

MINUTES OF THE TOWN COUNCIL
Town Hall Council Chambers
March 17, 2008 - Tuesday

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

Also Present: Susan Kay, Mayor
Kathy Deree, Assistant Town Clerk
George Lane, Town Solicitor
Maureen Duffy, Town Auditor
James Wilson, Chief Financial Officer
Chip Fontaine, Town Engineer
Walter Flynn, Chair- Community Preservation Committee
Michael Gallagher, Director of Administrative Services

Recording Secretary: Mary Briggs

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

ANNOUNCEMENTS

Councilor Molisse reported the new edition of the Weymouth Recreation Program books has been published and are now available, outlining upcoming programs. Registration begins 3/29, and will be open to only Weymouth residents for the first two weeks. Books are available at the teen center.

Councilor Whitaker reported that the nomination forms for Weymouth Commission of Disabilities Awards is available now and can be downloaded from the town's website.

APPROVAL OF MINUTES

Budget/Management Committee- 2/26/08 – A MOTION was made by Councilor Mathews to approve the minutes of the February 26, 2008 Budget/Management meeting and was seconded by Councilor O'Connor. VOTED UNANIMOUSLY.

CITIZEN'S CONCERN/COUNCIL RESPONSE

PUBLIC HEARINGS:

08 014- Archaeological Study for 43 Bicknell Road

A MOTION was made by Councilor Mathews to open the Public Hearing on item 08 014 and was seconded by Councilor O'Connor. UNANIMOUSLY VOTED. Measure was published on 3/7/08

Mr. Wilson reported the measure seeks to appropriate the sum of \$10,000 from the Community Preservation Committee for the purpose of conducting an archaeological study of the property at 43 Bicknell Rd. The balance prior to submission of the measure is \$129,185. He introduced Walter Flynn, the Chair of the Community Preservation Committee. Mr. Flynn noted he was unable to attend the Budget/Management meeting at which this measure was heard. He felt there were some misconceptions carried from the minutes of that meeting that need to be cleared. He noted the proposal came from the Historical Commission and not the property owner. He also noted the property owner was supportive of the action. He reported that a significant find would not necessarily lead to expending further funds, and that each proposal is separately voted. The Historical Commission, however, could take the findings for proposed further joint study with surrounding communities of Quincy and Braintree, and the possibility of state grant funding.

Tom Curtis of 140 River Street and Ted Clarke, 99 Great Hill Drive, both joined him at the table in support of the measure. Mr. Curtis read a prepared statement concerning the historic significance of this residence to Weymouth, the Massachusetts Bay Colony and American history if the find should indicate the presence of early settlement and evidence to support it as the oldest continuously inhabited community. Mr. Clarke noted there is evidence in writings, books, maps etc. to support the pursuit. He noted that the type of study proposed would be GPR, a non-invasive radar study of the ground. He also noted, in correcting the minutes, that any artifacts found would become the property of the Massachusetts Historical Society.

Councilor Conlon voiced his support of the measure; that some of the area is already lost to landfill in Boston. He feels it would be worth spending the \$10,000 to find out if there is something there.

Councilor O'Connor noted he voted against spending the money for economic reasons; it could be a precursor to an even larger study; that the committee would be better served by prioritizing and spending funds on the larger projects under study. He also noted that with all bargaining units in town currently without settled contracts, it is an economic decision not to spend \$10,000 on a study.

Councilor Pap asked if there was a time constraint to the study. Mr. Curtis noted that only the factors of the 400th anniversary and the potential of a cost increase should the town

delay the project.

Councilor Conlon reported he visited the site; spending \$10,000 if it might lead to developing including the adjacent memorial park would be worth funding the study.

Mr. Flynn reiterated that the request is for \$10,000 to fund this study only.

Councilor Lacey noted that it is a private residence, and questioned whether the town would develop a relationship with the current or any future owner of the property.

Mr. Flynn noted that the committee was unanimous in its objection to purchasing the property. There was discussion of an easement or right-of-way. A marker could be sufficient on the adjacent town-owned memorial park.

