Bond and Appropriation Request - \$2,300,000 – Sewer I/I Mill River and North Weymouth

A MOTION was made by Councilor Smart to OPEN the public hearing on Item #05 010 and was seconded by Councilor Mathews and UNANIMOUSLY VOTED.

This item was published on 2/12/05.

Robert O'Connor stated that this appropriation is for construction costs only. The request is for \$2.3 million in total; \$1.8 million in borrowing and \$500,000 from sewer retained earnings. Mr. O'Connor noted that this is the last unfunded I/I project remaining on the administrative consent order. Design has been completed. The request is for construction costs only. The project is to rehab manholes and seal leaking sewer pipes. The project is on the CIP and before this vote, the amount in the sewer retained earnings is \$933,604.

Councilor Smart asked if the leaks in the system have been repaired or are pipes being dug up and replaced. Mr. O'Connor stated that repairs are made depending on the nature of the leak and sometimes digging is required.

There was no public comment.

A MOTION was made by Councilor Smart to CLOSE the public hearing on Item #05 010 and was seconded by Councilor Leary and UNANIMOUSLY VOTED.

05 014 – Appropriation Request - \$156,000 – Health Insurance

A MOTION was made by Councilor Smart to OPEN the public hearing on Item #05 014 and was seconded by Councilor Mathews and UNANIMOUSLY VOTED.

Mr. McCormack noted that Mr. Wilson could not be present tonight and that he had asked that this item be continued to the next Council Meeting.

Mr. McCormack gave an overview of the item. This amount is from free cash to fund the increased cost of health insurance to the town. It is anticipated that the \$156,000 (the balance of that being \$182,000) to get us thru FY 05 for the health insurance costs

Councilor Kay noted that the \$156,000 represents a 2% increase in rates.

Mickey Cronin of Hinston Road questioned how many more people have been hired since the town did the budget for FY 05. Mr. Wilson will have the answer to this question at the next meeting.

A MOTION was made by Councilor Smart to CONTINUE Item #05 014 and was seconded by Councilor Mathews and UNANIMOUSLY VOTED.

OLD BUSINESS

04 216 – TIF Review and Analysis – Councilor Lacey

Sampson Insurance Company – Craig Thompson, President/CEO
Sager Electrical – Thomas O'Reilly, CFO
Sovereign Bank – A. Scott Thimann, Sr. Vice President
Campanelli Corp. – Ron Billings

Councilor Lacey stated that this is an update on the TIF agreement with Libbey Park dated 10/3/02. Per the request of the Budget/Management Committee, we have sent letters requesting attendance this evening to all parties participating in the current TIF. All parties are present.

The TIF agreement requires that as of 6/30/04 that Sampson Insurance would have 19 employees, Sager Electric would have 99 employees and Sovereign Bank would have 205 employees. Based on the information provided in reporting to the state in 6/30/04, these numbers have not been met. Sovereign Bank is supposed to have 205 but only has 17.

Sampson Insurance is supposed to have 19 but only has 16. Sager Electric is supposed to have 99 but only has 71.

It was also noted that a letter needs to be sent to the Massachusetts Business Development Agency.

Each party is requested to provide the following information:

- Number of current employees.
- Why required number of employees has not reached.
- Employment plans/goals for near future, and for long term.
- Will the company reach the employment goal of the TIF at any point
- Square footage of the lease space at Libbey that company has as compared to the TIF requirement
- Is any square footage subleased?
- Other information

Sampson Insurance Company

Sampson Insurance Company was represented by Craig Thompson, President/CEO. Mr. Thompson stated that his company presently employs 16 people with three of them living in Weymouth. The Company presently occupies 5000 square feet. He noted that the outlook for the future is flat and there are no plans to hire additional staff.

Councilor Leary stated that this is not compliant with the TIF agreement. The agreement called for the hiring of one employee per year for three years.

Councilor Kay questioned the 8/9/04 numbers for Sampson. Mr. Swanson clarified that the total number of employees under the TIF was 19. It was noted that only 16 employees transferred to the Weymouth location with no new employees hired.

