

**MINUTES OF THE TOWN COUNCIL**

**Town Hall Council Chambers**

**April 7, 2008**

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

Also Present: Susan Kay, Mayor  
Maureen Duffy, Town Auditor  
Franklin Fryer, Town Clerk  
George Lane, Town Solicitor  
James Wilson, Chief Financial Officer  
Jeanne Savoy, Mayor's Assistant

Recording Secretary: Janet Murray

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

**ANNOUNCEMENTS**

Councilor O'Connor announced that on 5/12/08 at 7:30pm Weymouth will hold its Annual Town meeting at Abigail Adams Auditorium.

Councilor Molisse announced that summer recreation program registration started on March 29, 2008. Registration is open to Weymouth residents only until April 14, 2008.

Councilor Molisse announced that the carnival will be held at Weymouth High School from 4/23 – 4/27. Discount coupons are available. The proceeds will benefit Weymouth Day

Councilor Lacey commended the Fire Department for a job well done. There was a difficult fire on Blake Road several weeks ago and a firefighter was injured.

Councilor Mathews announced that there will be a meeting regarding "green" lawns at Hajjar's on Wednesday April 9, 2008 at 7pm.

**Citation Issuance to Weymouth Junior Basketball League Sixth Grade South Shore Championship Team-Councilor Thomas J. Lacey**

Councilor Lacey recognized the Weymouth Junior Basketball League Sixth Grade Travel Championship team and Coach Long. All team members and the Coach were presented with citations.

## MINUTES

### **Ordinance Committee Meeting of March 3, 2008**

A MOTION was made by Councilor Mathews to ACCEPT the minutes from 3/3/08 and was seconded by Councilor O'Connor and UNANIMOUSLY VOTED.

### **Town Council Meeting of March 3, 2008**

A MOTION was made by Councilor Mathews to ACCEPT the minutes from 3/3/08 and was seconded by Councilor O'Connor and UNANIMOUSLY VOTED.

### **Rules Committee Meeting of March 10, 2008**

A MOTION was made by Councilor Mathews to TABLE the minutes from 3/10/08 and was seconded by Councilor O'Connor and UNANIMOUSLY VOTED.

### **Ordinance Committee Meeting of March 10, 2008**

A MOTION was made by Councilor Mathews to ACCEPT the minutes from 3/10/08 and was seconded by Councilor O'Connor

**Councilor Whitaker amended the minutes on page 3, 7<sup>th</sup> line as follows; remove “must” and insert “could”.**

Councilor Whitaker made a SUBSTITUTE MOTION to AMEND the minutes as noted and was seconded by Councilor O'Connor and UNANIMOUSLY VOTED.

### **Rules Committee Meeting of March 17, 2008**

A MOTION was made by Councilor Mathews to ACCEPT the minutes from 3/17/08 and was seconded by Councilor O'Connor and UNANIMOUSLY VOTED.

### **Budget/Management Committee Meeting of March 17, 2008**

A MOTION was made by Councilor 3/17/08 to ACCEPT the minutes from 3/17/08 and was seconded by Councilor O'Connor and UNANIMOUSLY VOTED.

### **Town Council Meeting of March 17, 2008**

A MOTION was made by Councilor Mathews to ACCEPT the minutes from 3/17/08 and was seconded by Councilor O'Connor

Councilor Whitaker amended the minutes under announcements on paragraph 2, first line, and first line as follows; delete “Massachusetts Commission against Discrimination” and insert

“Weymouth Commission on Disabilities”, and in the same paragraph remove “MCAD” and insert “town’s”.

Councilor Whitaker made a SUBSTITUTE MOTION to AMEND the minutes as noted and was seconded by Councilor O’Connor and UNANIMOUSLY VOTED.

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

**Presentation of Budget for Fiscal Year 2008**-Mayor Susan Kay, James Wilson, Chief Financial Officer

Mayor Kay gave a presentation regarding her proposed budget for fiscal year 2009.

She pointed out that in the past few years budget growth has exceeded recurring revenue growth and there has been a dependence on non-recurring revenue-- such as the sale of town own land and one-time payments from South Shore Tri-Town Development Corporation.