Councilor Harrington noted the size of the lot could support the owners developing the property. Mr. Clarke reported that if that were done, and if anything of historical significance were found as a result of development, a Cease and Desist Order could be invoked until the Mass. Historical Society could investigate.

President Smart asked if the owners have been approached about a sale, and noted he would reserve his personal comment until after public comment.

Mr. Clarke had no knowledge of it; there is no written agreement; however, he walked the site with an architectural consultant and the owner, who had positive remarks.

Councilor Molisse asked if the measure was voted favorably, would there then be a written agreement with the owner. Mr. Clarke noted it would need to go to the Planning Board.

Councilor Pap asked if several companies were consulted. Mr. Clarke noted that he was provided with three firms.

He noted that this measure is significant beyond the scope of the Town of Weymouth. The CPC voted the measure with one dissenting vote. It was noted that the ultimate goal of the project is education.

Kathleen Curran of 26 Babcock Street voiced her support of the project.

Mayor Kay addressed the Council on her support of the measure as a tool towards development from a tourism standpoint. If the municipality shows a willingness to invest seed money in enhancement of historical projects, it could lead to receipt of grant money in the future.

Steve Puleo, 210 Park Ave., and member of the Weymouth Historic Commission and author/historian/public speaker, urged support, from a historic perspective. He noted that it's a small amount of money which could make a powerful statement towards

showcasing Weymouth.

A MOTION was made by Councilor Mathews to close the Public Hearing on item 08 014 and was seconded by Councilor O'Connor. UNANIMOUSLY VOTED.

08 015- Reorganization Plan Revision to Municipal Code Chapter 4

A MOTION was made by Councilor Mathews to open the Public Hearing on item 08 015, published 3/7/08, and was seconded by Councilor O'Connor. UNANIMOUSLY VOTED.

Mayor Kay reported on the review and proposed reorganization. She noted that there are positions which will be combined and others will remain unfilled in the Administration, but remain within the code to be available to future Administrations. Director of Community Services, Director of Information Technology and Chief of Staff positions will not be filled.

The Department of Administrative Services will include Human Resources, Legal, Information Technology Emergency Management, and Maintenance of certain town buildings, and will be under the oversight of the Director of Administrative Services.

The Department of Community Services will include Elder Services, Recreation, Veterans Services, Youth and Family Services.

Instead of a Chief of Staff, the mayor will rely on two assistants. In Municipal Finance, the Chief Financial Officer will assume the additional duties of the vacant Treasurer's position and will delegate to the Assistant Treasurer/Tax Collector.

A MOTION was made by Councilor Mathews to close the Public Hearing on item 08 015 and was seconded by Councilor O'Connor. UNANIMOUSLY VOTED.

08 130- Proposed Ordinance to Chapter 6/Section 1300-Sex Offender Registry

A MOTION was made by Councilor Mathews to open the Public Hearing on item 08 130, which was published on 3/7/08, and was seconded by Councilor O'Connor. UNANIMOUSLY VOTED.

Councilor O'Connor and Councilor Lacey have been working on this since it was referred to the Ordinance Committee in October. It seeks to have a 1500' residential restriction from any school, playground or day care center to any Level 3 sex offender. Any current Level 3 offender residing within those boundaries will be grandfathered.

Three meetings, a redraft and meeting with state politicians and the town solicitor were a part of enabling this legislation. Councilor O'Connor thanked his co-sponsor, Councilor Lacey.

Councilor Lacey reinforced this was directed at those who were “at high risk to reoffend” and is to further protect the children and residents of this community. He noted that the ordinance needs strengthening at the state level; predators are able to reoffend because of judicial leniency.

Sean Guilfoyle, 1 Roycroft Street, voiced his support and on behalf of the Weymouth School Committee. He was accompanied by members James Parker and Gail Sheehan.

Lou Rizzo, 537 Pleasant Street voiced his support, as a parent and a resident, and noted the importance of it being implemented as well as taken further.

A MOTION was made by Councilor Mathews to close the Public Hearing on item 08 130 and was seconded by Councilor O’Connor. UNANIMOUSLY VOTED.

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

A MOTION was made by Councilor Mathews to open the Public Hearing on item 08 022, published on 3/7/08, and was seconded by Councilor O’Connor. UNANIMOUSLY VOTED.