Councilor McPherson stated that employment numbers are a target not a requirement. He also stated that in order to de-certify would need to not meet 50% of the number of employees, which in his opinion, would be 10 employees. Mr. Swanson stated that a company would have to miss the target by 50% or more, which would be considered a material impact or significant number. Councilor McPherson stated that the target is 19, 50% would be 10; therefore this wouldn't be a material variance, so the state agency would not decertify. Mr. Swanson stated that it would be a factor in the agency's decision on whether to decertify.

Councilor Lacey asked Mr. Thompson to clarify if he was aware of the commitment made to hire three new employees. Mr. Thompson agreed that the company had signed the agreement to hire three new employees.

Councilor DiFazio questioned if Sampson Insurance had filed the required paperwork. Mr. Thompson stated that he had filed it.

Mr. Swanson asked for clarification on the total number of employees on the report filed by Sampson on 6/30/04. Mr. Thompson stated that he has sixteen employees in total. He reported that two employees work from home and there are two part-time employees.

Mr. Thompson stated that he is actively trying to grow his business.

Councilor Leary asked what advantage the town of Weymouth has received from Sampson Insurance. The town has given the company a significant tax break, but the agreement has not been met. Mr. Thompson stated that based on this, the town has not received any benefit.

Sager Electric Company

Thomas O'Reilly, CFO for Sager, appeared before the Council. Mr. O'Reilly noted that the electronic industry has seen a 67% downturn in the industry. Sager intends to add more employees and he noted that this company is a private company and is 1/3 employee owned. Mr. O'Reilly noted that the company has seen a turnaround this year. The plan is to hire more employees in 2005. There are open requisitions to hire new people in Quarter 2.

The company currently leases 32,500 square feet. They have reverted about 20,000 square feet back to the landlord. This space has been leased to other businesses. If these employees were included, the total number of employees would be about 130.

Councilor Kay stated that part of the agreement was to add 30 employees to increase the labor force to 95.

Councilor Leary stated that the agreement stipulates that 30 employees be added to the labor force of 95 to increase the number employed to 130.

Councilor Connolly questioned how the company could have been caught off guard. Mr. O'Reilly stated that it was industry wide and had involved double ordering. He stated that the town does benefit from the employees frequenting Weymouth businesses.

Councilor Leary stated that the town of Weymouth is subsidizing the company's tough luck. He stated that Sager is not paying its fair share of taxes. He stated that the 50% is for the number of new employees to be hired.

Councilor McPherson stated that the taxes estimated for this property was about \$140,000. The tax relief was set at \$69,000. The amount of relief would drop drastically after about year five. He noted that at 50% of the commercial rate, the company is paying the equivalent of a residential property owner.

Councilor Leary stated that the classification act has nothing to do with the TIF. It was passed by the legislator.

Sovereign Bank

Scott Thimann, Senior Vice President for Sovereign Bank appeared before the Council. Mr. Thimann stated that there are currently 19 employees at this location. There is a plan to sublet 26,000 square feet of the original 37,000 square feet to a firm that currently has 120 employees and expects to have 150 employees within a year.

Councilor Shanahan asked if this new company would be bringing in new hires or would come in from another site. Mr. Thimann did not know. He stated that he would get this information.

Councilor DiFazio asked for clarification as to whether the bank had filed the EDIP form for 2004 and has yet to be filed. Mr. Thimann stated that he did not know why it was not filed and would work to find out why.

Councilor Smart stated that the TIF does not carry over to a sublease. This new company would not work for Sovereign Bank. They would have to apply to the Council for a TIF agreement.

Mr. Swanson stated that an acquiring company receives the TIF benefits but must assume the obligations of the agreement. A sublease does not receive this benefit.

Councilor Leary stated that TIF agreements are based on job creation.

Campanelli Properties

Ron Billings, Senior Property Manager, represented Campanelli Properties before the Council. Campanelli is the owner of the property. Mr. Billings stated that the market is down, and that he hopes that the Council will consider not only the commitments the companies have made to the buildings but also the capital investments made to this property. He does not believe that the improvements to the property could have been made without the TIF agreement.