In FY 2004 the stabilization fund had \$3.2 million and there was \$2.7 million in free cash. Between FY 2004 and 2007 there was \$4.3 million in free cash. This money was used to fund pay increases, snow removal deficits, health insurance deficits and capital expenses. The stabilization fund was reduced to \$1.1 million in order to balance the operating budget. Free cash is currently at \$180,000 and the stabilization fund is at \$1.1 million. There is no reserve for health insurance or snow removal deficit which is \$500,000.

Mayor Kay stated that expenditures need to be brought in line with recurring revenue. A letter from the Department of Revenue (DOR) dated 12/27/07 states that the town must increase the overlay, realistic estimate of local receipts. Projected revenue will be reviewed by DOR.

Councilor Conlon asked if there “may” be layoffs or “would” be layoffs. Mayor Kay stated that there would definitely be layoffs in the School Department and there may be layoffs in the Police Department.

Councilor DiFazio asked if there was any non-recurring money that could help to pay for the costs of at least some of the Legion Field work. The Mayor stated that she was not aware of any funds but she noted that she was still looking at making Legion Field safer.

Councilor Lacey asked if the Mayor would hold to the previous plans for the money to be received from LNR as part of the Host Community Agreement. He asked if the Mayor would forward to the Council any information on this topic. Mayor Kay agreed to do this.

Councilor Whitaker noted that the filing of this budget begins a long period of review of the entire budget.

Council President Smart asked when the backup information for the School Department would be available. Mayor Kay stated that this information should be available in a week or two.

Councilor DiFazio announced the schedule for the Budget/Management Committee. He stated that the information is available on the website. The meetings will be held from April 15 to May 23, 2008.

**Fiscal Year 2009 Budget Measures:**

**08 026-General Government Annual Appropriation**

A MOTION was made by Councilor Mathews to REFER item number 08 026 to the Budget/Management Committee and was seconded by Councilor O'Connor and was UNANIMOUSLY VOTED.

**08 027-Revolving Accounts Annual Authorization**

A MOTION was made by Councilor Mathews to REFER item number 08 027 to the Budget/Management Committee and was seconded by Councilor O'Connor and was UNANIMOUSLY VOTED.

**08 028-Gift Accounts Annual Authorization**

A MOTION was made by Councilor Mathews to REFER item number 08 028 to the Budget/Management Committee and was seconded by Councilor O'Connor and was UNANIMOUSLY VOTED.

**08 029-Reserve Fund Transfer-Voting Machine Upgrades/Clerk's Office**

A MOTION was made by Councilor Mathews to REFER item number 08 029 to the Budget/Management Committee and was seconded by Councilor O'Connor and was UNANIMOUSLY VOTED.

**08 030-Unpaid Bills**

A MOTION was made by Councilor Mathews to REFER item number 08 030 to the Budget/Management Committee and was seconded by Councilor O'Connor and was UNANIMOUSLY VOTED.

**08 031-Appropriation to Overlay Accounts**

A MOTION was made by Councilor Mathews to REFER item number 08 031 to the Budget/Management Committee and was seconded by Councilor O'Connor and was UNANIMOUSLY VOTED.

**08 032-Sewer Enterprise Fund Annual Appropriation**

A MOTION was made by Councilor Mathews to REFER item number 08 032 to the Budget/Management Committee and was seconded by Councilor O'Connor and was UNANIMOUSLY VOTED.

**08 033-Wetlands Replication Sewer Retained Earnings**

A MOTION was made by Councilor Mathews to REFER item number 08 033 to the Budget/Management Committee and was seconded by Councilor O'Connor and was UNANIMOUSLY VOTED.

**08 034-Water Enterprise Fund Annual Appropriation**

A MOTION was made by Councilor Mathews to REFER item number 08 034 to the Budget/Management Committee and was seconded by Councilor O'Connor and was UNANIMOUSLY VOTED.

**08 035-Great Pond Water Treatment Plant Design Supplemental Contract**

A MOTION was made by Councilor Mathews to REFER item number 08 035 to the Budget/Management Committee and was seconded by Councilor O'Connor and was UNANIMOUSLY VOTED.

