

MINUTES OF THE TOWN COUNCIL
Town Hall Council Chambers
April 19, 2005

Present: Thomas J. Lacey, President
Michael Smart, Vice-President
Paul J. Leary
Colin McPherson
Kenneth DiFazio
Susan Kay
Michael Molisse
Arthur Mathews
Gregory Hargadon
Gregory Shanahan

Absent: Joseph Connolly

Also Present: George Lane, Town Solicitor
Richard Swanson, Town Auditor
Franklin Fryer, Town Clerk
Jane Hackett, Chief of Staff

Recording Secretary: Janet Murray

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

ANNOUNCEMENTS

Councilor Molisse noted that the Town of Weymouth Clean- Up day will be May 21, 2005.

Councilor Leary stated that yard waste day is next week, as it is only every other week. He also stated that there had been a clean- up at the Ralph Talbot School and it was very successful.

Councilor Lacey stated a schedule for the Budget/Management meetings for the FY 06 budget is available.

MINUTES

Economic Development-Budget/Management – 12/9/04 (tabled from 3/21/05)

Councilor Smart made a MOTION to APPROVE the minutes from the Budget/Management meeting from 12/9/05 and was seconded by Councilor Kay and was UNANIMOUSLY VOTED.

Special Town Council Meeting (Public Hearing #2) – 2/3/05

Councilor Smart made a MOTION to APPROVE the minutes from the Special Town Council Meeting (Public Hearing #2) from 2/3/05 and was seconded by Councilor Kay and was UNANIMOUSLY VOTED.

Special Town Council Meeting (Public Hearing #1) – 2/17/05

Councilor Smart made a MOTION to APPROVE the minutes from the Special Town Council Meeting (Public Hearing #1) from 2/17/05 and was seconded by Councilor Molisse and was UNANIMOUSLY VOTED.

Special Town Council Meeting (Public Hearing #3) – 2/24/05

Councilor Smart made a MOTION to APPROVE the minutes from the Special Town Council Meeting (Public Hearing #3) from 2/24/05 and was seconded by Councilor Molisse and was UNANIMOUSLY VOTED.

CITIZEN'S CONCERN/COUNCIL RESPONSE

Clean-up of Canadian Geese Droppings – Wayne Ferry

Mr. Wayne Ferry of Geralyn Road, South Weymouth, expressed concern regarding Canadian Geese droppings at Whitman's Pond. He stated that he had learned about fruit squeezings that have been used as a repellant against the geese. It is food grade material.

Councilor Mathews stated that he was aware of this issue. He suggested that Mr. Ferry attend the Whitman's Pond Association meeting scheduled for Thursday, April 21, 2005, at the Tufts Library at 7pm. He noted that Lorraine Larabee is the President of this Association.

It was noted that Councilor Hargadon is the Chairman of the Public Safety Committee.

CarePacks – support for US Troops Overseas – Rick Donahue/Steve McAllister

Mr. Rick Donahue of 31 Woodland Drive and Mr. Steve McAllister of 11 Woodland Drive stated that there will be an event at the IBEW Hall to raise money to send care packages to our military personnel who are stationed overseas. The event will be held on April 30, 2005 at 6pm. Tickets are \$20 in advance and \$25 at the door. The ticket line number is 1-781-337-9037.

Mr. Donahue noted that due to the new HIPPA laws, the Veterans' Associations are not allowed to give out names and he has had difficulty getting names of soldiers. He also noted that the cost of postage is approximately \$15-\$20.

The website is carepacks.org. Care Packs is a non-profit 501(c)3 organization.

Councilor Hargadon asked how an individual could add the name of a soldier. Mr. Donahue stated that he could be reached at 781-337-9037. Mr. McAllister could be reached at 781-340-0665. Also the website can be used to add a soldier's name.

OLD BUSINESS

Letter to Tri-Town Development Corporation – Proposed Revisions to Re-use Plan and Zoning Land Use By-Laws – President Lacey

Councilor Lacey stated that the Councilors have had the draft of this letter over the weekend. He stated that the conversation should be for editing purposes. He also stated that not all Councilors would agree 100% with everything in the letter- but that the letter is important to the process. Councilor Lacey stated that South Shore Tri-Town Development Corporation (SSTTDC) is meeting on April 25, 2005.

Councilor Lacey stated that the burden for the cost of the school (page 2) should be borne solely by the developer. Also, the burden for the cost of traffic and parking (page 3) should be borne solely by the developer.

Councilor McPherson asked for clarification on jurisdiction in regards to the education of the school children, police and fire services. It is his opinion that SSTTDC is only developing the base. He is concerned that SSTTDC could become a shadow government.

Town Solicitor George Lane stated that the enabling legislation in Section 6(e) discusses municipal services. There are provisions regarding agreement with the towns to provide municipal services.