Councilor McPherson questioned the amount of square footage. The building is 100,000 square feet and there are leases out for the entire square footage, but Sager Electronics never used about 25,000 square feet. He noted that it is not clear

Councilor Mathews noted that the building was already built prior to the TIF agreement which is contrary to comments in a letter written by Mr. DeMarco.

Councilor McPherson stated that the Mayor acknowledged that he had told the developer the TIF agreement would be put before the Council, but because the new form of government was just beginning, the Mayor did not. The Mayor apologized for bringing this to the Council after he had made representation to Mr. DeMarco that the TIF agreement would be approved.

Councilor Leary questioned who audits the agreement. He questioned who determines what the TIF is. When a space is leased, the occupant has to apply the TIF. Mr. Swanson will be asked to investigate. The TIF has nothing to do with the amount of space that is occupied.

Councilor Connolly thanked Mr. Billings for deeding land to the town for a water plant. He did note that the road is in need of repairs.

Councilor Mathews stated that he believed that money had been put aside for road improvements. He asked if the TIF is decertified does this money go away.

Councilor Smart stated that according to Mr. Wilson \$60,000 has been deposited as a line item.

Councilor Mathews requested an update from Mr. Wilson concerning this money. He noted that there has been proposed mitigation from the Arbor Hill project. He would like to make sure that all of the money is used for upgrades in this area.

Councilor Molisse asked if Campanelli has input for subleases. Mr. Billings stated that the leaser needs approval from Campanelli.

A MOTION was made by Councilor Smart to REFER to Budget/Management, Item #04 216 and was seconded by Councilor Mathews and was UNANIMOUSLY VOTED.

COMMUNICATION FROM MAYOR, TOWN OFFICERS, AND TOWN BOARDS

05 015 – Reappointment – Construction Steering Committee – Shawn Malloy

A MOTION was made by Councilor Smart to REFER to Budget/Management Item #05 015 and was seconded by Councilor Mathews and was UNANIMOUSLY VOTED.

05 016 – Appointment – Board of Zoning Appeals – Charles Golden

A MOTION was made by Councilor Smart to REFER to Budget/Management Item #05 016 and was seconded by Councilor Mathews and was UNANIMOUSLY VOTED.

Councilor Kay questioned if this appointment is to fill a vacancy. It was noted that this is a vacancy created by the resignation of Stanley Elkerton.

Councilor Mathews requested that Mr. Golden appear before the Budget/Management Committee.

05 017 – Reappointment – Board of Zoning Appeals (alternate) – Sandra Carle

A MOTION was made by Councilor Smart to REFER to Budget/Management Item #05 017 and was seconded by Councilor Mathews and was UNANIMOUSLY VOTED.

05 018 – Reappointment – Board of Zoning Appeals (alternate) – Kemal Denizkurt

A MOTION was made by Councilor Smart to REFER to Budget/Management Item #05 018 and was seconded by Councilor Mathews and was UNANIMOUSLY VOTED.

05 019 – Appointment – Historical Commission – Thomas H. Curtis

A MOTION was made by Councilor Smart to REFER to Budget/Management Item #05 019 and was seconded by Councilor Mathews and was UNANIMOUSLY VOTED.

Councilor Kay questioned if this appointment is to fill a vacancy. It was noted that this is, but Mr. McCormack did not have the name available. He would get that information. Also, it was requested that Mr. Curtis appear before the Budget/Management Committee. Councilor Kay asked that all appointments appear and that information regarding the reason for the vacancy be provided.

05 020 – Appointment – Board of Library Trustees – William Westland

A MOTION was made by Councilor Smart to REFER to Budget/Management Item #05 020 and was seconded by Councilor Mathews and was UNANIMOUSLY VOTED.

05 021 – Appointment – Commission on Disabilities – Paula Damigella

A MOTION was made by Councilor Smart to REFER to Budget/Management Item #05 021 and was seconded by Councilor Mathews and was UNANIMOUSLY VOTED.

05 022 – Appointment – Commission on Disabilities – Deb Deveau

A MOTION was made by Councilor Smart to REFER to Budget/Management Item #05 022 and was seconded by Councilor Mathews and was UNANIMOUSLY VOTED.

