

TOWN COUNCIL MINUTES  
ANNUAL TOWN MEETING  
Abigail Adams Auditorium  
Abigail Adams Middle School  
Monday, May 11, 2009

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

Also Present: Susan M. Kay, Mayor  
James Wilson, Chief Financial Officer  
Michael Gallagher, Director of Administrative Svcs.  
George Lane, Town Solicitor  
Maureen Duffy, Town Auditor  
Sean Guilfoyle, Weymouth School Committee  
James Lockhead, Weymouth School Committee  
Karen Berry, Weymouth School Committee  
James Parker, Weymouth School Committee  
Gail Sheehan, Weymouth School Committee  
Mary Jo Livingstone, Superintendent of Schools  
Matt Ferron, Asst. Superintendent of Schools  
Mary Ann DeMello, Asst. Superintendent of Schools

Recording Secretary: Mary Briggs

President Michael Smart called the Annual Town Meeting to order at 7:30 PM. He then introduced the Sons of the American Legion Color Guard-Squadron #79, under the direction of Veterans Agent Frank Burke, to post the colors and conduct the Pledge of Allegiance.

Assistant Town Clerk Kathy Deree conducted the roll call, with all members present.

**ANNOUNCEMENTS**

Mayor Kay with Susan Kelly-Luscomb, Chair of the Commission on Disabilities presented the following residents with Disability Day Awards:

Phillip and Sheila Gerety – Mayor Kay noted that, although they have very little time to themselves as parents of two children with developmental disabilities, they are the first to volunteer and do so graciously. Ms. Kelly-Luscomb presented a Certificate of Appreciation and noted a \$50 donation in their name is being made to Friendship House. Mayor Kay read the Proclamation and a Citation from Senator Hedlund.

Christina Stuart - Mayor Kay noted her service to the children of Weymouth and the Special Olympics. Ms. Kelly-Luscomb presented a Certificate of Appreciation and a \$50 donation in her name to the Weymouth Public Schools Special Olympics. Mayor Kay read the Proclamation and a Citation from Senator Hedlund.

Chris DiMambro – as owner of Main Street Grille, Mayor Kay noted his countless efforts to raise funds for local charities, including the Weymouth Food Pantry, Relay for Life, Best Buddies Challenge, Cystic Fibrosis, Leukemia Society, Teens in Training and the Alzheimer Association, or to provide gift cards to local groups for fundraising efforts. Ms. Kelly-Luscomb presented a Certificate of Appreciation and a \$50

donation in his name to the Weymouth Relay for Life. Mayor Kay read the Proclamation and the Citation from Senator Hedlund.

### **PRESENTATION OF SCHOLARSHIP AWARDS**

Lois Desmond, Chair of the Scholarship Committee, announced the following scholarship awards for 2009. Ms Desmond noted that in its 18<sup>th</sup> year, the committee is pleased to present \$39,200 in scholarship awards to 25 graduating high school seniors, 3 vocational students, and 4 students currently enrolled in college programs. She thanked the contributing sponsors and the members of the Scholarship Selection Committee including Elaine DeCosta, Nancy Brennan and Claire Cunningham who reviewed 173 applications, and presented the awards with Council President Smart and Mayor Kay to the following recipients:

| <b><u>Recipient</u></b> | <b><u>Award</u></b> | <b><u>Sponsor</u></b>                              |
|-------------------------|---------------------|--|
| David Bean              | \$500               | Weymouth Lions Club Scholarship                    |
| Alison Brennan          | \$1000              | Pub 99 Scholarship                                 |
| Ellen E. Callahan       | \$2000              | Scholarship  |
| Sean P. Coleran         | \$2500              | Scholarship  |
| Olivia N. Corcoran      | \$1500              | Scholarship  |
| Emily K. Cunningham     | \$1000              | Main Street Grille Scholarship                     |
| Kelli N. Ellis          | \$500               | Super Shine Auto Wash Scholarship                  |
| Jennifer F. Farrell     | \$1000              | David G. Noble Memorial Scholarship                |
| Erin K. Flanagan        | \$1000              | ElectroSwitch Scholarship                          |
| Sean C. Galligan        | \$500               | Weymouth Youth Football & Cheerleading Scholarship |
| Conor M. Glover         | \$1000              | Friends of Vietnam, Inc. Memorial Scholarship      |
| Patrick S. Gorham       | \$500               | DeLuze Collision Center Scholarship                |
| Nancy R. Gutowski       | \$500               | Shea Elizabeth Dowd Memorial Scholarship           |
| Rebecca L. Haggerty     | \$1000              | William and Florence McGrath Memorial Scholarship  |
| Lynne E. Harrington     | \$500               | Michael J. Murphy Memorial Scholarship             |
| Amy A. Herrboldt        | \$500               | Rockland Federal Credit Union Scholarship          |
| Elizabeth M. Hickey     | \$500               | William F. Lane Jr. Memorial Scholarship           |
|                         | \$500               | TWSF Scholarship                                   |