Town Engineer Chip Fontaine reported that this revision is a result of federal/EPA mandates.

A MOTION was made by Councilor Mathews to close the Public Hearing on item 08 022 and was seconded by Councilor O’Connor. UNANIMOUSLY VOTED.

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

A MOTION was made by Councilor Mathews to open the Public Hearing on item 08 023 and was seconded by Councilor O’Connor. UNANIMOUSLY VOTED. This was published on 3/7/08.

Town Engineer Chip Fontaine reported this measure is also a result of federal/EPA mandates.

A MOTION was made by Councilor Mathews to close the Public Hearing on item 08 023 and was seconded by Councilor O’Connor. UNANIMOUSLY VOTED.

REPORTS OF COMMITTEES

Ordinance Committee- Chairman Kevin Whitaker

07 130-Ongoing Review of Measure 07130- Proposed Ordinance Revision to Chapter 6/Section 1300 - Sex Offender Registry

Councilor Whitaker provided an overview of the measure which seeks to tighten up

restrictions on Level 3 sex offenders living within a certain distance from a school, park or daycare. He noted that it will be brought to the next Town Council Meeting for formal action. He thanked Councilors O'Connor and Lacey for sponsoring, as well as Chief Thomas for police input and Solicitor Lane for legal advice.

08 015-Reorganization Plan Revision to Municipal Code Chapter 4

Chairman Whitaker reported this item was referred to the Ordinance Committee and was recommended to full council for favorable action. A MOTION was made by Councilor Whitaker to APPROVE the reorganization/plan revision to Municipal Code Chapter 4 and was seconded by Councilor Mathews. UNANIMOUSLY VOTED.

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

Chairman Whitaker reported this item was referred to the Ordinance Committee and was recommended to full council for favorable action. A MOTION was made by Councilor Whitaker to APPROVE the ordinance revision to Chapter 8/Section 8-701-Stormwater and was seconded by Councilor Mathews. UNANIMOUSLY VOTED.

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

Chairman Whitaker reported this item was referred to the Ordinance Committee and was recommended to full council for favorable action. A MOTION was made by Councilor Whitaker to APPROVE the ordinance revision to Chapter 8/Section 8-702-Illicit Connection Discharge and was seconded by Councilor Mathews. UNANIMOUSLY VOTED.

Budget/Management Committee- Chairman Kenneth DiFazio

08 014-Archaeological Study for 43 Bicknell Rd.

This measure was referred to the Budget/Management on 2/9/08 and heard at its meeting on 2/26. The committee recommended forwarding to full council for unanimous UNFAVORABLE ACTION.

The committee members had three overriding reasons for not supporting the measure: the possibility of limited future funds; other historical items in need of funding; and limited information on necessity of purchasing the lot.

A MOTION was made by Councilor DiFazio for a NO VOTE on measure 08 014, that the Town appropriate the sum of \$10,000 for Community Preservation for the purpose of conducting an archaeological study of 43 Bicknell Rd. and was seconded by Councilor O'Connor.

Councilor Mathews was the single dissenting vote at the CPC. He also reminded members that under the new rules -Councilors should wait until after the public hearing to provide personal comment input. He noted that there are several other projects which are in process and which may be seeking additional funding sources, and that projects should be prioritized.

Councilor Lacey noted he would not be supporting the "no vote" since the possible historical significance of the project with Mayor Kay's approach of this as an investment opportunity for Weymouth are his deciding factors.

President Smart reminded the members that a YES vote supports the NO ACTION vote of the Budget/Management Committee.

Councilor McDonald noted he would support the investment since it has huge historical potential.

Councilor Molisse noted he did not vote in favor of this study. While the project may be worthwhile, he is concerned with lack of future funds.

Councilor O'Connor noted he will support the no vote action; there are other issues and the funds need to be prioritized. It will be a great decision, when the time is right.

Councilor Conlon noted he will not support the no vote action. He is in favor of tourism potential and will support foresight to put up \$10,000 against future economic boon.

Councilor Pap agrees with the Mayor's outlook; that tough economic times are exactly when one should show creativity. He noted it is an appropriate and proper use of the funds.