Councilor Smart made a MOTION to ADD a late agenda item and was seconded by Councilor Mathews and was UNANIMOUSLY VOTED.

This is a re-appropriation request by the Fire Department for \$75,000 to replenish the Fire Suppression and Rescue, Overtime line item. This account has an \$8,550 deficit. The re-appropriation would come from the Contributory Retirement Fund contribution which has a balance of \$178,813.

Councilor Kay asked if this is in addition to Item 05 012. Mr. McCormack stated that Item #05 012 was reduced from \$65,000 to \$25,000. This re-appropriation request is in addition to the previously requested \$25,000 in Item #05 012.

Councilor Kay questioned the amount in the overtime line item. It was noted that this line item has a negative balance. The Mayor has given emergency approval to do this. She asked if this is the larger amount, and if the amount to be voted on tonight (#05 012) would be enough to get through to when the Council takes the line item for \$75,000 is voted upon. Mr. McCormack stated that it would be enough.

A MOTION was made by Councilor Leary to REFER this request for re-appropriation to Budget/Management and was seconded by Councilor Smart and was UNANIMOUSLY VOTED.

REPORTS OF COMMITTEES

Ordinance Committee – Chairman Leary

04 218 – Rezoning Request – Weathervane

This item was referred to Ordinance on 12/6/04 and meetings were held on 12/20/04 and 2/22/05. A Public Hearing was held on 1/18/05. It was advertised. The Committee recommended favorable action. It was noted that the Planning Board had also voted to approve this rezoning request.

The Committee voted unanimously to refer this item to the Council with a favorable report.

A MOTION was made by Councilor Leary to APPROVE Item #04 218 and was seconded by Councilor Smart and was UNANIMOUSLY VOTED.

04 240 – Compensation Increase – Town Council

This item was referred to Ordinance on 12/20/04 and meetings were held on 1/18/05 and 2/7/05. This item is for an increase for Town Councilors. These items were submitted by President Lacey and then written up as ordinances.

Pursuant to section 2-4 a of the Town Charter, the salary for the Councilors to be established at \$7500 for each Councilor, \$8500 for the Chairperson of the Budget/Management Committee, and \$9500 for the Council President, to be effective on 1/1/06, the Committee voted negatively, 3-2, (Councilors DiFazio, Smart, and McPherson were opposed and Councilors Leary and Mathews were in favor). The report from the Ordinance Committee is to recommend No Action.

Councilor Leary made a MOTION to TAKE NO ACTION Item #04 240 and was seconded by Councilor Hargadon. The following discussion ensued:

Councilor McPherson stated that the report from the Committee was to recommend No Action.

Councilor Leary stated, in a minority report, that he thought that this request was fair, in that Councilors generally work seven days per week. This is why he recommends favorable action.

President Lacey stated that he is in favor of these pay increases.

Councilor Leary pointed out that a public hearing is required on this item.

There was extensive discussion regarding the exact wording of the motion.

Councilor Mathews made a SUBSTITUTE MOTION to take FAVORABLE ACTION on Item #04 240 and was seconded by Councilor Smart. The following discussion ensued.

Councilor Mathews stated that this pay increase will not take place until after the next municipal election.

Councilor McPherson stated that Weymouth has the weakest form of Town Council. We have a strong Mayor form of government. The Council's responsibility is oversight except for legislation. He noted that the Council's powers are legislative only to approve/disapprove measures.

Councilor McPherson made a SUBSTITUTE MOTION to APPROVE an increase of 20%. As there was already a substitute motion on the floor, this motion was not entertained.

President Lacey took issue with the phrase weakest form of government. He stated that the Council's work is important from a legislative standpoint and a constituent stand point.

Councilor Kay stated that the Council is the check and balance for this form of government and is dependent upon the time put in, and due diligence paid to the measures. She noted that the Council has had 25 measures before them, with only a few days to prepare.

Councilor Mathews stated that two surveys, one done by Mr. Swanson, and one from the Massachusetts Municipal Association, comparing other salaries.

Councilor McPherson stated that the structure of the government is a strong Mayor. It is not a reflection on the Council. He stated that the amount of responsibilities is important in comparing salaries.