| <b><u>Recipient</u></b> | <b><u>Award</u></b> | <b><u>Sponsor</u></b>                              |
|-------------------------|---------------------|--|
| Margaret A. Holland     | \$1500              | George H. Player Memorial Scholarship              |
| Kathleen E. Keeley      | \$500               | W.B. Bridges & Sons Ins. Agency Scholarship        |
| Ryan-Jean Keenan        | \$2000              | Scholarship  |
| Sean L. Kiely           | \$1000              | Weymouth Garden Club Scholarship                   |
| Julia A. Lacey          | \$2000              | Scholarship  |
| Robert G. Matthews      | \$500               | Dunkin Donuts Scholarship                          |
| Cara Anne McCarthy      | \$500               | Weymouth Youth Football & Cheerleaders Scholarship |
| Jordan E. McLevedge     | \$1000              | Joseph I Dalton Memorial Scholarship               |
| Sheila W. Njau          | \$500               | Richard W. Walsh III Memorial Scholarship          |
| Jacob L. Perriello      | \$500               | Richard W. Walsh III Memorial Scholarship          |
| Kyle J. Ripley          | \$2200              | Weymouth Club Scholarship                          |
| Haley M. Rivera         | \$1000              | Weymouth Town Taxi Scholarship                     |
| Sarah E. Shaughnessy    | \$2500              | Scholarship  |
| Martina X. Spain        | \$500               | Thomas J. Kelly Memorial Scholarship               |
| Evan A. Spetrini        | \$1000              | Lincoln Square Service Station Scholarship         |
| Samuel R. Stuart        | \$500               | J.F. Price Co. Scholarship                         |
| Alyson M. Sullivan      | \$500               | Ruth B. Sylvester Memorial Scholarship             |
| Danielle N. Vaughan     | \$500               | William L. Concannon Scholarship                   |
| Christie A. Walker      | \$500               | Weymouth Lodge of Eagles Scholarship               |
| Erin K. Walsh           | \$1500              | Reino & Gwendolyn Laine Memorial Scholarship       |
| Bridget K. White        | \$1000              | Connie G. Passero Memorial Scholarship             |
| Sean M. White           | \$500               | Representative James Murphy Scholarship            |
| Daniel R. Whitten       | \$500               | Trapani & Associates, Inc. Scholarship             |

## **MICHAEL SMART, PRESIDENT OF THE TOWN COUNCIL**

### **Town Council Highlights for Fiscal Year 2009**

#### **Introduction of Town Council Members**

Mr. Smart introduced the members of the Town Council: Arthur Mathews, District 4, Bob Conlon, At-Large, Ken DiFazio, District 3, Ed Harrington, District 5, Thomas Lacey, District 2, Brian McDonald, At-Large, Michael Molisse, At-Large, Patrick O'Connor, At-Large, Victor Pap, District 1, and Kevin Whitaker, At-Large. Mr. Smart then touched on the council's highlights of the past year, which include:

- \$744,000 supplemental 2009 budget
- Sale of the Fulton School Building for \$1,057,525
- Appointments to the Planning, Conservation, Health and other boards
- Awarding of \$1.32 million plus \$328,000 from 2008 for the renovation of the Fogg Library Building, and \$125,000 for Main Street housing by the Community Preservation Committee
- Creation of the Substance Abuse Prevention donor account
- Signage for traffic safety on Front Street
- Successful defeat of a Proposition 2 ½ Override by the School Department
- \$2 million savings in health care costs by the town joining the state GIC

He then thanked the Council staff, including Diane Hachey, Lisa VanWinkle, Franklin Fryer and Maureen Duffy.

