

MINUTES OF THE TOWN COUNCIL
Town Hall Council Chambers
March 16, 2009 - Tuesday

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

Not Present: Michael Molisse
Maureen Duffy, Town Auditor
Susan M. Kay, Mayor

Also Present: Franklin Fryer, Town Clerk
George Lane, Town Solicitor
James Wilson, Chief Financial Officer

Recording Secretary: Mary Briggs

President Smart called the Town Council Meeting to order at 7:30 PM. He reported that the meeting would not be aired live by WETC due to server issues, but would be taped and aired later in the week.

Town Clerk Franklin Fryer called the roll. President Smart noted that Councilor Molisse was unable to attend due to a prior commitment.

ANNOUNCEMENTS

Councilor Harrington announced that the Weymouth Education Foundation will sponsor its 8th annual Quiz Night and silent auction at Lantana's on April 3rd . Paul Haley will emcee the event and there are team openings and sponsorships available. Proceeds will fund programs and materials not otherwise covered by the school budget. Information can be obtained from Carol Karlberg at 335-3512.

He also noted the Weymouth Relay for Life for the American Cancer Society will be held on the track at Weymouth High School on June 19-20. Information is available on the Weymouth website, and a preparation meeting for relay team captains will be held at 6PM on April 21st at Tufts Library.

The Old South Union Church is sponsoring a series of Spring Luncheons to be held on

Wednesdays, 3/25, 4/1, 4/8, 4/15 and 4/22 from 11:30 – 1PM. In addition to food, there will be crafts for sale at the luncheons on 3/25, 4/1 and 4/8.

Councilor Matthews reported the Conservation Commission will meet on March 25th 7:30 PM in the Town Council Chambers to continue the Public Hearing on the Alexan Arbor Hill proposal.

Councilor Pap reported that St. Jerome's School was the town-wide telephone book recycling contest winner and will receive an ice cream luncheon from the Mayor. He also commended the school's eighth grade class for their acceptance rate to high school. 100% of the students who applied to private high schools were accepted.

President Smart presented a Citation, which he read on behalf of the Town Council and Mayor Susan Kay, to Emily Cunningham for Outstanding Public Service. Mayor Kay was not well and was not in attendance. Emily, who is a student at Cardinal Spellman High School, was commended for her efforts to raise more than \$5,000 over three years for UNICEF and the refugees in Darfur. She received a standing ovation.

MINUTES

Budget/Management Meeting, February 17, 2009

A MOTION was made by Councilor Mathews to accept the minutes of the Budget/Management Committee meeting of February 17, 2009 and was seconded by Councilor O'Connor. UNANIMOUSLY VOTED.

Town Council Meeting, February 17, 2009

A MOTION was made by Councilor Mathews to accept the minutes of the Town Council meeting on February 17, 2009 and was seconded by Councilor O'Connor. UNANIMOUSLY VOTED.

OLD BUSINESS

Proposed Addition to Code of Ordinances (Section 6) Needless Expenditure of Public Resources-Legal Opinion from George Lane/Town Solicitor

A MOTION was made by Councilor Whitaker to remove this item from the table and was seconded by Councilor O'Connor. UNANIMOUSLY VOTED.

Councilor Mathews requested a summary from Solicitor Lane. Solicitor Lane noted that on January 19, 2009, following the last meeting of the Town Council, he was asked if the proposal from Mr. Thomas, who is currently not in attendance, concerning whether remedies and enforcement on behalf of the Town of Weymouth should be referred to a standing committee for further consideration. Councilor Whitaker at that time had raised the question of whether there was jurisdiction in the Town Council or the Ordinance Committee to entertain such a proposal. Solicitor Lane analyzed the proposal subsequent to the request, and the manner in which the municipal services are performed. If there is a violation of local or state law then this authorizes certain Department Heads to have another level of enforcement, by way of fines, etc. and consistent, with municipal

services performed, if not paid would then come under a municipal liens ordinance. Solicitor Lanes finds that under the Charter of the Town, this will alter the method of performing municipal services, and is assigning new and additional duties to Department Heads. This would come under organization or reorganization of the Charter, and that is a matter which can only originate with the Mayor, and therefore the proposal is out of order, not worthy of consideration by the Council, and must be approached in another manner, if at all. His opinion is that it is not within the jurisdiction of the Council and is a reorganization matter, and ruled accordingly.

Councilor Mathews asked if the Solicitor had received the follow up correspondence from Mr. Thomas. Solicitor Lane noted he considered the amendments to the original, and discussed it with Mr. Thomas and it does not change his original opinion.

A MOTION was made by Councilor Whitaker to forward this to the Mayor as correspondence received, based on and accompanied by the opinion received from Solicitor Lane, and was seconded by Councilor O'Connor. UNANIMOUSLY VOTED.

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

09 010 – CDBG and Home Approvals for 2008-2009

Mr. Wilson reported that this is the annual request to receive grants for CDBG, and Home Approval with the authority to expend.

A MOTION was made to refer item 09 010 to the Budget/Management Committee by Councilor Mathews and seconded by Councilor O'Connor. UNANIMOUSLY VOTED.