Councilor Mathews stated that the Councilors work is much more behind the scenes, not just attending the televised meeting held every other Monday.

The SUBSTITUTE MOTION to take FAVORABLE ACTION on Item #04 240 was APPROVED on an 8-3 vote in favor.

Councilor Connolly – Yes

Councilor DiFazio – No

Councilor Hargadon – Yes

Councilor Kay – Yes

Councilor Leary – Yes

Councilor Mathews – Yes

Councilor McPherson – No

Councilor Molisse – Yes

Councilor Shanahan – Yes

Councilor Smart – No

Councilor Lacey – Yes

04 241 – Compensation Increase – Office of the Mayor

This Item was referred to Ordinance on 12/20/04 and the Committee met on 1/18/05 and 2/7/05.

Pursuant to Section 3-1c of the Town Charter to establish a salary for the Mayor at \$110,000 to be effective on 1/1/06, the Ordinance Committee voted unanimously for favorable action on this item.

Councilor Mathews stated that a Public Hearing will be held.

A MOTION was made by Councilor Leary to take FAVORABLE ACTION on Item #04 241 and was seconded by Councilor Smart and was UNANIMOUSLY VOTED.

04 242 – Compensation Increase – School Committee

This item was referred to Ordinance on 12/20/04 and the Committee met on 1/18/05 and 2/7/05. A Public Hearing will be held on this item.

Pursuant to Section 44a of the Town Charter to establish a salary for School Committee members at \$3000 and \$4000 for the Chairperson to be effective on 1/1/06, the Ordinance Committee voted 4-1 for No Action.

A MOTION was made by Councilor Leary to take NO ACTION on Item #04 242 and was seconded by Councilor Smart. The following discussion ensued.

Councilor Hargadon questioned how the Council could vote for raises for themselves and the Mayor and not for the School Committee. Councilor Leary stated that although he had voted against this measure, he hoped a substitute motion would be made.

Councilor Mathews stated that he was the only member of the Ordinance Committee to vote in favor of all three measures.

Councilor Mathews made a SUBSTITUTE MOTION to take FAVORABLE ACTION on Item #04 242 and was seconded by Councilor Kay. The following discussion ensued.

Councilor Kay asked if the School Committee had been contacted. Councilor Lacey stated that the School Committee Chairperson's response was that they are not proactively seeking this increase.

Councilor Lacey also stated that since this is an elected body, along with the Council and the Mayor; he thought that for consistency, it was fair to include the School Committee.

Councilor Connolly questioned the amount of the previous salary and the increase.

Councilor Leary stated that School Committee members' salary would increase from \$2000 to \$3000 and the Chairperson salary would increase from \$3000 to \$4000.

Councilor McPherson reiterated his objection to a 50% increase. He thinks that a 20% increase would be fair.

Councilor Leary stated that this increase is for elected School Committee members. Although the Mayor sits on the School Committee, he is not an elected member of that body. He is a member by virtue of his position as Mayor and does not receive additional compensation.

It was noted that there will be a public hearing.

The SUBSTITUTE MOTION to take FAVORABLE ACTION on Item #04 242 was APPROVED on an 8-3 vote in favor.

Councilor Connolly – Yes
Councilor DiFazio – No
Councilor Hargadon – Yes
Councilor Kay – Yes
Councilor Leary – Yes
Councilor Mathews – Yes
Councilor McPherson – No

Councilor Molisse – Yes
Councilor Shanahan – Yes
Councilor Smart – No
Councilor Lacey – Yes

Budget/Management Committee – Chairman DiFazio

04 179 – Community Preservation Act

This item was referred to Budget/Management on 9/20/04 and meetings were held on 11/15/04, 11/29/04, 12/28/04, 1/6/05, and 1/18/05.

A presentation to the full council by Mr. Chris Saccardi, -Assistant Director of the CPA Coalition was recommended.

The Budget/Management Committee voted 3-1 to recommend FAVORABLE ACTION

Councilor DiFazio made a MOTION to recommend FAVORABLE ACTION on Item #04 179 and was seconded by Councilor Mathews

This MOTION will put the Community Preservation Act on the upcoming election ballot.

