

## MINUTES OF THE TOWN COUNCIL

### Town Hall Council Chambers

March 3, 2008

Present: Michael Smart, President  
Arthur Matthews, Vice-President  
Robert Conlon  
Kenneth J. DiFazio  
Ed Harrington  
Michael Molisse  
Patrick O'Connor  
Victor Pap, III  
Kevin Whitaker

Not Present: Thomas J. Lacey  
Brian McDonald

Also Present: Maureen Duffy, Town Auditor  
Franklin Fryer, Town Clerk  
George Lane, Town Solicitor  
Jeanne Savoy, Assistant to the Mayor  
James Wilson, Chief Financial Officer

Recording Secretary: Janet Murray

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

### ANNOUNCEMENTS

Councilor Pap announced that Irish night will be held on March 15, 2008 at the St. Paul Hall at St. Jerome's Church. This is an over 21 event.

Councilor Molisse announced that the date for the 4<sup>th</sup> of July fireworks has been set. It will be held on June 28, 2008.

Councilor O'Connor noted that the Fire Department has had difficulty with their radio systems and several businesses around town have contributed funds. He thanked the following companies: Campanelli Corporation, Weymouthport Condominiums, Brady Enterprises, and Mediterranean Woods LLC.

Councilor Conlon announced that Mayor Kay will hold a monthly forum this evening at 9pm on Channel 9 regarding the Chapter 40R opportunities available to the Town of Weymouth.

**Citation Issuance**-Thomas Deegan-Weymouth High School Varsity Basketball-Councilor Whitaker

Councilor Whitaker recognized Thomas Deegan for his contributions to the high school basketball team.

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Council President Smart stated that Councilor Lacey was to make this presentation but is unfortunately ill this evening and unable to attend.

## **MINUTES**

### **Budget/Management Committee Meeting of 2/6/08**

A MOTION was made by Councilor Mathews to ACCEPT the minutes from 2/6/08 and was seconded by Councilor O'Connor and UNANIMOUSLY VOTED.

### **Public Works Committee Meeting of 2/6/08**

A MOTION was made by Councilor Mathews to ACCEPT the minutes from 2/6/08 and was seconded by Councilor O'Connor and UNANIMOUSLY VOTED.

### **Ordinance Committee Meeting of 2/11/08**

A MOTION was made by Councilor Mathews to ACCEPT the minutes from 2/11/08 and was seconded by Councilor O'Connor and UNANIMOUSLY VOTED.

### **Town Council Meeting of 2/11/08**

A MOTION was made by Councilor Mathews to ACCEPT the minutes from 2/11/08 and was seconded by Councilor O'Connor and UNANIMOUSLY VOTED.

### **Town Council Meeting of 2/19/08**

A MOTION was made by Councilor Mathews to ACCEPT the minutes from 2/19/08 and was seconded by Councilor O'Connor and UNANIMOUSLY VOTED.

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

## **PUBLIC HEARINGS**

### **"Naval Air Station Historical Museum"-Update From Member John Luongo**

Mr. Luongo stated that he is here this evening representing the Naval Air Station Historical Museum.

Mr. Luongo stated that there will be a dedication on May 17, 2008 in the Grove in honor of the late Town Councilor Paul Leary. The dedication will be held at noon time.

Mr. Luongo stated that the museum has received 501-3c charity status. He stated that the museum planning needs help. He would like to see the town's school children involved in the process so that they will know the history. He stated that the museum is currently located in the former gym, but a separate building will be built. Mr. Luongo noted that LNR has been helpful in this effort.

**08 003-Proposed Ordinance Revision-Tax Title Payment Agreement**

A MOTION was made by Councilor Mathews to OPEN the Public Hearing on item number 08 003 and was seconded by Councilor O'Connor and UNANIMOUSLY VOTED.

This item was published on 2/22/08.

Mr. Wilson stated that this measure seeks to adopt Massachusetts General Law (MGL) 60 section 62a, which reads that the town is able to enter into a tax payment plan with property owners who owe tax bills prior to July 1, 2005. Constituents will be eligible to apply for a tax abatement of 8% on the interest on the unpaid bill. This plan would expire on June 30, 2009.

Councilor Conlon asked if the property owner will have four years to make the installments. Mr. Wilson stated that the resident would have until 6/30/09 to make the payment.

Councilor Pap asked if this is retroactive. Mr. Wilson stated that all the taxes are paid in full. Any penalties would be paid in full, the amount of interest due would be reduced by 50%.

There was no public comment.

