

MINUTES OF THE TOWN COUNCIL
Town Hall Council Chambers
April 5, 2010 - Monday

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

Not Present: Kenneth DiFazio
Michael Molisse

Also Present: Franklin Fryer, Town Clerk
George Lane, Town Solicitor
James Wilson, Chief Financial Officer
Robert Leary, Chief, WFD
James Clarke, Director of Planning and Development
Carter Fay, Environmental Partners Group

Recording Secretary: Mary Briggs

Vice President O'Connor called the Town Council Meeting to order at 7:30 PM. Town Clerk Franklin Fryer called roll, with two members absent. Chairman Mathews reported that he had heard from both Councilors DiFazio and Molisse, who were both unable to attend this evening.

ANNOUNCEMENTS

Proclamation Announcing the Week of April 5th through April 9th as Community Development Week-Vice President Patrick O'Connor

Councilor O'Connor read the following proclamation on behalf of the Mayor and Town Council:

"Whereas the Community Block Development Grant Program has operated since 1975 to provide local governments with the resources required to meet the needs of low income and moderate income persons and neighborhoods. CDBG funds are used by thousands of neighborhood-based nonprofit organizations throughout the nation to address pressing neighborhood and human service needs, and

“Whereas the Community Development Block Grant program has had a significant impact on our local economies through job creation and retention, physical redevelopment and improved the local tax bases, and

“Whereas the Town of Weymouth, Massachusetts has clearly demonstrated the capacity to administer and customize the CDBG program to identify, prioritize, resolve pressing local issues, such as affordable housing, neighborhood and human service needs, job creation and retention, physical redevelopment and

“Now therefore, we, Mayor Susan M. Kay and the Town Council, by virtue of the authority vested in us, do hereby proclaim the week beginning April 5th, today, and ending on April 9th in the year 2010 as the Town of Weymouth, Massachusetts, Community Development Week. We encourage all citizens to join us in recognizing programs funded through the Community Development Block Grant program and the important role it plays in our community.

“Signed on the 5th day of April, 2010 by Mayor Susan M. Kay and Town Council President Arthur Mathews.”

Councilor Harrington extended his gratitude to Bob O’Connor, Director and the DPW staff for all their work resolving the rainstorm issues in March. He received few calls or emails from constituents whose problems weren’t quickly resolved.

Councilor Conlon reported that anyone who had water issues as a result of the storm should register for disaster assistance through FEMA, by completing the application online at www.fema.gov. Councilor Smart followed up, noting there is a link to the website from the town’s page. He reminded citizens to take photos to document reports and save receipts.

Councilor Pap reported that on April 9, 2010 the Weymouth Education Foundation is holding its annual Trivia Night fundraiser. He also noted the inaugural Red Line Gala at St. Jerome’s Church is honoring local resident Leo Crowley for his years of service and dedication to the community. He noted also that there is a meeting scheduled on April 12th at 7PM for the public to provide input on the construction plans for of the new Fore River Bridge.

President Mathews reported that there will be a Public Hearing by the Mass Department of Transportation on April 7, 2010, 7PM in the Town Council chambers to discuss intersection improvements at Middle and Washington Streets, on Route 53, as well as Winter Street. There will be a presentation and public comment will be taken.

MINUTES

Budget Management Committee Meeting of March 15, 2010

A MOTION was made by Councilor O’Connor to approve the minutes of the March 15, 2010 Budget Management Committee meeting and was seconded by Councilor Smart

and UNANIMOUSLY VOTED.

Town Council Meeting of March 15, 2010

A MOTION was made by Councilor O'Connor to approve the minutes of the March 15, 2010 Town Council meeting and was seconded by Councilor Smart. UNANIMOUSLY VOTED.

Rules Committee Meeting Minutes of March 15, 2010

A MOTION was made by Councilor O'Connor to approve the minutes of the March 15, 2010 Rules Committee meeting and was seconded by Councilor Smart. UNANIMOUSLY VOTED.

PUBLIC HEARINGS

10 015-Proposed Rezoning for Randall Avenue

A MOTION was made by Councilor O'Connor to open the Public Hearing on item 10 015 –Proposed Rezoning for Randall Ave. This is a joint Public Hearing with the Planning Board, and was advertised on March 17, 2010 and March 24, 2010. This was seconded by Councilor Smart. UNANIMOUSLY VOTED.

Sandra Williams, noting that a quorum of the Planning Board is not present, reported that the Planning Board would table their portion of the Public Hearing to their next scheduled meeting on Monday, April 12, 2010 at the McCulloch School Building at 181 Green Street.

