

**MINUTES OF THE
TOWN COUNCIL MEETING
APRIL 20, 2004**

PRESENT: T.J. Lacey (President), Michael Smart (Vice President), Joe Connolly, Ken DiFazio, Greg Hargadon, Sue Kay, Paul Leary, Arthur Mathews, Colin McPherson, Michael Molisse and Greg Shanahan

OTHERS: Frank Fryer, Richard Swanson, George Lane, Jane Hackett and Jim Wilson

President Lacey called the Town Council Meeting to order on April 20, 2004 at 7:30 p.m. in the Council Chambers, Town Hall.

ANNOUNCEMENTS

President Lacey: Public Hearing Schedule

04 096 – To Appropriate \$2.2 Million for Contract #1 Winter Street to Essex Street, a public hearing will be held on May 3, 2004 at 7:39 p.m. in the Council Chambers.

04 097 – To Appropriate \$6.7 Million for Contract #3 Libbey Pump Station to Route 3, a public hearing will be held on May 3, 2004 at 7:40 p.m. in the Council Chambers.

04 098 – To Appropriate \$2.2 Million for Contract #4 Force Main from Libbey Street, a public hearing will be held on May 3, 2004 at 7:41 p.m. in the Council Chambers.

Point of information from Councilor Kay: She asked if these were changed from another date as she did not have them on her calendar. President Lacey stated that these public hearings need to be announced prior to the public hearings.

Councilor Shanahan: As Chairman of the Environmental Committee he has been asked to announce that for the 4th year in a row, Weymouth has received the designation of Tree City USA by the State Department of Environmental Management.

This Year's Harbor Day will be held at the Murphy School on Friday, April 30, 2004 at 10:00 am. Every student will be sent home with a seedling to plant.

President Lacey: The Mayor has made a decision to invest in refurbishing the kids landing park and recreation area. This playground is the most actively used in Weymouth. Back in the late 1980's a large group of volunteers built this playground area and it has been a very attractive place for people to spend time with their children. It is now in need of repair and restoration.

APPROVAL OF PRIOR MINUTES

Councilor Smart MOTIONED to approve the Special Town Council meeting minutes of March 23, 2004. Councilor Mathews seconded.

Discussion:

Councilor Kay stated on the last page there were 8 recaps from South Shore Tri-Town Development and we only received item #1. She requested that President Lacey look into #2-8.

VOTED UNANIMOUSLY

Councilor Smart MOTIONED to approve the Town Council minutes of April 5, 2004. Councilor Mathews seconded. VOTED UNANIMOUSLY

Councilor Smart MOTIONED to approve the Public Works Committee minutes of April 5, 2004. Councilor Kay seconded. VOTED UNANIMOUSLY

CITIZEN'S CONCERN/COUNCIL RESPONSE

President Lacey stated that Representative James Murphy has requested to be added to the agenda.

Councilor Leary MOTIONED to add Representative James Murphy as a late agenda item under Citizen's Concern/Council Response. Councilor Kay seconded.

VOTED UNANIMOUSLY

Helen Maloney and Lou Rizzo regarding the closing of St. Albert's Church, Weymouth

Helen Maloney, 48 Westminster Road, Weymouth
Lou Rizzo, 537 Pleasant Street, Weymouth

They are before the Council because the Archbishop of Boston has asked the 5 Catholic Parishes in Weymouth to recommend a parish for closing under his new reconfiguration. The recommendation to the archbishop is that no parish should be closed. However if they must chose one they chose St. Albert's Church because it is smaller than the other four churches and would not be able to accommodate the additional people. The other reasons were that it did not have a parish school and the continued support of catholic schools was a priority.

Mr. Rizzo stated they are very aware of the separation between the church and state and are not asking the town to do anything that would jeopardize that. He reviewed all the services the town would loose if the parish were to close. (see attached). They asked the individual councilors to write a letter to the Archbishop as a concerned citizen.

President Lacey stated that this is a sensitive issue. He urged the councilors to act individually and reach out to these people with support in the form of a letter.

Councilor Hargadon stated that he doesn't see why the Council as a whole can not send a letter. They are here to help people. He is aware of the separation of church and state but this letter would not be advocating Catholicism just saying that we would like the church to remain open.