Councilor DiFazio stated that he does not believe that in the agreements there is any indication that Weymouth would be providing education, fire, and police services. He agreed with Councilor McPherson that there is a possibility that SSTTDC could become a shadow government.

Solicitor Lane stated that the legislation allows SSTTDC to form the regulatory framework. He agreed that Councilors should only consider that which is spelled out in the existing documents.

Councilor McPherson expressed concern about voting to create another government within the Town of Weymouth.

Solicitor Lane stated that the issue is how are municipal services implemented and what mechanism would be used for Fire, EMS, Police, DPW, and Education.

Councilor Leary stated that SSTTDC could contract with one of the three towns or contract with a private third party. Solicitor Lane agreed with this statement- that SSTTDC is not mandated to contract with one of the three towns.

Councilor Mathews expressed concern as to what happens to any regulatory framework when SSTTDC dissolves. This issue is not clear.

Solicitor Lane noted that Section 30 (b) addresses termination provisions and under v-1 municipal transfers are discussed. He recommended that this issue be directed towards SSTTDC for more specific information.

Councilor DiFazio recommended two additions. The first is in regards to the number of students. He questioned what basis is used to project this number. He recommended a maximum bedroom count through the zoning document to determine the number of students. His second recommendation is a financial analysis to be included in the reuse plan.

Councilor Molisse stated that he believed that user fees should not be greater than those that are charged by the Weymouth Recreation Department.

Councilor Kay stated that the location and number of egresses onto Route 18 should be reviewed again as discussed in the Re-use Plan.

Councilor Leary questioned if the revenues are in perpetuity. Who votes to dissolve SSTTDC? Solicitor Lane stated that the Board of Selectmen, Town Council, Town Meeting, and Mayor have the ability to vote to dissolve SSTTDC.

Solicitor Lane stated that SSTTDC can be extended for up to five years- with the agreement of the three towns.

Councilor Kay questioned if SSTTDC is voting on all current information that had been provided by the peer reviewers. It is not clear if this is the case.

Councilor Mathews recommended that the Council invite the State Legislators before the Council votes on the Plan.

Councilor Lacey confirmed that the Legislators would be invited before the Council as part of the budget process.

Solicitor Lane stated that the intermunicipal agreement must be authorized by the Council and approved by the Mayor in Weymouth, and by the Town Meetings in Rockland and Abington.

Councilor Lacey stated that there is nothing in the letter in regards to snow removal and trash fees being a part of the association fees.

Councilor McPherson made a MOTION to RECESS to edit the document as discussed and Councilor Kay seconded the motion for discussion.

A SUBSTITUTE MOTION was made by Councilor Hargadon to continue meeting while the document is edited and was seconded by Councilor Kay and UNANIMOUSLY VOTED.

Councilor Smart excused himself in order to discuss the above-mentioned changes with Diane Hachey and to return a finalized copy of the letter to the Council upon completion.

COMMUNITCATION FROM MAYOR, TOWN OFFICERS, AND TOWN BOARDS

05 049 – Reserve Fund Transfer – Insurance - \$30,000

A MOTION was made by Councilor Leary to REFER to Budget/Management Item #05 049 and was seconded by Councilor Mathews and was UNANIMOUSLY VOTED.

05 050 – Re-appropriation Request – Town Clerk's Salary Line \$3100

A MOTION was made by Councilor Leary to REFER to Budget/Management Item #05 050 and was seconded by Councilor Mathews and was UNANIMOUSLY VOTED.

REPORTS OF COMMITTEES

Budget/Management Committee – Chairman DiFazio

Town Auditor Employment Contract

This item was referred to Budget/Management in February. It has been discussed in Committee on 3/8/05, 4/04/05, and 04/14/05. The Committee voted favorably to extend the current contract through 12/1/06 with editing of the contract by Human Resources.

A MOTION was made by Councilor DiFazio to recommend FAVORABLE ACTION as amended and was seconded by Councilor Kay and was UNANIMOUSLY VOTED.

05 027 – Reserve Fund Transfer – Medical Payments - \$4012

This Item was referred to the Committee on 4/4/05 and a meeting was held on 4/14/05. The Committee voted unanimously to recommend favorable action.

A MOTION was made by Councilor DiFazio to recommend FAVORABLE ACTION on Item #05 027 and was seconded by Councilor Leary and UNANIMOUSLY VOTED.

05 028 – Reserve Fund Transfer – Non Contributory Retirement Benefits - \$2200

This Item was referred to the Committee on 4/4/05 and a meeting was held on 4/14/05. The order was amended and the last line was changed from FY 06 to FY 05. The Committee voted unanimously to recommend favorable action.

A MOTION was made by Councilor DiFazio to recommend FAVORABLE ACTION on Item #05 028 as amended and was seconded by Councilor Leary and UNANIMOUSLY VOTED.