A MOTION was made by Councilor Mathews to CLOSE the Public Hearing on item number 08 003 and was seconded by Councilor O'Connor and UNANIMOUSLY VOTED.

**08 010-Great Pond Water Treatment Plant Site Preparation Contract**

A MOTION was made by Councilor Mathews to OPEN the Public Hearing on item number 08 010 and was seconded by Councilor O'Connor and UNANIMOUSLY VOTED.

This item was published on 2/22/08.

Mr. Wilson stated that this measure seeks to appropriate the sum \$275,721 from the Water Department retained earnings for the Great Pond Water Treatment Plant Site preparation contract. The work is being done in three (3) phases. Rather than bonding, the intent is to use Water department retained earnings to avoid interest accruals. The three (3) phases are the site preparation, construction, and demolition of the old plant.

Councilor Molisse pointed out that this item was discussed at length at the Public Works Committee Meeting.

There was no public comment.

A MOTION was made by Councilor Mathews to CLOSE the Public Hearing on item number 08 010 and was seconded by Councilor O'Connor and UNANIMOUSLY VOTED.

**08 011-Weed Harvesting Project for Whitman’s Pond**

A MOTION was made by Councilor Mathews to OPEN the Public Hearing on item number 08 011 and was seconded by Councilor O’Connor and UNANIMOUSLY VOTED. This item was published on 2/22/08.

This measure seeks to raise and appropriate \$26,000 from the Community Preservation Fund for the purpose of conducting this weed harvesting project. The town has, since 1998, performed this project every four (4) years. This measure was first proposed on 5/24/07.

There was the following public comment.

The property owner of 5 Westminster Road stated that he is a member of the Whitman’s Pond Association. He stated that he would like to see this project done as it is very important to the pond.

Trish Pries, 15 Woodbine Road, commended the Community Preservation Committee and Councilor Mathews for championing this project.

A MOTION was made by Councilor Mathews to CLOSE the Public Hearing on item number 08 011 and was seconded by Councilor O’Connor and UNANIMOUSLY VOTED.

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

**08 020-Police Overtime Reappropriation**

Mrs. Savoy stated that the Mayor submits the following measure for consideration by Town Council: “That the Town of Weymouth re-appropriate the sum of \$200,000 from line item 13104120.510001 (Uniform program salary) and \$100,000 from line item 13104105.510001 (Administrative salary) to be reallocated among the following line items:

- \$250,000 to 13104220.513001 (Uniform program, overtime)
- \$25,000 to 13104250.531001 (Investigation Program, overtime)
- \$25,000 to 13104265.531007 (Technical services program, overtime dispatchers)

A MOTION was made by Councilor Mathews to REFER item number 08 020 to the Budget/Management Committee and was seconded by Councilor O’Connor and was UNANIMOUSLY VOTED.

**08 021-Reserve Fund Transfer-Workers' Compensation**

Mrs. Savoy stated that the Mayor submits the following measure for consideration by Town Council: "That the Town of Weymouth appropriate the sum of \$80,000 from the Reserve Fund (Program 132) to the following line item for the purpose of funding projected deficit in the workers compensation trust fund.

- \$80,000 to line item 11945840.596500 Workers Compensation Appropriation.

At the time, the Reserve Fund has a balance of \$162,756.

A MOTION was made by Councilor Mathews to REFER item number 08 021 to the Budget/Management Committee and was seconded by Councilor O'Connor and was UNANIMOUSLY VOTED.

**08 022-Proposed Ordinance Revision to Chapter 8/Section 8-701-Stormwater**

Mrs. Savoy stated that the Mayor submits the following measure for consideration by Town Council: Amendments to Chapter 8 of the Code of Ordinances by adding the following section: Section 8-701 Stormwater Management Ordinance.

This ordinance will allow the town to comply with new federal regulations under the National Pollution Discharge Elimination System (NPDS). The deadline for compliance is 5/1/08.

This item requires a public hearing

A MOTION was made by Councilor Mathews to REFER item number 08 022 to the Ordinance Committee and was seconded by Councilor O'Connor and was UNANIMOUSLY VOTED.

**08 023-Proposed Ordinance Revision to Chapter 8/Section 8-702-Illicit Connection/Discharge**

Mrs. Savoy stated that the Mayor submits the following measure for consideration by Town Council: Amendments to Chapter 8 of the Code of Ordinances by adding the following section: Section 8-702 Illicit Connection/Discharge Ordinance.

This ordinance will allow the town to comply with new federal regulations under the National Pollution Discharge Elimination System (NPDS). The deadline for compliance is 5/1/08.

