

MINUTES OF THE TOWN COUNCIL
Town Hall Council Chambers
May 4, 2009

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

Not Present: Thomas J. Lacey

Also Present: James Wilson, Chief Financial Officer
Maureen Duffy, Town Auditor
Michael Gallagher, Director of Administrative Services
Jeanne Savoy, Assistant to the Mayor
George Lane, Town Solicitor
Franklin Fryer, Town Clerk
Kathy Deree, Assistant Town Clerk

Recording Secretary: Diane T. Hachey

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

ANNOUNCEMENTS

State of the Economy/Local Aid Fund Distribution
Representative Ron Mariano

Ron Mariano approached the Council (represents Districts 5,6,9,12, and 16).

Last Friday the House completed its budget, with revenue numbers are down \$900 million. Massachusetts has an estimated \$953 million deficit due largely to a decrease in state tax collection resultant from the state of the current economy.

The House approved a \$28 million projected Fiscal year 2010 budget, inclusive of a \$600 million dollar increase, in an effort to offset the projected shortfall.

This proposed plan includes an increase to the state tax rate from 5% to 6.25%. This would result in an increase to Massachusetts cities and towns of \$205 million. The

House plan includes an increase of \$300 million in transportation, but does not fund 55 other line items. The Department of Mental Health initially experienced cutbacks but has since been restored. The Quinn Bill funding was reduced by approximately half of its original funding.

The expected local aid was brought down from 10% to 3%- there was an attempt to restore local aid.

The Senate plans to finalize its budget in the latter part of May. They will be charged with remedying a \$300 million shortfall.

Mr. Mariano cautions those preparing town budgets to be extremely conservative and not to rely on the federal stimulus package as it will only be here for two years. We should view the stimulus package as a one time funding source. The package contains an additional \$50 per student which equates to \$328,000 for the school department. Weymouth has fared well, due to the effective budget management by Mayor Kay and Mr. Wilson.

Questions posed by numerous Councilors revealed the following:

- A municipal telecommunications relief package will be completed and will include a telecommunications tax--first three years of which will generate money, then it will drop off
- Meals tax estimate of \$1 million, and \$200 for hotel tax, should not be pursued as income
- Attempts to consolidate transportation in addition to implementation of casinos will not result in immediate relief to the state
- The Fore River Bridge will be completed with emergency bonded bridge funding; as the Governor has made bridge safety a priority.
- Quinn Funding is relied upon by Police Officers as a supplement to their income and has been reduced by ¼. The program was not eliminated but reduced in funding.

President Smart extended thanks on behalf of the Council to Mr. Mariano for appearing this evening for an update.

APPROVAL OF MINUTES

A MOTION was made by Councilor Mathews to ACCEPT the minutes of the Town Council meeting of April 21, 2009 and was seconded by Councilor O'Connor.
UNANIMOUSLY VOTED.

RESIDENT AND COMMUNITY COMMENT

Proposed Day Care Center at 1804 Commercial Street
-Lorraine Nicotera of 1800 Commercial Street
-Rosa Byrne of 23 Alton Terrace

Ms. Nicotera thanked the Council for the opportunity to speak on behalf of her neighbors. They are concerned that a day care center, with a 10 car parking lot is being proposed at 1804 Commercial Street. She is questioning why the applicant isn't pursuing this undertaking in Hingham, where she currently resides, and will not reside at the Weymouth location.

Ms. Nicotera requests that the Council review the ten points included in her correspondence and reject the proposal. At a minimum she is requesting that the Council postpone issuing of the building permits until her attorney submits briefs.

Ms. Byrne feels that the applicant's project came in secretly and is for her own financial gain-- which is the neighborhood's loss. She pleaded to the Council to preserve their neighborhood.

Councilor DiFazio met with the neighbors and he is aware of the ten reasons cited and deferred to Mr. Lane on the 40A application interpretation. Under MGL Section 40A, Chapter 3. Mr. Lane stated that this is an exemption from local zoning and therefore a permitted use. The town has previously litigated this issue in Land and Federal Court. Mr. Lane agrees with the building inspector's opinion as cited in the memorandum to the Council dated April 29, 2009.

Ms. Nicotera stated that the law was not written and intended for this use-but for a mother to stay at home with her children and take in a few others. She construes this as a misuse of the law.

Councilor Mathews is concerned that this proposal will negatively impact the quality of life for the neighborhoods/residents. Councilor Mathews shares the concerns of the residents and agrees with them that it appears as though the applicant is trying to work their way around the exemption of Section 40A. It is disturbing to him that the applicant is not residing on the premises and he asked if the residents had reached out to our Legislators to amend the state law. He is concerned that this situation doesn't recur so that somebody will not be able to scam their way through the law.

Ms. Nicotera confirmed that she had contacted our Legislators, including the Governor, and to date has not received a response.

Councilor Molisse noted his concern that the owner of the proposed center would not be residing at the location. He motioned to forward a letter to the Building Department requesting that they scrutinize this plan, motion seconded by Councilor DiFazio (who offered to draft letter) and voted unanimously.