Jim Clarke provided a presentation for the proposed rezoning request from the administration for a piece of town-owned property on Randall Avenue; the site of a former DPW water tank which was dismantled several years ago. This property was determined to be a surplus property and is scheduled for the next town auction on April 27, 2010. The parcel was for sale previously, but did not meet the minimum bid set by the Town Council. The process has been reviewed, and determined that it was appropriate at this time to recommend a change in the zoning to more approximate the zoning in the area prior to the sale. It is currently zoned public Open Space, which is a common designation for municipal properties. In the 1980's a reuse of surplus properties was put into place where if the properties were sold, the owner could come before the Planning Board, now the Board of Zoning Appeals, for certain types of uses. One of the uses anticipated for this property would be single family, which Mr. Clarke then further described. It is, however, not an allowed use under the Municipal Open Space designation. If the current designation was to remain and the town sells the property, a purchaser could come and develop as multiple family housing or commercial development with a special permit. The single-family use is more in keeping with the neighborhood character. He reviewed a map provided to council members.

He introduced Carter Fay, Licensed Site Professional from Environmental Partners Group, to review the Activities Use Limitation which has been placed on a portion of the

property. Mr. Fay noted that the town purchased the property in 1948 and installed a water tank. In early 2006, the tank was dismantled and the DPW and Board of Health then contacted Mr. Fay's company to investigate the paint chips in the soil in the immediate vicinity of the tank. An analysis of the soil indicated elevated levels of lead and pcb's; both as a result of the paint chips. The town had accepted surplus paint offered by the Navy at the nearby base and that was believed to be the source of the contamination. He noted there were no transformers located on the property. A very limited excavation of the soil (20 yards) was conducted and disposed of offsite. The cost at that time to remove all contaminated soil was approximately \$200,000. The DEP allows a deed restriction to be placed on the property, which restricts the uses of that area. A deed restriction was filed and an Activity Use Limitation that restricts the use of that area from being used as a residential or a multi-family residential use. The remainder of the property can be used for residential purposes. Samples of surface and sub-surface soil were analyzed to clarify the line for the restriction. Samples collected were found to be below the cleanup standard, but the restriction was carried further to the property line. The deed restriction was registered and submitted to the DEP and the site closed out in November 2007. The DEP has the ability to audit the report and the deed restriction, but has not to date.

Mr. Clarke noted that the Activity Use Limitation will be clearly outlined for the sale; it is already noted on the auctioneer's website; any potential bidders will be well aware of this disclosure.

There was a brief discussion. Councilor Whitaker asked where the buffer zone is in relation to the abutter. Mr. Fay noted it ends about 20-30 feet before the property line.

Councilor Smart asked about the number and type of samples collected. Mr. Fay responded that there were about 40-45 samples collected site-wide; primarily shallow collections as the site is dotted with many outcrops of ledge. Soil depth above bedrock is no more than 3 feet. Sampling focused on the top 1-foot layer. Because ingestion is the primary risk of this contamination, DEP's primary focus is that the land is not used for growing vegetables or fruit. If it is restricted from this use, then it is also restricted by virtue of use as single or multi family residential uses. Councilor Smart then asked if a foundation could be put there. Mr. Fay noted that a deed restriction could be modified through physical construction of the site. If the soil were isolated by covering with pavement or a house foundation, it still could not be used to grow fruits or vegetables, but a modification of the restriction would need to be filed with the Registry and the DEP.

Councilor Smart asked if there is intent for future monitoring. Mr. Fay noted that it is not required. Councilor Smart asked if the cleanup levels were to residential standard. Mr. Fay responded that the levels here were slightly over what the DEP accepts. Councilor Smart asked where the pcb's originated. Mr. Fay responded that through research it has been found to be in paint, and likely came from paint donated by the Navy. Councilor Smart asked what future liability the town would assume based on the successful sale of the property. Mr. Wilson responded that liability runs with the property. Once it has been disclosed, the town is absolved from liability. It is one of the reasons the town is selling

the property. Solicitor Lane also reported that the recording of the restriction was also through public notice.

Councilor Pap asked what the prospective cost of cleanup would be. Mr. Fay responded that it was estimated to clean up to background conditions at a cost of approximately \$200,000; primary cost is the removal and disposal of contaminated soil. Councilor Whitaker asked if the property was large enough to be subdivided. Mr. Clarke noted the property was just under 57,000 square feet; under the R-1 Residential zoning, minimum lot size is 25,000 square feet. The total square footage includes the restricted area. Councilor Smart asked if the area restricted would be required to be fenced off. Mr. Fay responded that it is. All sites are subject to DEP inspection and will require some manner of restriction to use.

There were no comments or questions from the public.

President Mathews asked Solicitor Lane if it would be prudent for the Town Council to continue the public Hearing to the Town Council meeting of April 20, 2010, following the Planning Board having it's public hearing. Solicitor Lane strongly recommended that the Town Council also continue the Public Hearing on this matter to April 20, 2010.

A MOTION to CONTINUE the Public Hearing to Tuesday, April 20, 2010 was made by Councilor O'Connor and was seconded by Councilor Smart . UNANIMOUSLY VOTED.

10 013-Amendment to Section 3-209 of the Code of Ordinances (Cultural Council)

A MOTION was made by Councilor O'Connor to open the Public Hearing on item 10 013-Amendment to Section 3-209 of the Code of Ordinances (Cultural Council) which was advertised on March 26, 2010. This was seconded by Councilor Smart. UNANIMOUSLY VOTED.