Councilor Lacey stated that their request was for individual letters. Helen Maloney said in the beginning she wanted a letter from the council as a whole until she heard it might put the council in harms way. They did not want to put the council in a position.

Councilor Connolly thanked them for coming this evening. The parish does a lot of good work and he has no problem supporting a resolution or a unanimous letter.

Councilor Leary asked if we could hear from solicitor Lane.

Solicitor Lane stated that he agrees with the heart of it to help the church. You are being asked to weigh in on a decision of the Catholic Church. He issued a caveat to the Council that there are organizations out there that watch this type of activity. It is a church decision that you are trying to influence. There is no question that it benefits the town. He asked that the councilors weigh in individually but as a motion or resolution of this council he stands very guarded on this matter.

Councilor Kay appreciates solicitor Lane's opinion and we are all very sensitive to this issue. The church has pointed out the human services issue for 2500 people and many more in this town. She advocates a letter if it stays in the human services element and not church, Catholicism or religion.

Councilor Mathews stated that he is concerned about the piece of land itself. If the church sells, it is in a highway transitional zone and he fears what a developer could do there.

Councilor Molisse favors a letter also on what the town will lose if the church closes.

Councilor DiFazio asked if solicitor Lane is aware of any other public officials who have sent a letter. Solicitor Lane said not that he is aware of but other agencies including the Mayor have been contacted on this matter and he has given the same advice.

Councilor DiFazio asked if the concern was the councilors came together as a whole body and wrote the letter versus eleven individual letters. Solicitor Lane said he would feel much better with individual letters than by an action of the body itself.

Helen Maloney said that no decision has been made. It is just a recommendation.

President Lacey asked Mrs. Maloney again what her preference would be. Mr. Rizzo said that their request is to ask the council for their support in any way that they could do it without causing a problem.

Councilor McPherson said everyone sympathizes with them and nobody wants to see the church close but we want to be respectful of the separation issue and do this as properly as we can. He asked if there was some time of time line? It was stated yes there was.

Mr. Rizzo said if they did individual letter and signed them as Town Councilors it would be just as powerful as one letter from the whole body.

Councilor McPherson said a resolution could not be drafted this evening so if there is a time line then we should write individual letters.

President Lacey said he would entertain a motion for this council to consider writing a letter offered by the District 2 Councilor Arthur Mathews and President Lacey on behalf of this council to be given to solicitor Lane for review and sent to the archdioceses in support of Helen Maloney and Lou Rizzo's request this evening.

Councilor Hargadon said he does not want to go to war over this. A half an hour ago we pledged allegiance to god. He said he will give in but a letter as a whole body will not effect this town. He has given proclamations to rabi, ministers, priests etc. and he is not afraid of any organization that want to attack him for trying to do the right thing by helping people.

President Lacey said he would like to clarify because he thinks he is saying the same thing. He is entertaining a motion for this council to consider writing a letter offered by the District 2 Councilor Arthur Mathews and President Lacey on behalf of the entire council to be given to solicitor Lane for review and sent to the archdiocese in support of Helen Maloney and Lou Rizzo's request this evening.

Councilor Smart said so moved. Councilor Mathews seconded.

Discussion:

Councilor Leary said solicitor Lane's opinion was not to do what you are proposing and he will be writing a letter himself.

Councilor Molisse said if there is a letter he would like to see everyone sign it.

Councilor Mathews asked George Lane is he knows of any other communities having a problem addressing an issue with a church. Solicitor Lane said not that he is aware of. Time is an issue and he suggests that individual letters be written. It is not so much the phraseology of the individual letters but the fact that the body is weighing in on a potential decision of the Catholic Church. Again he advised individual letters.

Councilor DiFazio he hasn't heard this evening that there would be no greater benefit whether this council acts jointly or individually. Therefore, we are going to get the benefit of our individual feelings as town councilors. If it's a group action we sustain some potential risk or concern. Why take a risk when we can obtain the same benefit with individual letters. He will not be supporting this motion.

Councilor Connolly asked solicitor Lane if it would matter if it is on Town Council stationary or individual stationary. It was stated yes it does. He would prefer individual stationary.