PUBLIC HEARING

7:35 pm-09 040-National Grid/Verizon for 710-712 Main Street

Councilor Mathews motioned at 8:35 PM to open the public hearing on measure number 09 040-he stated that abutters were notified on 4/24/09, motion seconded by Councilor O'Connor and unanimously voted. Ms. Aileen Darois from National Grid appeared before the Council and explained that this petition is for the purpose of providing services to condominiums located at 710 through 712 Main Street. Councilor Harrington (who represents this district) said he does not have any issues.

President Smart asked if there were any comments from the public, to which there was no response. Councilor Mathews motioned to close the public hearing, seconded by Councilor O'Connor and unanimously voted.

Councilor Mathews motioned to consider measure number 09 040 under 2-9b (same night action), motion was seconded by Councilor O'Connor and unanimously voted. Councilor Mathews motioned for approval on measure number 09 040, motion seconded by Councilor O'Connor and unanimously voted.

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

President Smart requested the indulgence of the Council to add a late agenda item, so moved by Councilor Mathews, seconded by Councilor O'Connor and unanimously voted.

Richard Marino-Director of Health-H1 N1 virus update

Mr. Marino raised the following points:

- Have enough food and water on hand for 3 days for each family member
- Hand washing, distancing from others, and staying home when sick will alleviate chance of exposure
- CDC (Centers for Disease Control) and MDPH (Mass. Department of Public Health) have websites for further information
- No confirmed cases as of yet in the town of Weymouth-exposures locally are mild and benign

President Smart thanked Mr. Marino for his appearance this evening.

09 073-Community Preservation Committee Appropriation for Whitman's Pond Herbicide Treatment

Councilor Mathews motioned for referral to Budget/Management, seconded by Councilor

Town Council Meeting of 5/4/09

O'Connor and unanimously voted

09 074-Reappointment to the Board of Library Trustees-Donna Shea

Councilor Mathews motioned for referral to Budget/Management, seconded by Councilor O'Connor and unanimously voted.

09 075-Reappointment to the Community Events Committee-Anne Marie McCarthy

Councilor Mathews motioned for referral to Budget/Management, seconded by Councilor O'Connor and unanimously voted.

09 076-Reappointment to the Historical Commission-Theodore Clarke

Councilor Mathews motioned for referral to Budget/Management, seconded by Councilor O'Connor and unanimously voted.

09 077-Reappointment to the Recreation Commission-Steve Reilly

Councilor Mathews motioned for referral to Budget/Management, seconded by Councilor O'Connor and unanimously voted.

09 078- Reappointment to the Scholarship Fund Committee-Claire Cunningham

Councilor Mathews motioned for referral to Budget/Management, seconded by Councilor O'Connor and unanimously voted.

REPORTS OF COMMITTEES

BUDGET MANAGEMENT-KENNETH DIFAZIO

09 016-referred to Budget/Management on 4-6-09, the committee met on 4-30-09 and voted unanimous favorable action seconded by Councilor Mathews and voted unanimously.

09 016-Fire Department Overtime-Reserve Fund Transfer and Re-appropriation

Councilor DiFazio reported that this measure was referred to the Budget/Management Committee on 4-6-09, the committee met on 4-30-09 and voted unanimous favorable action. A motion was made by Councilor DiFazio, on behalf of the Budget/Management Committee for favorable action, motion seconded by Councilor Mathews and voted unanimously.

09 018- Re-appropriation for Street Lights-Department of Public Works

Councilor DiFazio reported that this measure was referred to the Budget/Management Committee on 4-6-09, the committee met on 4-30-09 and voted unanimous favorable action. A motion was made by Councilor DiFazio, on behalf of the Budget/Management Committee for favorable action, motion seconded by Councilor Mathews and voted unanimously.

09 019-Drug Free Program

Councilor DiFazio reported that this measure was referred to the Budget/Management Committee on 4-6-09, the committee met on 4-30-09 and voted unanimous favorable action. A motion was made by Councilor DiFazio, on behalf of the Budget/Management Committee for favorable action, motion seconded by Councilor Mathews and voted unanimously.

PUBLIC WORKS COMMITTEE-ARTHUR MATHEWS

New Water Supply Safe Yield Study

Councilor Mathews reports that Robert O'Connor and Steve Olson of Environmental Partners delivered a power point presentation at the Public Works Committee meeting, which was held on 4/28/09. All Councilors received copies of the power point.

Community Rating System (CRS) Approval Process

Councilor Pap brought this issue forward and as Jim Clarke was unavailable to attend the committee meeting, it was voted to continue this matter to a future meeting.

ADJOURNMENT

At 9:05 PM, there being no further business to conduct, a MOTION was made by Councilor Mathews to ADJOURN, seconded by Councilor O'Connor and UNANIMOUSLY VOTED.

Respectfully submitted by: Diane T. Hachey

Approved by:

Michael Smart-Town Council President