Councilor Hargadon stated that this is a tax increase and should be listed as such on the ballot.

Councilor Connolly is concerned about how this money is spent, and who spends it.

Councilor McPherson stated that this is an optional tax increase; we don't need to do this. This is something that was put before the Council by one Councilor. He believes that a petition should have been circulated. This petition would have required 5% of registered voters. He noted that money is raised for this act by placing a tax on home sales and property. An unelected board will be making the decisions on how this money is spent. He also noted that there have been increases in the trash fee, water and sewer fees, and just recently the property tax was increased by 5% and now we are increasing taxes again. He stated that this is a permanent tax

increase. \$460,000 would be raised by the act and \$460,000 would be provided by the matching state money.

Councilor Lacey stated that this is not an actual tax increase. The motion before the Council is to place the Community Preservation Act on the ballot.

Councilor Mathews stated that this act will be decided by the voters. There is an eleven page document that spells out what the act will do. The Council is able to dictate where this money will go. The spending would be as follows: 10% open space, 10% historical resources, 10% community housing, and 70% is up to the residents to decide which of the three categories the remaining money will be spent on.

Councilor Molisse stated that he is concerned that the state matching money may not be available. However, he will vote to put this on the ballot.

Councilor Leary stated that this is not a permanent tax increase. After five years, the act can be changed, and it may possibly be changed more frequently.

Councilor Kay stated that this act would amount to about \$20 per resident. She noted that as individual home buyers, we contribute to the fund that matches the amount raised.

Councilor Shanahan stated that the debate should be among the voters, not the Council.

Councilor McPherson stated that he disagreed with Councilor Shanahan's statement. He noted that the Council weighs in with an opinion. He questioned if the same argument could be used to put a Proposition 2 ½ override on the ballot. He also stated that the Legislature is looking at the inequity of the CPA because it would appear that wealthier towns pass this act more often than poorer towns.

The MOTION to take FAVORABLE ACTION on Item #04 179 was APPROVED on a 9-2 vote in favor.

Councilor Connolly – No
Councilor DiFazio – Yes
Councilor Hargadon – Yes
Councilor Kay – Yes
Councilor Leary – Yes
Councilor Mathews – Yes
Councilor McPherson – No

Councilor Molisse – Yes
Councilor Shanahan – Yes
Councilor Smart – Yes
Councilor Lacey – Yes

04 246 – Internal Audit/Information Technology Equipment Inventor

This item was referred on 1/3/05. A meeting was held on 2/15/05. The Committee voted unanimous favorable action to adopt the report.

A MOTION was made by Councilor DiFazio to ADOPT Item #04 246 and was seconded by Councilor Kay and was UNANIMOUSLY VOTED.

05 001 – Appropriation Request - \$102,855 – Non Union General Government

Councilor McPherson recused himself.

This item was referred on 1/18/05. Meetings were held on 1/31/05, 2/7/05 and 2/15/05. The Committee voted unanimous favorable action. A public hearing was held on 2/22/05.

A MOTION was made by Councilor DiFazio to APPROVE Item 05 001 and was seconded by Councilor Smart and UNANIMOUSLY VOTED.

05 008 – Appropriation Request - \$5956 – Water Retained Earnings

This item was referred on 2/7/05. A meeting was held on 2/15/05. The Committee voted unanimous favorable action. A public hearing was held on 2/22/05.

A MOTION was made by Councilor DiFazio to APPROVE Item #05 008 and was seconded by Councilor Smart and UNANIMOUSLY VOTED.

05 009 – Appropriation Request - \$3555 – Sewer Retained Earnings

This item was referred on 2/7/05. A meeting was held on 2/15/05. The Committee voted unanimous favorable action. A public hearing was held on 2/22/05.

A MOTION was made by Councilor DiFazio to APPROVE Item #05 009 and was seconded by Councilor Smart and UNANIMOUSLY VOTED.

05 010 – Bond and Appropriation Request – \$2,300,000 Sewer I/I Mill River and North Weymouth

This item was referred on 2/7/05. A meeting was held on 2/15/05. The Committee voted unanimous favorable action. A public hearing was held on 2/22/05.