Mr. Smart introduced the members of the School Committee who were present, including Chair Sean Guilfoyle, Vice Chair Jim Lockhead, members James Parker, Gail Sheehan; School Superintendent Mary Jo Livingstone and Assistant Superintendents Matt Ferron and Mary Ann DeMello.

#### **PUBLIC HEARINGS**

A MOTION was made by Councilor Mathews to OPEN the PUBLIC HEARINGS and was seconded by Councilor O'Connor. UNANIMOUSLY VOTED.

**09 015 – General Government Annual Appropriation**

**09 021 – Snow Removal-Free Cash Appropriation**

**09 024 – Gift Accounts Annual Authorization**

**09 027 – Revolving Accounts Annual Authorization**

**09 028 – Sewer Enterprise Fund Annual Authorization**

**09 029 – Sewer Division-Capital Expenditures-CP Residual**

**09 030 – Sewer Division-Capital Expenditures-Retained Earnings**

**09 031 – Water Enterprise Fund Annual Appropriation**

**09 034 – Water Division-Capital Expenditures-CP Residual**

**09 035 – Capital Request-Bond Authorization Route 18 Water Mains Project**

**09 036 – Community Preservation Committee Annual Appropriation**

**09 006 – Exemption from Civil Service for Police Chief Position**

#### **FISCAL YEAR 2010 BUDGET**

**State of the Town-** Mayor Susan Kay read the following prepared statement:

*“Thank you and good evening, Mr. President, members of the Town Council, Madam Clerk, Chairman Guilfoyle, members of the School Committee, and my fellow citizens. It is a pleasure to be here with you this evening to discuss the accomplishments of the past year and ½ and my vision for our future.*

*“The last 17 months have been challenging financially to say the least. In March 2008, we learned of a dramatic increase in catastrophic health care claims. We were able to overcome this \$2 million dollar deficit by carefully and persistently reviewing all claims through the combined efforts of our Human Resources and Municipal Finance Departments. We also used available resources to help offset these costs. We survived.*

*“However, this experience taught me that our current method of funding health insurance for our employees had the possibility of draining the town of valuable resources. I knew I needed to explore alternatives in keeping with my campaign promises to you, the citizens. I proceeded by utilizing the procedures set out by the Legislature for the town to join the State Group Insurance Commission. With the cooperation of our employees and our retirees, over a five month period, I personally negotiated the agreement with the members of the Public Employee Committee. Those efforts will save the town \$2.4 million in health care costs for fiscal year 2010.*

*“At the same time, during my campaign for the office of Mayor, I had pledged to not rely on one-time revenues to balance a budget presentation. I made this a priority when I prepared the FY09 budget submittal in April, 2008. To begin the process, I evaluated the services we provided our citizens and the manner in which we do so. I looked for efficiencies. I believed that we could reduce costs. I began with the task of lowering the cost of rubbish removal and asked the Mayors of Braintree and Quincy to join the effort. Clearly, this was successful. Not only did we secure the services of Capitol Waste, a service provider, but also one who was able to perform that task at a significantly reduced cost to the Town.*

*“I recognized that we could not maintain the FY08 staffing levels knowing that in FY08 we had relied on some recurring revenues. This approach necessitated that we not fund certain vacant positions. We were able to limit the reductions only through attrition to six members of our staff. This approach permitted me to meet my goal and, as an additional incentive, did it without increasing our liability for unemployment compensation.*

*“Although we did experience a reduction in service to our community, we did bring about a philosophical change in the manner in which we fund those services. As a result, we were not required to raise any fees to implement the FY09 budget for the town.*

*“As is obvious to all, eight months ago, the national economy began its steep decline with a rapid rise in unemployment and the resulting general decline in available revenues. Despite the fact that the town remained strong, the state’s economy was not.*