Mr. Gallagher reported that the Cultural Council of a nine-member body of appointees by the Mayor to two-year terms was established under Code of Ordinances, section 3-209, and in accordance with MGL, Ch.10, Section 35C. There are further restrictions in that no member can serve more than three consecutive terms. The authority and responsibility for this particular board is to review requests for distribution of Arts Lottery funds and any other funds that may become available to the town and to promote and encourage other activities which promote the arts. Since its inception the board has had difficulty attracting members. Some of the meetings could not take place with difficulty with quorum. The Cultural Council sent a request to the Mayor's office to consider reducing the number of members from nine to seven. After reviewing the request, the Mayor felt it was appropriate to bring the request before the Council.

Councilor Smart asked how often the council meets and the scope of duties. Mr. Gallagher responded that the council meets about three times per year, mostly in the fall. They review the requests for funds and award accordingly.

There were no comments or questions from the public.

A MOTION was made by Councilor O'Connor to CLOSE the Public Hearing on 10 013 and was seconded by Councilor McDonald. UNANIMOUSLY VOTED.

10 017-Snow Removal-Free Cash Appropriation

A MOTION was made by Councilor O'Connor to open the Public Hearing on item 10 017-Snow Removal - Free Cash Appropriation, which was advertised on March 26, 2010. This was seconded by Councilor Smart. UNANIMOUSLY VOTED.

Mr. Wilson reported that the Mayor originally sought an appropriation of \$200,000 from Free Cash for purposes of snow removal. Since that time there have been very few expenses incurred. The DPW Director has utilized favorable current bid pricing to replenish salt and sand supplies. The Mayor requests that the \$200,000 original appropriation be reduced to \$25,000 to pay the bills associated with salt, sand and miscellaneous expenses now through the end of the year. Councilor Harrington asked for what would the remaining \$175,000 be used; Mr. Wilson noted this money as a matter of state law, Free Cash balance remaining at the close of the year is rolled to the next year. He reviewed the certification process by DOR.

There were no comments or questions from the public.

A MOTION to CLOSE the Public Hearing was made by Councilor O'Connor and seconded by Councilor McDonald. UNANIMOUSLY VOTED.

OLD BUSINESS

Charter Review Committee Update-Barbara Deacon/Chairperson

President Smart recognized Barbara Deacon, Chair of the Charter Review Committee and apologized that he had this on the agenda of the last Town Council meeting, but was unable to attend.

Ms. Deacon provided the following presentation:

“Good Evening; my name is Barbara Deacon and I am the Chairperson for the town of Weymouth Charter Review Committee.

“I want to thank the Town Council for the opportunity to speak tonight and speak about the report of recommended changes to the original Weymouth Home Rule Charter that the town Charter Review Committee has prepared. I would first like to introduce the other 8 members of the committee: Sandra Williams, Vice Chair, John Reilly, Secretary, Claire Cunningham, Michael Gallagher, Sean Guilfoyle, Arthur Mathews, Michael Smart, and James Wilson.

“It was a pleasure to work with all of these individuals. Each brought with them their own knowledge, variety of experiences and expertise, which helped to give this committee a broad perspective in which to work. We have had some lively discussions;

however, at the end of our deliberations, we are in agreement that Weymouth's original Home Rule Charter needs some changes and updates that will help to insure that the Town of Weymouth is being run as effectively and efficiently as possible.

"I would be remiss if I did not acknowledge and thank the citizens who attended our meetings and shared their ideas and concerns with us. I would also like to extend our thanks and sincere appreciation to Attorney Michael Curran and Attorney George Lane for their legal advise and counsel. I would also like to thank Janet Murray, our recording secretary. Our thanks also go out to Mr. Arthur Roach, director of the Weymouth High School's Graphic Arts Program and his students who were able to print our final document on such short notice.

"The Charter Review Committee held its first meeting in August of 2009. We held a total of 13 meetings on Tuesday evenings in the council chambers. We invited citizens, department heads and town officials to attend our meetings and offer input into the process of reviewing our original charter.

"We are pleased to report that, during our deliberations, it was consistently apparent that changing to our current form of government was the right thing to do for the Town of Weymouth. We repeatedly heard that the town is being run much more effectively. citizens' concerns are being addressed in a more efficient manner. Town departments can run more effectively, efficiently, and cooperatively because there is one place and/or one person to go to for answers. The original charter established a very strong mayoral form of government which seems to be working well.

"After hours of debates, discussions and deliberations, we are asking the council to review our recommendations. The committee's understanding is that our recommended changes will be referred to the Ordinance Committee at this time. That committee will report back to your full council and you will vote on an recommended changes by June 15, 2010.

"Enclosed in the packet you received two weeks ago, I am sure you found the document with all the final changes that the Charter Review Committee is recommending. In your copies, any recommended changes appear in red. A coy of the proposed charter changes will also appear on our website so that all citizens will have access. On the website copy, all recommendations appear underlined and in bold font to help those who do not have access to a color printer. The committee developed a Table of Contents highlighting all of the recommendations. We have divided our changes into two categories; Section 1 addresses substantive changes and Section 2 addresses housekeeping and/or clerical changes.