05 029 – Reserve Fund Transfer – Mayor’s Salary - \$2844

This Item was referred to the Committee on 4/4/05 and a meeting was held on 4/14/05. The title of the line item was changed from “Mayor’s Salary” to “Mayor’s Salary Line Item”. The Committee voted unanimously to recommend favorable action.

A MOTION was made by Councilor DiFazio to recommend FAVORABLE ACTION on Item #05 029 as amended and was seconded by Councilor Leary and UNANIMOUSLY VOTED.

05 030 – Re-appropriation Request to Police Department Overtime - \$165,000

This Item was referred to the Committee on 4/4/05 and a meeting was held on 4/14/05. The Committee voted unanimously to recommend favorable action.

A MOTION was made by Councilor DiFazio to recommend FAVORABLE ACTION on Item #05 030 and was seconded by Councilor Leary and UNANIMOUSLY VOTED.

05 031 – Re-appropriation Request – Medicare - \$100,000

This Item was referred to the Committee on 4/4/05 and a meeting was held on 4/14/05. The Committee voted unanimously to recommend favorable action.

A MOTION was made by Councilor DiFazio to recommend FAVORABLE ACTION on Item #05 031 and was seconded by Councilor Leary and UNANIMOUSLY VOTED.

05 032 – CDBG and Home Funding Authorization

This Item was referred to the Committee on 4/4/05 and a meeting was held on 4/14/05. The Committee voted unanimously to recommend favorable action.

A MOTION was made by Councilor DiFazio to recommend FAVORABLE ACTION on Item #05 032 and was seconded by Councilor Leary and UNANIMOUSLY VOTED.

05 033 – Prior Years Unpaid Bills - \$8027.36

This Item was referred to the Committee on 4/4/05 and a meeting was held on 4/14/05. It was noted that the amount of this item was corrected. It originally read \$7355 and has been corrected to read \$8027.36. The Committee voted unanimously to recommend favorable action.

A MOTION was made by Councilor DiFazio to recommend FAVORABLE ACTION on Item #05 033 and was seconded by Councilor Leary and UNANIMOUSLY VOTED.

A MOTION was made by Councilor DiFazio to RECESS for 15 minutes and was seconded by Councilor Leary and was UNANIMOUSLY VOTED.

Councilor Lacey called the meeting back from recess at 9:25pm. He noted that the Council will discuss changes to the draft that were made while in recess and will ultimately vote to submit this document to SSTTDC. The letter will be hand-delivered on 4/20/05 to SSTTDC.

There was discussion of the changes that were made to the draft letter. The following is a list of changes which were discussed:

- Add an outdoor skating rink.
- Fees charged by SSTTDC should be less than or equal to the fees charged by the Weymouth Recreation Department.
- Schools – cost to be borne by the developer and added Councilor DiFazio's paragraph which speaks to the number of school- age children and add to reuse plan the calculation for total net revenues.
- Traffic and Parking – cost to be funded by the developer.
- Water and Sewer – describe in detail effluent discharge.
- Miscellaneous issues – no change.
- "And/or developer" is added to page 4 under number 1 for Water and Sewer in regards to usage of water from the Town of Weymouth.
- "Existing" Re-use Plan on page 6 to be added.
- Peer reviews conducted are updated and are addressed and taken into consideration by SSTTDC.
- Number 6 will be deleted. This will be discussed with State Legislators.
- Number 5 will also be deleted.

A MOTION was made by Councilor Smart to APPROVE the letter to be forwarded to SSTTDC and was seconded by Councilor Leary and UNANIMOUSLY VOTED.

NEW BUSINESS

Recording Secretary Procedure – President Lacey

Councilor Lacey stated that the Human Resource Department Director, Denise Coleman, has taken this issue under advisement for the payment of Recording Secretary Invoices. It was noted that a measure number would need to be assigned to this item.

Councilor Leary made a MOTION to REFER this item to the Rules Committee and was seconded by Councilor Kay and was UNANIMOUSLY VOTED.

Late Agenda Items – Councilor Kay

Councilor Kay made a MOTION to add two late agenda items for updates on the reclassification of the Town Clerk's position and the correcting of the polling place locations, and was seconded by Councilor Hargadon and was UNANIMOUSLY VOTED.

1. Reclassification of the Town Clerk's Position – Councilor Lacey stated that the Human Resource Department has worked with him and the Town Clerk's Office. A comparable analysis has been completed. Human Resources is waiting for two items from Councilor Lacey on the difference between the former form of government and the current city form of government. He expected that this should be completed in May.

2. Polling Places – This item is in regards to the correcting of some polling place locations in order that they are handicap accessible. Councilor Lacey has inquired to Administration as to funding and priority. This is a work in progress. He stated that he would inquire again as to the status of this item.

ADJOURNMENT

At 9:50pm there being no further business, Councilor Leary MOTIONED to adjourn and Councilor Molisse seconded and was UNANIMOUSLY VOTED.

Approved by: _____
T.J. Lacey, President