*“The governor in January of this year, and after we had set our tax rate, announced a cut in the town’s state aid by \$1.1 million in two categories. As we were more than halfway through the year and had begun developing our FY10 budget, I made the decision to use the funds from the sale of the Fulton School to pay for the shortfall. There were those who sought to immediately lay off staff to fill the funding gap. If I had followed that advice, I would have had to lay off between 50 to 75 staff members. It was too soon to make that type of decision and unnecessary given that we had the funding to fill the gap. I believed to begin layoffs at that time was imprudent and not in the town’s best interest.*

*“At the same time, the governor proposed a budget, which reduced state aid to the town by \$2.2 million. After reviewing the governor’s proposal with my advisors, I believed that his forecast was inaccurate. I adopted the position that the FY10 budget should anticipate a \$3.4 reduction in state aid, a 10 percent drop in state aid to Weymouth. I believed it was the prudent manner to proceed.*

*“This decrease in state aid has significantly increased the burden of providing local services to the home owner, many of whom are living on fixed incomes or struggling to make ends meet in our declining economy.*

*“During this period of declining state revenue, demands for local services have not decreased. I have faced each budget with deliberate financial planning that balanced both our day to day operating needs along with our long term infrastructure and capital needs. As I consulted both priorities I was mindful that the economy would not recover in a year or two and the manner in which we funded our organization should be supported year to year so we could avoid future layoffs, a substantial increase in fees, or significantly reduced services to residents.*

*“I am pleased to report that I have successfully balanced our operating needs rather than decrease personnel. The legislature has not settled on a state aid figure to Weymouth. They have announced a cut in the Quinn Bill funding which pays for some of the costs of police salaries. This is a total reduction of just less than \$600,000 that we must absorb. I am mindful of these reductions but do not want to recommend an action which may be detrimental to the town. I have pledged to keep all segments of the public informed of the impact the state cuts will have on Weymouth. Thus far, we have been able to meet my goal of no layoffs. The prospect to continue with that philosophy looks bleak if the state continues to slash state aid to the town.*

*“Despite the reductions in state aid, I have managed to level fund the operating budget of the school system. This evening, I would like to thank the administrators who worked tirelessly to keep the school operating at a high level with no increase in funding: Superintendent Mary Jo Livingstone and Assistant Superintendents Matt Ferron and Mary Ann DeMello. Few realize the sheer magnitude of tasks involved in the operation of our schools. I thank these individuals for their tireless efforts and attention to detail makes our school system such a success.*

*“Our commitment to education must continue. A goal is to provide funding so that students and the community can realize the educational benefits of our substantial investments.*

*“We must also continue our commitment to repair and maintain our school and municipal buildings. In the recent past, with the approval of the Town Council, a bond was authorized for various repairs to our school and town buildings. This money is nearly depleted and there is much work that remains to be completed. Over the next month I will be reviewing the Capital Improvement Plan submitted to me by the Planning Board. It is my hope to seek additional funds for repairs to both our school and municipal buildings. While I have not sought bond authorizations for such repairs in my FY10 budget, I recognize the need to plan for them in the future. I intend to continue to protect the taxpayers’ assets by investing in necessary repairs to these buildings.*

*“During the next fiscal year, despite a poor financial outlook, I have begun to address the selling of drugs in our community. I have authorized the police department to fill one vacancy for our drug unit. This additional person will help in the effort to enforce existing drug laws. Violators will be prosecuted to the full extent of the law. The second step in this initiative is to work with our school administration to educate our students about the dangers of drugs and making the school an unattractive place in which to sell them. Finally, with the help of our health team, I would like to form a task force to aid families in distress brought on by drug abuse. It would be comprised of parents and interested citizens and professionals. A 24-hour hot line is being set up to assist those seeking help or just information.*

*“In 2004, the Town Council authorized the hiring of four additional firefighters. The hiring of those additional firefighters has borne fruit for the first time this year due in part to a healthier fire suppression force and fewer leaves of absence for military service overseas. In the end, it will improve our ability to afford adequate fire protection. With the current level of firefighter, I believe we are now at the point where our fire suppression force can go no lower and still maintain some semblance of fire safety for our citizens. We must strive to keep this as our minimum staffing level.*

*“Despite a poor economy, conservative budgeting by my administration and disciplined spending by all departments has produced an increase in our free cash from the \$181,000 left to me by the prior administration to over \$1 million today.*