09 011 – Abigail Adams Closeout Costs

Mr. Wilson requested a Reserve Fund transfer of \$800 for charges associated with the 1987 Abigail Adams School fuel tank leak.

A MOTION was made to refer item 09 011 to the Budget/Management Committee by Councilor Mathews and seconded by Councilor O'Connor. UNANIMOUSLY VOTED.

09 012 – Town Council Re-Appropriation

Mr. Wilson requested a re-appropriation of \$1,100 from the Council's expense line item to the Council's salary line item.

A MOTION was made to refer item 09 012 to the Budget/Management Committee by Councilor Mathews and seconded by Councilor O'Connor. UNANIMOUSLY VOTED.

09 013 – Reserve Fund Transfer – Veterans' Benefits

Mr. Wilson requested \$30,000 to cover expenses through the end of this fiscal year for Veterans' Benefits. This projection is based upon actual receipts received for December through February.

A MOTION was made to refer item 09 013 to the Budget/Management Committee by

Councilor Mathews and seconded by Councilor O'Connor. UNANIMOUSLY VOTED.

REPORTS OF COMMITTEES

Economic Development Committee-Chairman Victor Pap III

- MBTA Expansion of Bus Routes – Councilor Pap reported the Economic Development Committee met earlier in the evening. Final communiqué from the MBTA was received, informing all that bus routes to South Weymouth would be expanded as a result of feedback from Weymouth residents, the office of the Mayor, Representative Murphy's office and the Council, particularly President Smart and Councilor Mathews. Expanded services will begin on Sunday, March 21, 2009.

- Revitalization Plan for North Weymouth – Councilor Pap reported that last summer, a period of public comment was opened to glean feedback and suggestions from citizens on revitalization for the blighted area. He has received between 10-15 emails, letters and phone calls with specific and meritorious comments on how to improve the area. Once public comment period is closed, the data will be culled and forwarded to the Council as a starting point for requesting a concrete plan by the Mayor. He further noted that the comment period will be extended to April 15, 2009.

MOTIONS, ORDERS AND RESOLUTIONS

09 014 – 15 Winter Court –Water Supply Land (Re-vote of Measure Number 08

044- George Lane, Town Solicitor

Solicitor Lane reported that this came before the Council a year ago, and before the Board of Selectmen in past years. In 1988, there was a small parcel of land located at the junction of Winter Street and Winter Court that the town accepted a check for in the amount of \$11,100. When the town went to sell it at that time, it was discovered to have been a portion of the original water supply land of the Town of Weymouth. What was originally Winter Street to Winter Court was a single road known as Winter Court. There was a taking by the county back some years prior to that. It was just a point of land no longer needed for water supply purposes. Various attempts have been made to send it through the legislature, as authorized by the Board of Selectmen and as recently as last year, by this Council. It passed the Senate, but fell just short of the House session. As a result, it needs to be re-authorized this evening to the new session of the legislature. This transfer is to remedy a matter of title which will enable the owner of the property to refinance.

Councilor O'Connor noted he has been working on this issue since its referral last April. The legislative session cycle is eighteen months, ending on July 31st of each even year. He noted that this bill was in Senate and House for roll votes on the same day, July 31st last year and unfortunately was too late for roll vote by Senate at that time. He will fully support this measure and will work to its conclusion in the State House.

Solicitor Lane commended Councilor O'Connor for his efforts.

A MOTION was made by Councilor Mathews to take item 09 014 up under MGL, Ch. 29B, same night action and was seconded by Councilor O'Connor. UNANIMOUSLY

VOTED.

A MOTION was made by Councilor Mathews to re-vote to re-authorize measure 08 044, and submit to the General Court, a copy of which is enclosed, and was seconded by Councilor O'Connor.

Councilor Mathews asked if the wording needed to be read into the record. Solicitor Lane noted it is incorporated by reference, and contained in full in Measure 08 044:

“It is authorized to transfer a certain parcel of land known on Weymouth Assessor’s Map, Sheet 29, Block 376, Lot 28, containing 8,117 square feet, more or less, for consideration previously paid by Kevin P. LaMarca and no longer needed for water supply purposes”.

A MOTION was made by Councilor Mathews to re-vote to authorize item 09 014, as amended in accordance with inclusion of the language, and was seconded by Councilor O'Connor. UNANIMOUSLY VOTED.

Community Rating System (CRS) Application Process-Councilor Victor Pap III

Councilor Pap noted this is on the Community Rating System, which is part of the National Flood Insurance program. Essentially, all communities need to meet a minimum level of emergency preparedness, as specified by the Department of Homeland Security and FEMA, and policy holders in communities exceeding minimum standards can benefit in discounted flood insurance premiums. Weymouth should, and probably is already meeting the minimum standards, and is being requested to refer to standing committee for discussion and formal application to the CRS. This would ultimately benefit coastal homeowners on their flood insurance premiums.

A MOTION was made to refer this issue to the Public Works Committee by Councilor Pap and seconded by Councilor O'Connor. UNANIMOUSLY VOTED.

ADJOURNMENT

At 8:00 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 Mary Briggs-Recording Secretary

Approved by

Michael Smart-Council President