This item requires a public hearing

A MOTION was made by Councilor Mathews to REFER item number 08 023 to the Ordinance Committee and was seconded by Councilor O'Connor and was UNANIMOUSLY VOTED.

**08 024-Community Preservation Committee-Abigail Adams Birthplace Study**

Mr. Wilson stated that the Mayor wishes to withdraw this measure. The measure will be resubmitted at a future date with a larger amount requested. The amount requested was incorrectly listed as \$8,000 but it should be \$9,000. Mr. Wilson pointed out that the Charter does not allow for an increase in the amount of a measure once a number is assigned.

A MOTION was made by Councilor Mathews to take item number 08 024 UNDER 2-9b, same night action and was seconded by Councilor O'Connor and UNANIMOUSLY VOTED.

Councilor Mathews pointed out that the Council is not voting against the measure. This is a technical issue in order to facilitate a new measure.

A MOTION was made by Councilor Mathews to take NO ACTION item number 08 024 and was seconded by Councilor O'Connor and was UNANIMOUSLY VOTED.

**REPORTS OF COMMITTEES**

**Budget Management Committee – Chairman Kenneth DiFazio**

**08 010-Great Pond Water Treatment Plant Site Preparation Contract**

This item was referred on 2/11/08. The Committee met on 2/26/08. The committee voted unanimously to recommend favorable action.

A MOTION was made by Councilor DiFazio to recommend FAVORABLE ACTION on item number 08 010 and was seconded by Councilor Molisse and was UNANIMOUSLY VOTED.

**08 011-Weed Harvesting Project for Whitman's Pond**

This item was referred on 2/11/08. The Committee met on 2/26/08. The committee voted unanimously to recommend favorable action.

A MOTION was made by Councilor DiFazio to recommend FAVORABLE ACTION on item number 08 011 and was seconded by Councilor Molisse and was UNANIMOUSLY VOTED.

**08 012-Acceptance of Land Donation-103 Norton Street**

This item was referred on 2/11/08. The Committee met on 2/26/08. The committee voted unanimously to recommend favorable action.

Councilor Molisse noted that the family was sent a thank you note for donating this property.

A MOTION was made by Councilor DiFazio to recommend FAVORABLE ACTION on item number 08 012 and was seconded by Councilor Molisse and was UNANIMOUSLY VOTED.

**08 017-Fire Department Repeater Costs**

This item was referred on 2/11/08. The Committee met on 2/26/08. The committee voted unanimously to recommend favorable action.

A MOTION was made by Councilor DiFazio to recommend FAVORABLE ACTION on item number 08 017 and was seconded by Councilor Molisse and was UNANIMOUSLY VOTED.

**Ordinance Committee-Chairman Kevin Whitaker**

**08 003-Proposed Ordinance Revision-Tax Title Payment Agreements**

This item was referred on 1/22/08. The Committee met on 3/3/08. This item was published on 2/22/08. A Public Hearing was held on 3/3/08. The committee voted unanimously to recommend favorable action.

Councilor Whitaker read the ordinance into the record.

A MOTION was made by Councilor Whitaker to recommend FAVORABLE ACTION on item number 08 003 and was seconded by Councilor O'Connor and was UNANIMOUSLY VOTED.

**08 015-Revisions to Municipal Code-Chapter 4**

Councilor Whitaker stated that there have been some revisions to this measure. There will be a public hearing on 3/17/08. The committee voted unanimously to continue this matter.

**07 131-Proposed Ordinance Revision to Section 3-326-Community Preservation Committee**

Councilor Mathews has been working with the Mayor on this issue. The committee voted unanimously to continue this matter.

**07 130-Proposed Ordinance Revision to Chapter 16/Section 1300- Sex Offender Registry**

Councilor Whitaker stated that a revised version of this ordinance has been received and further discussion is scheduled. The committee voted unanimously to continue this matter.

**Issue-Notice from utility companies prior to work commencement**

The Ordinance Committee will meet on 3/10/08 to continue discussion on this issue.

**NEW BUSINESS**

**08 018-Acceptance of M.G.L. Chapter 53: Section 9A –Nomination of Candidates-Franklin Fryer/Town Clerk**

A MOTION was made by Councilor Mathews to REFER item number 08 018 to the Ordinance Committee and was seconded by Councilor O'Connor

Mr. Fryer stated that he would like to see these changes to improve the operation of the nomination process regarding blank nomination papers.

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The MOTION was UNANIMOUSLY VOTED.

**ADJOURNMENT**

At 8:20pm there being no further business, Councilor Mathews MOTIONED to adjourn and Councilor O'Connor seconded and was UNANIMOUSLY VOTED.

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