"The area of the charter that stimulated the most discussion was the budget process. Among our proposed changes, you will see several recommendations changing the time line that the budget process currently follows. We believe that if these changes are accepted, the entire budget process for the town will become much more realistic for all departments. We believe that the new time line will help deal with the uncertainty of

funding in these ever changing fiscal times. Superintendent Mary Jo Livingstone and the Weymouth School Committee were very appreciative of the fact that, if approved, the school department will have an extra 22 days to submit their budget which will give them the opportunity to have more realistic financial information to work with.

“This committee understands that the Town Council will review the document that we have submitted. After your vote by June 15, 2010, the Mayor will have the opportunity to review any changes brought forth.

“After the mayor’s review, any changes that are being recommended will be brought to the citizens of Weymouth for their vote at the following general election. This is one of the most important pieces in this entire process. On May 17, 1999, the voters of Weymouth elected to change our form of government. A very strong message was sent at that time. The citizens wanted our town to be led by a strong mayor who would be responsible to lead the Executive Branch of the Town under Article 3 of the Town Charter. A Town Council would be elected and be responsible to lead the Legislative Branch of the Town under Article 2 of the charter. By working together, these leaders would insure the Town of Weymouth would become more effective and efficient with its day-to-day operations.

“Throughout our deliberations, we kept referring back to the initial intent of the charter, a strong mayoral form of government. Throughout our recommendations, we have tried to live up to the integrity of that original intent. We would ask that as your proceed through your deliberations and as the Mayor begins her deliberations that the original will and the original intent of the voters will prevail.

“The Charter Review Committee is recommending that any changes to the Original Home Rule Charter that are approved by the voters become effective upon adoption by the citizens.

“As you move through your deliberations concerning our recommendations, the committee will be available to meet with you to answer any questions or concerns that may come up. We have been invited to attend the Ordinance Committee meeting on Monday, April 12th.

“Again, I want to thank you for the opportunity to speak with you tonight.”

-Barbara Deacon, Chairperson

President Mathews urged all councilors to attend the Ordinance Committee’s meeting on April 12, 2010. He thanked Ms. Deacon and Ms. Williams.

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

Presentation of Budget for Fiscal Year 2011 – James Wilson, Chief Financial Officer

President Mathews noted that Mr. Wilson would present on behalf of the Mayor, who is recuperating from recent surgery. Mr. Wilson read the following budget transmittal letter from Mayor Kay into the record, with a simultaneous power point presentation:

“March 31, 2010

“Dear Councilors:

“I hereby submit my proposed operating budget for Fiscal Year 2011 to the Town Council as required by the Town’s Charter.

“Generally speaking, this budget saddens me. It does not reflect what I believe a government should offer its citizens. This budget does, however, reflect the state of our economy. Cutbacks have become the ordinary course of doing business. For two years, this Town has utilized all available resources to provide an acceptable level of service to our citizens. That level of service requires manpower. Last year, my goal was to keep as many of our employees working as possible. We can no longer accomplish this goal. We will eliminate positions. We will have layoffs. For this Town to reduce the funded number of police and fire fighters below this year’s level is intolerable despite a bleak financial picture. We will not meet some of the state mandates. However, I could not fully fund the education mandate at the risk of not being able to keep our streets safe, be able to respond to fires or to remove snow and ice.

“This budget will adversely impact the current level of services we provide our citizens. The Department Heads have played a critical role to insure certain minimum levels are met. At this time, I am projecting that we close Town Hall to the public one day each week.

“More specifically, the Fiscal Year 2011 budget totals \$126,159,096. This budget is \$755,573 less than this year and \$255,415 less than that which was submitted to your for Fiscal Year 2008. Fiscal Year 2008 is the year in which the Commonwealth of Massachusetts uses to determine the Town’s ability to pay for education. I will use that year as a comparative year to illustrate our current circumstances.

“The FY2011 operating budget for the general fund projects no reliance on one time cash reserves. There are no recommended increases in fees for the general government.

“The Massachusetts Department of Revenue has cautioned all municipalities to budget their local revenues conservatively given the state of the economy. I believe that this budget reflects that cautionary note.

“You will find that local receipts are projected to be \$1.6 million less than in FY 2010.

The revenue sources hardest hit will be in the areas of building inspections and the State's reimbursement for certain school-based expenses. Interest income will also experience a lower rate of return than in FY 2010.

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"Despite the call by the Governor to level fund local aid, the Town has received advise that we will experience a \$1.7 million reduction in state aid to Weymouth and that may include an \$875,000 reduction in aid to our school system. As a direct result, our citizens should anticipate severe cuts in human services, public safety and education.

"In addition, the Cherry Sheet revenue may show a \$1.7 million decrease from FY 2010. This is only a projection as the legislature is still in the process of considering its contribution for the cities and towns.

"Fixed cost increases continue to dominate the expense side of the budget. We have experienced an increase in the appropriation for our unfunded retirement liability by approximately \$300,000. We have also seen an increase for health insurance costs as a direct result of a substantial increase announced by the Group Insurance Commission in early March.