**08 036-Tank Painting-Reed Avenue**

A MOTION was made by Councilor Mathews to REFER item number 08 036 to the Budget/Management Committee and was seconded by Councilor O'Connor and was UNANIMOUSLY VOTED.

**08 037-Great Pond Water Treatment Plant Increase**

A MOTION was made by Councilor Mathews to REFER item number 08 037 to the Budget/Management Committee and was seconded by Councilor O'Connor and was UNANIMOUSLY VOTED.

**08 038-Community Preservation Committee Annual Appropriation**

A MOTION was made by Councilor Mathews to REFER item number 08 038 to the Budget/Management Committee and was seconded by Councilor O'Connor and was UNANIMOUSLY VOTED.

**08 039-Abigail Adams Birthplace Supplemental Request**

A MOTION was made by Councilor Mathews to REFER item number 08 039 to the Budget/Management Committee and was seconded by Councilor O'Connor and was UNANIMOUSLY VOTED.

**08 041-Appointment-Director of Human Resources-Melvin Einhorn**

In accordance with Section 2-10 of the Town Charter, the Mayor submits the name of Melvin Einhorn for appointment as the Director of Human Resources.

A MOTION was made by Councilor Mathews to REFER item number 08 041 to the Budget/Management Committee and was seconded by Councilor O'Connor and was UNANIMOUSLY VOTED.

**08 042-Confirmatory Deed-Sportsmen's Club**

On behalf of the Town of Weymouth, the Mayor submits the following measure to Town Council for consideration:

“That the Town of Weymouth, through Town Council, authorize the Mayor to execute a Confirmatory Deed to the Weymouth Sportsmen's Club, Inc., to correct a scrivener's error made in the original deed description, executed and recorded in 1949, in order to clear title.”

A MOTION was made by Councilor Mathews to REFER item number 08 042 to the Ordinance Committee and was seconded by Councilor O'Connor and was UNANIMOUSLY VOTED.

**08 043-Confirmatory Deed/Plan-Holmes Avenue**

On behalf of the Town of Weymouth, the Mayor submits the following measure to Town Council for consideration:

“That the Town of Weymouth, through Town Council, authorize the Mayor to execute a Confirmatory Deed from the Town of Weymouth to John G. Doyle and Mary F. Doyle, to ratify and confirm the prior conveyance of September 5, 2007, wherein the description referred to a sketch accompanying said deed, and whereas a plan has since been drawn and recorded at the Norfolk Registry in Book 578, Page 78 on February 29, 2008, concerning said conveyance.”

A MOTION was made by Councilor Mathews to REFER item number 08 043 to the Ordinance Committee and was seconded by Councilor O'Connor and was UNANIMOUSLY VOTED.

**08 044-15 Winter Court-Water Supply Land**

On behalf of the Town of Weymouth, the Mayor submits the following measure to Town Council for consideration previously paid to Kevin P. Martin and no longer necessary for water supply purposes:

“That the Town of Weymouth, through Town Council, and with the approval of the Mayor, authorize the transfer to a certain parcel of land shown on Weymouth Assessor’s Map Sheet #29, as Block #376, Lot 28 containing 8,117 square feet, more or less, said transfer to take effect upon the passage of a Legislative Act by the Massachusetts Legislature, a copy of which is appended hereto.”

A MOTION was made by Councilor Mathews to REFER item number 08 044 to the Ordinance Committee and was seconded by Councilor O’Connor and was UNANIMOUSLY VOTED.

**08 045-Acceptance of Land Donation-Tommy Marks Way**

On behalf of the Town of Weymouth, the Mayor submits the following measure to Town Council for consideration:

“That the Town of Weymouth, through Town Council, authorize the acceptance of a bequest of land for conservation purposes, a vacant parcel known as lot 18, located on Tommy Marks Way, Weymouth, and containing approximately 4.28 acres of land.”

A MOTION was made by Councilor Mathews to REFER item number 08 045 to the Budget/Management Committee and was seconded by Councilor O’Connor and was UNANIMOUSLY VOTED.