Councilor Leary made a substitute motion to send individual letters from the members of the council supporting St. Albert's Church. Councilor Molisse seconded.

Discussion:

Councilor Kay said she will support the substitute motion as 11 letters vs. 1 letter may make a better impact. She would like to see it within a certain time frame.

Councilor Molisse will support this substitute motion.

Councilor McPherson supports the substitute motion not because he disagrees with Councilor Hargadon he just feels that it will simplify matters and in the end he is not sure it would matter as much and it will keep us out of trouble.

Councilor DiFazio stated that we are not acting collectively to tell any councilor to send a letter if they do not want to send one. We are leaving it up to the individual councilors.

President Lacey asked Councilor Leary if this was clear in his motion and Councilor Leary said yes.

President Lacey clarified the substitute motion to support individually if so be it by individual town councilors of Mr. Rizzo's and Mrs. Maloney's requests on us regarding St. Albert the Great Church.

VOTED 10-1 (Hargadon – No) Substitute motion passes.

State Representative James Murphy

He stated that he agrees with the testimony of Mrs. Maloney and Mr. Rizzo. He is very concerned about the effects this parish closing will have on the town. He wrote a letter to the Archdiocese Sean O'Malley and read it into the record for the Council. The archdiocese plans on announcing the church closings the first week in May. If you wish to voice your opinion it should be done as soon as possible.

Councilor McPherson announced Archbishop Sean O'Malley's address at 1201 Commonwealth Avenue, Brighton, Ma 02135-3192.

PUBLIC HEARINGS

7:35 p.m. 04 071 – Appropriate \$2,901.54 from Free Cash for Unpaid Bills

Councilor Smart MOTIONED to open the public hearing on 04 071 at 8:23 p.m.
Councilor Kay seconded. VOTED UNANIMOUSLY

Mr. Wilson stated this seeks to pay 3 unpaid bills in the amount of \$2,901.54. The source of funding is from free cash which currently stands at \$1.1 million dollars. Two are for the Military Service fund. It is the town's policy for those public employees who are service in Iraq or Afghanistan that we contribute to the Weymouth retirement board for that service. The total amount is \$901.54. The remaining \$2,000 is for DEP surcharge which is for the over sight of a fuel tank removal and spill at Hollis Street.

All persons were given the opportunity to speak.

Councilor Smart MOTIONED to close the public hearing on 04 071 at 8:24 p.m.
Councilor Kay seconded. VOTED UNANIMOUSLY

7:36 p.m. 04 073 – Appropriate \$200,000 from Sewer Retained Earnings for projected shortfall in the Enterprise Fund.

Councilor Smart MOTIONED to open the public hearing on 04 073 at 8:25 p.m.
Councilor Mathews seconded. VOTED UNANIMOUSLY

Mr. Wilson stated that this \$200,000 is coming from retained earnings. The current balance in retained earnings is \$837,000. On April 6th the Chief of Staff forwarded to the council a revenue analysis for this particular enterprise fund. It shows that the revenues are approximately 2% down from anticipated revenues. Two percent of \$10 million is approximately \$200,000 which will fill in the gap created by the shortfall. If the shortfall does not occur, this \$200,000 will revert to the retained earnings. You are not authorizing the expenditure you are saying in the event there is a shortfall this \$200,000 may be utilized to support the sewer enterprise fund. It is not an appropriation for expenditure.

Councilor Kay stated that the budget/management committee reviewed this in committee and that his why there are no questions at this time.

All persons were given the opportunity to speak.

Councilor Smart MOTIONED to close the public hearing on 04 073 at 8:26 Councilor Hargadon seconded. VOTED UNANIMOUSLY

7:37 p.m. 04 074 – Appropriate \$252,918.40 from Sewer Retained Earnings to Worker’s Comp. Claims Fund

Councilor Smart MOTIONED to open the public hearing on 04 074 at 8:27 p.m.
Councilor Kay seconded. VOTED UNANIMOUSLY

Mrs. Hackett said this to fund the sewer enterprise funds liability for the worker’s compensation claims fund 8101. The current balance in the Sewer Enterprise Fund is approximately \$837,000. This is similar to the health insurance allocation system for both the water and sewer.