"We began FY 2008 with an anticipated expense of \$11.2 million for health insurance costs. As 2008 progressed, the Town experienced six supplemental health insurance appropriations as a result of several catastrophic illnesses. We ended the year appropriating \$15.1 million for health insurance. In Fiscal Year 2011 that cost will balloon to \$17.8 million, an increase of \$17.9 percent. Furthermore, in FY 2008 our retirement costs stood at \$7.5 million. In FY 2011, we will be required to pay \$8.1 million, an increase of eight percent. The total increase for those two line items over the FY 2008 costs is \$3.4 million. The \$3.4 million will be absorbed through reductions in personnel, our largest expenditure. No department is unscathed.

"Despite the fact that our revenues are projected to be just below FY 2008 levels, the Commonwealth of Massachusetts has required that we increase our spending to the school department by \$6.1 million over the FY 2008 level. We simply cannot afford that type of increase. As a result, we will not be in compliance with the state statute known as the Education Reform Act. As with all departments, the FY 2011 appropriation for the school department will fall far below the FY 2008 level. I wish I could do more, but I cannot, given other state mandates and my belief that it is the responsibility of Town government to keep our citizens safe and the streets passable.

"The total school department appropriation is recommended at \$51,506,261, a decrease of \$826,022 from the FY 2010 appropriation.

"There are significant impacts to the School Department. Both the Superintendent and I are monitoring available sources of information. The School Committee and the Superintendent are working cooperatively with me. We are in constant communication. I am hopeful that this spirit will continue throughout the next few months. I believe that it will.

“I have budgeted for certain Public Works employee raises along with Traffic Supervisors (both members of AFSCME) as their collective bargaining agreements have been ratified for FY 2010. Both bargaining units have accepted a zero percent raise for FY 2008 and FY 2009 and a 2.5 percent increase commencing January 1, 2010 (an economic impact of 1.25% for FY 2010).

“Salary adjustments for other contractual obligations and step increases for those entitled to them have been included in my proposal. Our non-union staffs, three police department unions, one firefighter union along with several small unions in the school department, have not received a raise in salary since July 1, 2006. We are currently awaiting word from the Joint Labor Management Commission (JLMC) on the disposition of the firefighter’s contract. The decision of the JLMC may require the Council to address the firefighter’s labor contract in the not too distant future.

“I do not believe that the federal stimulus package will have any impact on non-school budgets as the regulations clearly require us to match any funds we receive for up to three years after the federal funding is exhausted.

“I have summarized all budget reductions for each department in the executive summary of your budget book. The cost of these reductions will exceed \$1 million in unemployment costs and potentially an additional \$600,000 in federally mandated health insurance costs.

“I do not plan on requesting a supplemental appropriation until the Legislature and the Governor enact a FY 2011 budget and the Department of Revenue has announced the impact of that budget on Weymouth. Normally, this process is completed in July.

“Free cash for FY 2011 is estimated to be \$1,000,000. This calculation is based upon projected receipts from various tax title properties and unexpended line items contained within the FY 2010 budget. This number is dependent upon our collection rate for FY10. If receipts for motor vehicle excise and real estate taxes fall below those levels in the fourth quarter, we could experience a revenue deficit during fiscal year 2010, our current fiscal year. I will report to you the collection rate at our annual town meeting, which is usually two weeks following the due date of the 4th quarter real estate tax.

“I have also included two measures which will have a direct impact on our FY 2011 budget. I have requested an appropriation of \$510,000 for a 53rd payroll week. A 53rd week occurs once every six years. FY 2011 is one of those years. In addition, I have submitted to you a \$500,000 free cash appropriation to help meet some of our projected FY 2011 unemployment liability. This measure will bring the total appropriation for unemployment expenses to \$1.2 million.

“The Capital Improvement Plan has been submitted to Council and lists identified priorities for the next five years. Investing in our capital needs is critical for the long-term health of our community. However, under the current circumstances, there will be

no requests for new capital projects despite several needs.

“I have included the Community Preservation Committee budget with no specific project requests. The Committee is currently reviewing requests and will be presented at a later date. I have made no changes from what was presented to me by the Committee. This budget reflects a reduction in state reimbursements for this program. The budget has been requested at \$719,749, a decrease of \$313 from FY 2011.

“The Sewer Department budget will remain level funded for FY 2011 despite a projected increase in MWRA charges. Like the Sewer Department, the Water Department budget will also be a level funded budget for FY 2011.

“As always, my staff is available to assist in your deliberations.

“Sincerely,

“Susan M. Kay, Mayor”

Following, President Mathews asked how the numbers provided historically compare with other years. Mr. Wilson noted that if the numbers in this budget hold true in the legislature, state support of government has not been this low since 2006. Generally speaking, state support of general government was at \$9.3M. If the budget currently before the legislature is adopted, support will decrease by \$1.5M to \$7.6M. On the other side, in 1998 aid to schools stood at \$15.1M. in FY 2011, if numbers hold, that number will reach \$22.9. The state priority, in terms of budgetary support, is clearly education at the expense of general government. Overall support has not been as low since 2006.