A MOTION was made by Councilor DiFazio to APPROVE Item #05 010 and was seconded by Councilor Smart and UNANIMOUSLY VOTED.

05 011 – Reserve Fund Transfer Transfer - \$32,986 – Maintenance/Utilities for Town Buildings

This item was referred on 2/7/05. A meeting was held on 2/15/05. The Committee voted unanimous favorable action. A public hearing was not required.

A MOTION was made by Councilor DiFazio to APPROVE Item #05 011 and was seconded by Councilor Smart and UNANIMOUSLY VOTED.

05 012 – Re-appropriation Request to Fire Department Overtime \$65,000

This item total amount was amended to \$25,000.

This item was referred on 2/7/05. A meeting was held on 2/15/05. The Committee voted unanimous favorable action. A public hearing was not required.

Chief Leary noted that all employees have returned from active duty. He also noted that the town is looking for \$21,000 in reimbursements from the Democratic National Convention. Councilor DiFazio noted that the Fire Department budget is over \$600,000.

A MOTION was made by Councilor DiFazio to APPROVE Item #05 012 and was seconded by Councilor Smart and UNANIMOUSLY VOTED.

05 013 – Reserve Fund Transfer - \$6651 – Clerk's Office

This item was referred on 2/7/05. A meeting was held on 2/15/05. The Committee voted unanimous favorable action. A public hearing was not required.

A MOTION was made by Councilor DiFazio to APPROVE Item #05 013 and was seconded by Councilor Smart and UNANIMOUSLY VOTED.

05 014 – Appropriation Request - \$156,000 – Health Insurance

A MOTION was made by Councilor DiFazio to CONTINUE Item #05 014 and was seconded by Councilor Smart and UNANIMOUSLY VOTED.

04 216 – TIF Review and Analysis

There was no report given on this item.

Draft Budgets for the Council and Clerks Offices – Fiscal 2006

A MOTION was made by Councilor DiFazio to ADOPT as amended the Draft Budgets and was seconded by Councilor Kay and was UNANIMOUSLY VOTED.

Town Auditor, Richard Swanson - Retirement

A MOTION was made by Councilor DiFazio to CONTINUE this item, waiting for the receipt of a copy of the auditor's contract and was seconded by Councilor Kay and UNANIMOUSLY VOTED.

ADDITIONAL AGENDA ITEMS

A MOTION was made by Councilor DiFazio to ADD two items to the agenda and was seconded by Councilor Mathews and UNANIMOUSLY VOTED.

A MOTION was made by Councilor Kay to forward a letter to the Human Resources Department-for investigation of reclassification of the Town Clerk position-seconded by Councilor Mathews.

A MOTION was made by Councilor Smart to EXTEND past 11pm and was seconded by Councilor Kay and was UNANIMOUSLY VOTED.

Tony Marken of MLS has been asked to appear before the Town Council to report back with an update on the Naval Air Station reuse plan.

Councilor McPherson noted that Mr. Marken is a paid “lobbyist” for the town, so there is not necessarily an expectation of a written report.
Councilor Kay stated that Mr. Marken has been referred to as a consultant for the town.

A MOTION was made by Councilor DiFazio to REQUEST Mr. Marken’s appearance before the Town Council and was seconded by Councilor Kay and was UNANIMOUSLY VOTED.

It was noted that Lennar is presenting their revised plan on 3/7/05. The Council is scheduled to meet on this night. There was discussion regarding canceling the 3/7/05 meeting with the potential of meeting on 3/14/05 to discuss issues from the 3/7/05 meeting only.

Councilor Kay asked about the zoning document. The document is coming.

Councilor Leary noted that the zoning is very complicated.

A MOTION was made by Councilor Smart to CANCEL the 3/7/05 Town Council meeting and was seconded by Councilor Kay and was UNANIMOUSLY VOTED.

ADJOURNMENT

At 11:15pm there being no further business, Councilor Leary MOTIONED to adjourn and Councilor Molisse seconded and was UNANIMOUSLY VOTED.

Approved by: _____
T.J. Lacey, President