All persons were given the opportunity to speak.

Councilor Smart MOTIONED to close the public hearing on 04 074 at 8:28 p.m.
Councilor Kay seconded. VOTED UNANIMOUSLY

7:38 p.m. 04 075 – Appropriate \$32,833.36 from Water Retained Earnings to Worker’s Comp. Claims Fund

Councilor Smart MOTIONED to open the public hearing on 04 075 at 8:29 p.m.
Councilor Kay seconded. VOTED UNANIMOUSLY

Mrs. Hackett said this is similar to the previous request. There is approximately over \$1.1 million in that account for the purpose of funding the Water Enterprises liability for the worker’s compensation.

All persons were given the opportunity to speak.

Councilor Smart MOTIONED to close the public hearing on 04 075 at 8:30 p.m.
Councilor Mathews seconded. VOTED UNANIMOUSLY

7:39 p.m. 04 099 – Mass. Electric/Verizon, Davids Island Road

Councilor Smart MOTIONED to open the public hearing on 04 099 at 8:31 p.m.
Councilor Kay seconded. VOTED UNANIMOUSLY

Mr. Hernandez Yopez from Mass. Electric said this is to relocate pole #7 on Davids Island Road due to a construction of a new house. It is currently located where the proposed driveway is. It will be moved 38 feet. Maps were provided with the petition.

Councilor Leary asked how long the run is from pole 8 to pole 7 and it was stated 120 feet.

Councilor Shanahan asked when will it begin and end. Mr. Yopez said within the next few weeks. There are no complaints that they know of.

All persons were given the opportunity to speak.

Councilor Hargadon MOTIONED to close the public hearing on 04 099 at 8:32 p.m.
Councilor Smart seconded. VOTED UNANIMOUSLY

Councilor Leary MOTIONED to approve measure # 04 099 Mass. Electric/Verizon,
Davids Island Road under section 2-9 (b) of the Charter. Councilor Smart seconded.
VOTED UNANIMOUSLY

OLD BUSINESS – NONE

COMMUNICATION FROM THE MAYOR, TOWN OFFICERS AND BOARDS

04 100 – Re-appropriation request of \$2,100 from Town Council Audit to Town Council Salary

Mrs. Hackett stated that the Mayor requests referral to the budget/management committee. This is for the town council department to fund the financial assistant moving to full time from April 26th through June 30, 2004.

Councilor Smart MOTIONED to refer measure # 04 100 to the budget/management committee. Councilor Kay seconded. VOTED UNANIMOUSLY

04 101 – Appointment to Board of Library Trustees, Eileen Dumont

Mrs. Hackett said this is a new appointment and her term will expire on June 30, 2007. This is a result of Mr. John Riley not seeking re-appointment. The Mayor was exceptionally impressed by the quality of the candidates that he received for this position. She requests refer to the budget/management committee.

Councilor Smart MOTIONED to refer measure # 04 101 to the budget/management committee. Councilor Kay seconded. VOTED UNANIMOUSLY

04 102 – Re-appointment to Housing Authority, James Cunningham

Mrs. Hackett said his term will expire June 30, 2009. Generally by ordinance all committees are for three year terms but the charter establishes this by statute that is why this is a 5 year term. She requests referral to budget/management committee.

Councilor Smart MOTIONED to refer measure # 04 102 to the budget/management committee. Councilor Leary seconded. VOTED UNANIMOUSLY

Mrs. Hackett announced that the Kid's Landing will be closed from April 26th through the second week in May as they work on the playground.

REPORTS OF COMMITTEES

Budget/Management: Chairman DiFazio

04 069 – Appointment to Board of Elder Services, Terrance Winter

Chairman DiFazio reported that this measure was referred to the budget/management committee on 4/5/03 and they met on 4/12/03. The committee unanimously recommended favorable action.