10 020-General Government Annual Appropriation (Segregated by Department and coded alphabetically)

A MOTION was made by Councilor O'Connor to refer item 10 020 Annual Appropriation to the Budget/Management Committee and was seconded by Councilor Smart. UNANIMOUSLY VOTED.

10 021-Revolving Accounts Annual Authorization

A MOTION was made by Councilor O'Connor to refer item 10 021 Revolving Accounts Annual Authorization to the Budget/Management Committee and was seconded by Councilor Smart. UNANIMOUSLY VOTED.

10 022-Gifts Accounts Annual Authorization

A MOTION was made by Councilor O'Connor to refer item 10 022 Gift Accounts Annual Authorization to the Budget/Management Committee and was seconded by Councilor Smart. UNANIMOUSLY VOTED.

10 023-Unpaid Bills

A MOTION was made by Councilor O'Connor to refer item 10 023 Unpaid Bills to the Budget/Management Committee and was seconded by Councilor Smart. UNANIMOUSLY VOTED.

10 024-Fiscal Year 2011 Supplemental Appropriation for Unemployment Insurance Liability

A MOTION was made by Councilor O'Connor to refer item 10 024 Supplemental Appropriation for Unemployment Insurance Liability to the Budget/Management Committee and was seconded by Councilor Smart. UNANIMOUSLY VOTED.

10 025-Free Cash Appropriation for 53rd Payroll Week

A MOTION was made by Councilor O'Connor to refer item 10 025 Free Cash Appropriation for 53rd Payroll Week to the Budget/Management Committee and was seconded by Councilor Smart. UNANIMOUSLY VOTED.

10 026-Sewer Enterprise Fund Annual Appropriation

A MOTION was made by Councilor O'Connor to refer item 10 026 Sewer Enterprise Fund Annual Appropriation to the Budget/Management Committee and was seconded by Councilor Smart. UNANIMOUSLY VOTED.

10 027-Water Enterprise Fund Annual Appropriation

A MOTION was made by Councilor O'Connor to refer item 10 027 Water Enterprise Fund Annual Appropriation to the Budget/Management Committee and was seconded by Councilor Smart. UNANIMOUSLY VOTED.

10 028-Community Preservation Committee Annual Appropriation

A MOTION was made by Councilor O'Connor to refer item 10 028 Community Preservation Committee Annual Appropriation to the Budget/Management Committee and was seconded by Councilor Smart. UNANIMOUSLY VOTED.

10 029-Police Department Overtime Reappropriation

A MOTION was made by Councilor O'Connor to refer item 10 029 Police Department Overtime Reappropriation to the Budget/Management Committee and was seconded by Councilor Smart. UNANIMOUSLY VOTED.

A MOTION was made by Councilor O'Connor to reconsider **items 10 020 through 10 029** and was seconded by Councilor Smart. UNANIMOUSLY VOTED.

10 020-General Government Annual Appropriation (Segregated by Department and coded alphabetically)

Mr. Wilson requested ,on behalf of the Mayor, an appropriation for the general fund totalling \$126,159,097 for all expenses for the maintenance and operation of the town's several departments and activities for fiscal year 2011.

A MOTION was made by Councilor O'Connor to refer item 10 020 Annual

Appropriation to the Budget/Management Committee and was seconded by Councilor Smart. UNANIMOUSLY VOTED.

10 021-Revolving Accounts Annual Authorization

Mr. Wilson requested, on behalf of the Mayor, an annual authorization for revolving accounts. They are for the Conservation Fund, Law Enforcement Fund, Community Services Fund, the second part of the Law Enforcement Trust Fund, and Parks and Recreation Revolving Account.

A MOTION was made by Councilor O'Connor to refer item 10 021 Revolving Accounts Annual Authorization to the Budget/Management Committee and was seconded by Councilor Smart. UNANIMOUSLY VOTED.

10 022-Gifts Accounts Annual Authorization

Mr. Wilson requested on behalf of the Mayor an annual authority for the town's department heads to accept gift accounts and to expend from those gift accounts, all in accord with Ch. 44, section 53A. There are twelve such accounts.

A MOTION was made by Councilor O'Connor to refer item 10 022 Gift Accounts Annual Authorization to the Budget/Management Committee and was seconded by Councilor Smart. UNANIMOUSLY VOTED.

10 023-Unpaid Bills

Mr. Wilson reported that there are several unpaid bills from FY09 that have come to attention. They total \$25,449. The Mayor seeks a Free Cash Appropriation for that purpose. Mr. Wilson has certified that the goods and services have been received during FY09.

A MOTION was made by Councilor O'Connor to refer item 10 023 Unpaid Bills to the Budget/Management Committee and was seconded by Councilor Smart. UNANIMOUSLY VOTED.

10 024-Fiscal Year 2011 Supplemental Appropriation for Unemployment Insurance Liability

Mr. Wilson requested on behalf of the Mayor a Free Cash Appropriation in the amount of \$500,000 for FY11 unemployment costs.