Councilor DiFazio noted he voted against the measure at Budget/Management;; however, as a result of the additional information provided this evening offered a SUBSTITUTE MOTION to appropriate \$10,000 for the archaeological study.

Councilor Harrington asked if a vote in favor of the SUBSTITUTE MOTION would then be in favor of appropriating the funds.

A point of order was made by Councilor Whitaker; the SUBSTITUTE MOTION is a reversal of the original motion. There was a brief discussion on whether the SUBSTITUTE MOTION should stand or offer an amended MOTION, or possibly send this measure back to Committee for further review.

President Smart ruled that the Budget/Management Committee fulfilled its function by reviewing the initial measure, and based its vote on the information at hand at that time. With the additional information provided in Public Hearing, it is not necessary to send the measure back to committee, and the SUBSTITUTE MOTION stands.

A SUBSTITUTE MOTION was made by Councilor DiFazio, as Councilor(not in the role of Chairman of the Budget/Management Committee) to appropriate the sum of \$10,000 to fund an archaeological study of the property at 43 Bicknell Rd. and was seconded by Councilor O'Connor. A roll call vote was taken; Arthur Mathews-NO, Robert Conlon-YES, Kenneth DiFazio-YES, Ed Harrington-YES,

Thomas Lacey-YES, Brian McDonald-YES, Michael Molisse-NO, Patrick O'Connor-NO, Victor Pap-YES, Kevin Whitaker-NO, and Michael Smart, YES. MOTION PASSES.

08 016-Appointment Director of Information Technology/Administrative Services-Michael Gallagher

This measure was referred to Budget Management on 2/19 and heard by the committee on 2/26, at which time it was voted to TABLE the item until the Council had voted the reorganization plan. On 3/17 it was taken off the table, and was recommended to full council for favorable action. A MOTION was made by Councilor DiFazio to submit the name of Michael Gallagher for the appointment as Director of Information Technology/Administrative Services, and was seconded by Councilor O'Connor . UNANIMOUSLY VOTED.

08 020-Police Overtime Reappropriation

Chairman DiFazio reported this item was referred to Budget Management on 3/3 and heard by the committee at its meeting on 3/17, at which time it was voted to forward to full council for favorable action. A MOTION was made by Councilor DiFazio to reappropriate the sum of \$200,000 to the police overtime line item. UNANIMOUSLY VOTED.

08 021-Reserve Fund Transfer-Workers Compensation

Chairman DiFazio reported this item was referred to Budget/Management on 3/3 and was heard by the committee at its meeting on 3/17, at which time it was voted to forward to full council for favorable action. A MOTION was made by Councilor DiFazio to appropriate the sum of \$80,000 to the Reserve Fund to fund a projected deficit in the Workers Compensation Account, and was seconded by Councilor O'Connor. UNANIMOUSLY VOTED.

Rules Committee – Chairman Ed Harrington

08 009-Review of Town Council Rules and Regulations

Chairman Harrington reported this item was referred to the Rules committee on 3/10 and was heard at its meeting on 3/17, at which time it was recommended to full council for favorable action. A MOTION was made by Councilor Harrington to adopt the proposed revisions to the Town Council Rules and Regulations and was seconded by Councilor Whitaker. UNANIMOUSLY VOTED. Councilor Harrington also thanked Diane Hachey for her assistance during the process.

NEW BUSINESS

08 025-Fiscal 2007 Audited Financial Statements - Maureen Duffy/Town Auditor and Kevin Carnes/O'Connor and Drew

Mr. Carnes gave a brief overview of the results of the unqualified audit, and the external audit review has been presented to the council. A MOTION was made by Councilor Mathews to consider the item under same night action and was seconded by Councilor O'Connor. UNANIMOUSLY VOTED.

A MOTION was made by Councilor Mathews to accept the financial statement letter from O'Connor and Drew, and was seconded by Councilor O'Connor and UNANIMOUSLY VOTED. Mr .Wilson noted for the council that the letter would be followed up by Administration and the accounting staff of the town.

ADJOURNMENT

At 9:45 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

Michael Smart

Mary Briggs-Recording Secretary

Council President