Councilor Leary MOTIONED to approve measure # 04 069 the appointment of Terrance Winter, 179 Moreland Road, Weymouth, Ma 02189 for appointment to the Board of Elder Services. His new term will expire on June 30, 2005. Councilor McPherson seconded. VOTED UNANIMOUSLY

04 070 – Re-appropriation to Fund 3416 CP Residual Account

Chairman DiFazio reported that this measure was referred to the budget/management committee on 4/5/03 and they met on 4/13/03. The committee unanimously recommended favorable action. There are approximately 12 accounts that total \$7,921.80.

Councilor DiFazio MOTIONED to approve measure # 04 070 FY04 CP Residual Fund 3416. Councilor Leary seconded.
VOTED UNANIMOUSLY

04 071 – Appropriate \$2,901.54 from Free Cash for FY04 Unpaid Bills

Chairman DiFazio reported that this measure was referred to the budget/management committee on 4/5/03 and they met on 4/13/03. The public hearing this evening on 4/20/04 was advertised on 4/8/04. The committee unanimously recommended favorable action.

Councilor DiFazio MOTIONED to approve measure # 04 071 that the Town of Weymouth raise and appropriate the sum of \$2,901.54 from free cash for the purpose of paying the following unforeseen FY04 bills:

\$123.13 – Brad Sherich, Military Service Fund
\$778.40 – Thomas Clarke, Military Service Fund
~~\$2000.00~~-DEP/DPW surcharge 8/2/03
\$2,901.54

Councilor Leary seconded. VOTED UNANIMOUSLY

Councilor Kay said the DEP is charging surcharges that communities have not budgeted for. All communities are facing this.

04 072 – RFT of \$18,294.92 for FY04 Unpaid Bills

Chairman DiFazio reported that this measure was referred to the budget/management committee on 4/5/03 and they met on 4/13/03. The committee unanimously recommended favorable action.

Councilor DiFazio MOTIONED to approve measure # 04 072 that the Town of Weymouth raise and appropriate the sum of \$18,294.92 from the reserve fund for the purpose of paying the attached unpaid bills. Furthermore, the town accountant is authorized to expend said appropriation in accordance with the measure as passed by the Town council. Councilor Kay seconded. VOTED UNANIMOUSLY

04 073 – Appropriate \$200,000 from Sewer Retained Earnings for projected shortfall in Sewer Enterprise Fund

Chairman DiFazio reported that this measure was referred to the budget/management committee on 4/5/03 and they met on 4/13/03. The public hearing this evening on 4/20/04 was advertised on 4/8/04. The committee unanimously recommended favorable action.

Councilor DiFazio MOTIONED to approve measure # 04 073 that the Town of Weymouth appropriate the sum of \$200,000 from Sewer Retained Earnings for the purpose of funding a projected revenue shortfall in the Sewer Enterprise Fund. Councilor Kay seconded. VOTED UNANIMOUSLY

04 074 – Appropriate \$252,918.40 from Sewer Retained Earnings to worker's comp. claims fund 8101

Chairman DiFazio reported that this measure was referred to the budget/management committee on 4/5/03 and they met on 4/13/03. The public hearing this evening on 4/20/04 was advertised on 4/8/04. The committee unanimously recommended favorable action.

Councilor Smart MOTIONED to approve measure # 04 074 that the Town of Weymouth appropriate the sum of \$252,918.40 from Sewer Retained Earnings for the purpose of funding the Sewer Enterprise's liability for the Worker's Compensation Claim Fund 8101. Councilor Leary seconded. VOTED UNANIMOUSLY

04 075 – Appropriate \$32,833.36 from Water Retained Earnings to worker's comp. claims fund 8101

Chairman DiFazio reported that this measure was referred to the budget/management committee on 4/5/03 and they met on 4/13/03. The public hearing this evening on 4/20/04 was advertised on 4/8/04. The committee unanimously recommended favorable action.

Councilor Smart MOTIONED to approve measure # 04 075 that the Town of Weymouth appropriate the sum of \$32,833.36 from Water Retained Earnings for the purpose of funding the Water Enterprise's liability for the Worker's Compensation Claim Fund 8101. Councilor Leary seconded. VOTED UNANIMOUSLY

04 076 – Re-appropriation request of \$55,000 from water dept. distribution salary to the overtime

Chairman DiFazio reported that this measure was referred to the budget/management committee on 4/5/03 and they met on 4/13/03. The committee unanimously recommended favorable action.