A MOTION was made by Councilor O'Connor to refer item 10 024 Supplemental Appropriation for Unemployment Insurance Liability to the Budget/Management Committee and was seconded by Councilor Smart. UNANIMOUSLY VOTED.

10 025-Free Cash Appropriation for 53rd Payroll Week

Mr. Wilson requested on behalf of the Mayor a request for \$510,000 from Free Cash for the purpose of funding various salary lines for a 53rd payroll week in FY 2011. This occurs every six years.

A MOTION was made by Councilor O'Connor to refer item 10 025 Free Cash Appropriation for 53rd Payroll Week to the Budget/Management Committee and was seconded by Councilor Smart. UNANIMOUSLY VOTED.

10 026-Sewer Enterprise Fund Annual Appropriation

Mr. Wilson requested on behalf of the Mayor an annual appropriation for the Sewer Department in the amount of \$13,573,262 from the receipts from the Enterprise Fund for the purposes of the salaries, operation and expenses during FY 2011.

A MOTION was made by Councilor O'Connor to refer item 10 026 Sewer Enterprise Fund Annual Appropriation to the Budget/Management Committee and was seconded by Councilor Smart. UNANIMOUSLY VOTED.

10 027-Water Enterprise Fund Annual Appropriation

Mr. Wilson requested on behalf of the Mayor an annual appropriation for the Water Department for FY 2011 in the amount of \$8,764,188.

A MOTION was made by Councilor O'Connor to refer item 10 027 Water Enterprise Fund Annual Appropriation to the Budget/Management Committee and was seconded by Councilor Smart. UNANIMOUSLY VOTED.

10 028-Community Preservation Committee Annual Appropriation

Mr. Wilson requested on behalf of the Mayor an annual appropriation for the Community Preservation Committee for FY 2011 in the amount of \$719,749.

A MOTION was made by Councilor O'Connor to refer item 10 028 Community Preservation Committee Annual Appropriation to the Budget/Management Committee and was seconded by Councilor Smart. UNANIMOUSLY VOTED.

Additionally, Mr. Wilson reported, there are three measures for consideration in FY 2010:

10 029-Police Department Overtime Reappropriation

Mr. Wilson requested on behalf of the Mayor an appropriation in the amount of \$150,000 from the police department salary line item to the overtime line item.

A MOTION was made by Councilor O'Connor to refer item 10 029 Police Department Overtime Reappropriation to the Budget/Management Committee and was seconded by Councilor Smart. UNANIMOUSLY VOTED.

10 030-Veterans' Benefits

Mr. Wilson requested on behalf of the Mayor an appropriation from the General Reserve Fund in the amount of \$10,000 for the purpose of funding costs associated with requests from veterans in accord with MGL.

A MOTION was made by Councilor O'Connor to refer item 10 030 Veterans' Benefits to

the Budget/Management Committee and was seconded by Councilor Smart.
UNANIMOUSLY VOTED.

10 032-Sewer Department Overtime Reappropriation

Mr. Wilson requested on behalf of the Mayor a re-appropriation from the Sewer Department salary line item to the overtime line item.

A MOTION was made by Councilor O'Connor to refer item 10 032 Sewer Department Overtime Reappropriation to the Budget/Management Committee and was seconded by Councilor Smart. UNANIMOUSLY VOTED.

REPORTS OF COMMITTEES

Budget Management Committee-Vice Chairman O'Connor

10 017-Snow Removal-Free Cash Appropriation

Councilor O'Connor reported this measure was referred to the committee on March 15, 2010. The committee met on April 5, 2010. A public hearing was held on April 5, 2010. The Budget/Management Committee voted unanimous favorable action.

A MOTION was made by Councilor O'Connor that the Town of Weymouth raise and appropriate the sum of \$25,000, as amended, from free cash 002 to fund the anticipated deficit in the snow removal account and was seconded by Councilor Smart.
UNANIMOUSLY VOTED.

10 019-Fire Department Overtime Reappropriation

Councilor O'Connor reported this measure was referred to the committee on March 15, 2010. The committee met on April 5, 2010 and voted unanimous favorable action.

A MOTION was made by Councilor O'Connor that the Town of Weymouth transfer the sum of \$150,000 from the Fire Suppression and Rescue Salary line item to the Fire Suppression and Rescue Overtime line item was seconded by Councilor Smart.
UNANIMOUSLY VOTED.