**08 046-Acceptance of Land Donation-Paomet Road**

On behalf of the Town of Weymouth, the Mayor submits the following measure to Town Council for consideration:

“That the Town of Weymouth, through Town Council, authorize the acceptance of a bequest of certain parcels of vacant land situated on Wituwamat Road and Paomet Road, (North), containing approximately 72,460 square feet for conservation purposes.”

A MOTION was made by Councilor Mathews to REFER item number 08 046 to the Budget/Management Committee and was seconded by Councilor O’Connor and was UNANIMOUSLY VOTED.

**08 047-Mullin Rule Acceptance**

On behalf of the Town of Weymouth, the Mayor submits the following measure to Town Council for consideration:

“That the Town of Weymouth, through Town Council, and with the approval of the Mayor, move to accept the provisions of G.I. C. 39, Sec. 23D, which permits local board members who miss a single session of an adjudicatory hearing before their board to be able to vote on the matter, provided that they review the evidence submitted at the missed hearing session and file a Certificate to said effect.”

A MOTION was made by Councilor Mathews to REFER item number 08 047 to the Ordinance Committee and was seconded by Councilor O'Connor and was UNANIMOUSLY VOTED.

**08 048-Interim Appointment-South Shore Tri-Town Development Corporation Board Member-David Chandler**

On behalf of the Town of Weymouth, the Mayor submits the following measure to Town Council for consideration:

As a courtesy to your members and due to the resignation of SSTTDC Board member, Robert W. Terravecchia, I respectfully submit the name of David Chandler for interim appointment to the SSTTDC Board.”

Mayor Kay stated that due to the resignation of Robert Terravecchia from the Tri-Town Development Corporation Board she is bringing information to the Council regarding an interim board member.

Councilor Mathews thanked Mayor Kay for bringing this appointment before the Council although it is not actually required.

Councilor Mathews asked how much time remains on Mr. Terravecchia's term. Mayor Kay stated that he was reappointed in December so this appointment is for the 3 years of this term.

Mayor Kay noted that Mr. Rogers, the Rockland member has also resigned.

Councilor DiFazio asked what is expected of the Budget/Management Committee as to the approval of this appointment. Council President Smart stated that the expectation is to inform the Council on the qualifications of the appointee and to make a recommendation regarding the appointment.

A MOTION was made by Councilor Mathews to REFER item number 08 048 to the Budget/Management Committee and was seconded by Councilor O'Connor and was UNANIMOUSLY VOTED.

**REPORTS OF COMMITTEES**

**Ordinance Committee-Chairman Kevin Whitaker**

**Sex Offender Ordinance**

Councilor Whitaker stated that a revised draft of this ordinance will be distributed. The Mayor and the Police Chief are reviewing this draft. There will be further meetings to discuss this matter.

**08 018-Acceptance of M.G.L. Chapter 53 Section 94-Nomination Papers**



Councilor Whitaker stated that this measure would result in three changes:

1. Candidates for elections are to request blank nomination papers 48 hours prior to the filing deadline
2. Candidates for elections are to provide their name, address, and office sought when obtaining nomination papers
3. The number of blank nomination papers provided is limited to five (5) times the number of signatures required.

The deadline to file does not change. Solicitor Lane has pointed out that the Council must accept the changes in total or not at all. A public hearing is not required as this is the acceptance of a general law which does not require one.

Councilor Whitaker stated that at the Ordinance committee this was voted 4-1 to favor the adoption of the measure. Comments against the measure were that it could give unfair advantage to incumbents, and may interfere with a candidate's election strategy.

Comments in favor of the measure were administrative support, optimal utilization of staff resources, permitted under state law, deference to Town Clerk's experience in election matters, and other towns have adopted this without known incident.

A MOTION was made by Councilor Whitaker to recommend favorable on item number 08 018 and was seconded by Councilor O'Connor. The MOTION PASSED on a 9-2 vote with Councilor Pap and Councilor Harrington voting in the negative.

## **ADJOURNMENT**

At 8:30pm there being no further business, Councilor Mathews MOTIONED to adjourn and Councilor O'Connor seconded and was UNANIMOUSLY VOTED.

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