Councilor DiFazio MOTIONED approve measure # 04 076 That the Town of Weymouth re-appropriate the sum of \$55,000 from the Water Department-Distribution Salary line item 62014180.510001 to line item 62014280.513001 Water Department-Distribution Overtime for the purpose of funding an anticipated shortfall in this line item. Councilor Leary seconded. VOTED UNANIMOUSLY

04 077 – Re-appropriation request of \$10,000 from Water Dept. Treatment Salary line to Overtime line

Chairman DiFazio reported that this measure was referred to the budget/management committee on 4/5/03 and they met on 4/13/03. The committee unanimously recommended favorable action.

Councilor DiFazio MOTIONED to approve measure # 04 077 That the Town of Weymouth re-appropriate the sum of \$10,000 from the Water Department-Treatment Salary line item 62014165.510001 to line item 62014265.513001 Water Department-Treatment Overtime for the purpose of funding an anticipated shortfall in this line item. Councilor Leary seconded. VOTED UNANIMOUSLY

04 078 – Acceptance of 2004-2005 HUD grants CDBG \$940,000 and HUD \$225,030

Chairman DiFazio reported that this measure was referred to the budget/management committee on 4/5/03 and they met on 4/13/03. The committee unanimously recommended favorable action.

Councilor DiFazio MOTIONED to approve measure # 04 78 That the Town of Weymouth accept the Fiscal year 2004-2005 HUD grant in the amounts of \$940,000 for CDBG and HOME funding for \$225,030. Furthermore, that the Director of Planning and Community Development, with the approval of the Mayor, be permitted to expend said grant in its entirety. Councilor Leary seconded.
VOTED UNANIMOUSLY

President Lacey commended the planning department for their efforts in getting these grants.

Councilor Mathews thanked the Planning Dept. and Mayor's office as the Echo Avenue road improvements are on this. The neighborhood has been trying for years to have the road repaved and they are happy to see this moving forward.

04 079 – Re-appropriation request of \$4,000 from HR salary to HR advertising

Chairman DiFazio reported that this measure was referred to the budget/management committee on 4/5/03 and they met on 4/13/03. The committee unanimously recommended favorable action.

Councilor DiFazio MOTIONED to approve measure # 04 079 that the Town of Weymouth re-appropriate the sum of \$4,000.00 from line item 11996130.510001 Human Resources Salaries to 11996445-530212 Human Resources Expense Advertising for the purpose of paying additional advertising. Councilor Kay seconded.
VOTED UNANIMOUSLY

04 080 – Re-appropriation request of \$2,000 from Town Council Audit expense to Town Council recording secretary

Chairman DiFazio reported that this measure was referred to the budget/management committee on 4/5/03 and they met on 4/13/03. The committee unanimously recommended favorable action.

Councilor DiFazio MOTIONED to approve measure # 04 080 That the Town of Weymouth re-appropriate \$2,000 from line item 11114411 530217 Annual Audit Expense to line item 11114110-512100 Recording Secretary payroll, within the Town Council Budget. Councilor Leary seconded.
VOTED UNANIMOUSLY

NEW BUSINESS – NONE

President Lacey expressed his congratulations to Lisa VanWinkle who just had a healthy baby boy! She has been a long time employee of the town who has done terrific work for the Licensing Department and the Town Council

Councilor Connolly thanked the Mayor's office for the list of streets being paved.

Councilor Leary reminded everyone that May 1st is the clean up of local parks and playgrounds and the DPW will provide trucks to pick up the waste.

Town Council Meeting

April 20, 2004

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Councilor McPherson asked when the public hearing on the budget will be. President Lacey said he has been working with Councilor Leary and Lee Hultin and it is scheduled for May 10, 2004 at Abigail Adams at 7:30 p.m.

MOTIONS, ORDERS AND RESOLUTIONS – NONE

ADJOURNMENT

Councilor Smart MOTIONED to adjourn at 8:55 p.m. Councilor Kay seconded.
VOTED UNANIMOUSLY

Respectfully submitted by

Lee Hultin, Recording Secretary

Approved by _____