Rules Committee-Chairman Whitaker

10 001-Review of Town Council Rules and Regulations 2010-2012

Councilor Whitaker reported on the committee's completion of the review of the Town Council Rules and Regulation for 2010-2012. At the start of the review, he requested public and councilor input for any proposed changes to the rules. In response, fewer than 50 proposed changes were received. The recommendations to the council were presented as a single package for approval. To assist in the assessment of the changes, two documents were provided; one showing the substantive changes, and one showing the final formatted copy for council's consideration. He drew attention to three areas of change:

1. Several grammatical errors and typographical issues were corrected

2. Formatting broken up to allow easier identification of specific rules with an electronic copy formatted with rules bookmarked
3. Several substantive changes including:
 - a. recording secretaries administrative authority appointed by the president
 - b. role of the councilors during Public Hearings and Resident and Community Comment has been redefined to improve the public's opportunity to participate and bring their message before the council. More detail added as to the process the public may utilize to formally bring a matter before council
 - c. the role of councilors during Announcements portion of the agenda has been further defined to guide the distinction between announcements and new business
 - d. late agenda items are required to be disclosed to the full council before a vote can be taken to add a late agenda item
 - e. proposed expanding the biannual review process of the Town Council Rules from 90 to 120 days as the first council matter of the year is generally organizational. Committee assignments are not always finalized until the second council meeting in January-the new timeframe would allow the committee a full 90 days to review the rules and report back to the council with recommendations.

Councilor Whitaker thanked the members of the committee for their thoughtful deliberations and contributions, as well as Council Assistant Diane Hachey, Asst. Town Clerk Kathy Deree, Town Solicitor George Lane, Director of IT and Administrative Services Michael Gallagher, and residents Linda McDonald and Robert Montgomery Thomas. He further noted that the committee unanimously accepted every rule change proposed before the full council.

A motion was made by Councilor Whitaker that the town approve and adopt the Town Council Rules 2010-2012, as the Rules of the Town Council, effective immediately, and which shall remain in full force and effect as the rules of the Weymouth Town Council (until voted otherwise) and was seconded by Councilor Conlon. UNANIMOUSLY VOTED.

Economic Development Committee-Chairman Pap

Discussion and Vote on Movie Tax Credit Resolution

Chairman Pap reported that the Economic Development Committee met the previous week to consider the movie tax credit resolution proposed by Arthur Mathews, President of the Town Council, and Councilor O'Connor. He noted that the councilors who offered the resolution were ahead of the curve, given the House's subsequent vote, essentially rejecting the cap on the current movie tax credit. The meeting was an opportunity to discuss what was happening at Southfield and concerns regarding the East/West parkway. The Economic Development Committee recommended unanimous favorable action, and on behalf of the committee, a MOTION was made by Councilor Pap to adopt the movie tax credit resolution and to author and communicate a letter describing the urgency

around the East/West parkway project. This motion was seconded by Councilor McDonald.

Councilor O'Connor noted the reason that the resolution offered was the urgent need to provide economic growth to the area. 1600-3000 trade jobs will be provided by the Southfield project, many of which will go to Weymouth residents. It will also create 750-1500 permanent jobs in the movie production business and related industries. The industry has a proven track record, and if Weymouth does not act, other towns will. This is in Weymouth's backyard and Weymouth needs it. He supports it fully and urges the rest of the councilors to follow suit. Councilor Conlon concurred with Councilor O'Connor's comments.

Vote passed 8/0, with Councilor Whitaker abstaining.

NEW BUSINESS

10 031-Proposed Ordinance Amendment to Section 8-401-Excavations – President Arthur Mathews-District Six Councilor Michael Smart

President Mathews noted he and Councilor Smart authored this measure. He read the memo requesting consideration:

“We are requesting a referral of this measure to the Ordinance Committee. Enclosed is an amendment to Section 8-401 of the Town of Weymouth Code of Ordinances. This section is for excavations and attached to this memo is a new subsection E, that will deal with excavation to streets by public utility companies or private contractors.

“Over the past few years, we've been disappointed with the quality of work when a road is excavated and repaired by a public utility company or private contractor. We've seen many of our streets in town left in a deplorable condition; most recently Union, Hollis and Randolph streets to name a few. It is clear that the streets worked on are not being left in the condition prior to the construction.

“This amendment will require them to replace all asphalt, from the furthest incision in the street to the closest sidewalk or shoulder on any street where the work is over twenty continuous feet in length. All completed work will have to be approved by the Director of Public Works, and failure to comply with this section of the ordinance will result in suspension of all future permits in town to the applicant until the road is completed.

“We look forward to discussing this matter with you in the Ordinance Committee.”

Councilor Smart noted that four of five years ago, when permit requests came before the council he made sure that certain criteria were met and that streets were put back together as well or better than the conditions they were in prior to construction. Requests for permits stopped coming before council. There is a lot of utility work going on and there are streets all over town in deplorable condition, not only the three mentioned above in District 6.

He noted that when this is in committee he expects the administration and the DPW to be prepared to explain how and why utilities were allowed to circumvent the street opening permit process.

A MOTION was made by Councilor Smart to refer item 10 031 to the Ordinance Committee and was seconded by Councilor O'Connor. UNANIMOUSLY VOTED.

ADJOURNMENT

The next Town Council meeting will be held on Tuesday, April 20, 2010, due to the Patriot's Day Holiday, at 7:30 PM.

At 9:00 PM, there being no further business, a MOTION to adjourn was made by Councilor Smart and seconded by Councilor Whitaker. UNANIMOUSLY VOTED.

Respectfully submitted by Mary Briggs as recording secretary

Approved by Council President Arthur Mathews