*“As part of my budget submittal, I have requested the use of these funds to help fund the snow removal deficit but only after careful consideration of the current revenue position. While I remain concerned with State Aid levels projected for FY10 and with the recent threat of further state aid cuts, I do see that some of our costs have stabilized, including Pensions, Health Insurance and Workers Compensation.*

*“While I do not anticipate additional increases in services or staffing for FY10, I am optimistic that we will not experience large fee increases or significant service reductions. As with the school department, it is my goal for the upcoming fiscal year to provide each department with the funding they need to continue to maintain their current staffing levels so they may continue to provide quality services to our residents. Furthermore, I am confident that we are financially positioned to continue to balance our operating needs despite uncertainty at the federal or state levels”.*

She then invited Mr. Wilson to present an overview of the FY10 Budget.

Mr. Wilson provided an overview in a Power Point presentation. He reported that the approach to crafting was with the anticipated effect of 9-C cuts and projections provided in the House Ways and Means budget put forth in April and the Governor’s budget released in January. He reviewed the revenue projections and the expected reduction in anticipated state aid, and the projected snow removal deficit. Three departments are presented at below level funding and three are above. All employees currently employed are expected to remain employed in FY10 and the budget includes all fixed costs and utility costs. Three vacant positions will not be funded, and four staff member’s hours will be reduced.

Mr. Wilson reviewed revenue projections for FY10, including motor vehicle and personal property excise, local receipts from permits, fees, and various reimbursements, interest income and transfers within departments, real estate taxes and state aid.

He reported on the reduction in line items including state reimbursements – Medicare D postponement and Medicaid reduction, investment income, NAS and building permits.

Mr. Wilson reviewed the anticipated change in fixed costs from FY09 to FY10 including health insurance, pensions, employer taxes, life insurance, Workers Compensation, unemployment, debt service, state charges, overlay, property and casualty insurance, and the reserve fund.

Mr. Wilson then detailed the budgets, which exceeded level funding and the amount of each increase, including the Police and Fire Departments and the Veterans’ Services.

Superintendent Mary Jo Livingstone presented an overview of the FY10 School Department budget, which considers the step and 3% contractual increases; partial restoration of funding for curricular materials and athletics; a decrease in utilities due to rate negotiations, the change from oil to gas in specific buildings; and an anticipated decrease in Circuit Breaker reimbursement. Included in the budget planning is the use of Federal Stimulus funds to close the budget gap and invest for future use, including Focus on 21<sup>st</sup> Century Skills, Response to Intervention and Differentiated Instruction programs.

Mr. Wilson then continued with his review of the General Government budget, the Operating Requests for Revolving Accounts, Gift Accounts, a Reserve Fund transfer and Free Cash appropriation to meet the snow removal deficit. He then reviewed the Sewer and Water Enterprise funds, the Sewer Department Capital Expenditures for I/I investigation in the Union Street area and Wharf Street pumping station engineering, and the Water Department additional expenditures to meet the increase in water chemicals and electrical use charges, vehicle replacement, well rehabilitation costs, and an increase in the bid cost previously approved for the painting of the Reed Avenue water tank. It also includes an additional request for bond authorization to replace water mains on Route 18 and the intersections of Winter/Middle/Washington Street in conjunction with Mass Highway projects.

He then reviewed the Community Preservation Committee budget proposal. A 29% decline in the state match has been projected by the Department of Revenue. The Fogg Library renovations were voted for

funding in the fall of 2008; no other funding requests have been received. Projects can be submitted and reviewed on a rolling basis.

Mayor Kay made her closing remarks:

*“During FY10 we continued to invest significantly in our water infrastructure. Calendar year 2008 marked our ninth consecutive year without water use restrictions or bans. In fact our average daily usage has decreased from 4.43(million gallons per day) MGD in 1999 to 3.86 MGD in 2008. This was accomplished through increased repairs to our distribution system and the conservation efforts of our residents. Additionally, by permitting a new water source, the Libby Street Well, the Department of Environmental Protection has increased our allowable daily usage from 4.5 MGD to 5.1 MGD. In nine years time, Weymouth has gone from a significant water shortage to a comfortable water surplus. We must continue to fund our leak detection and distribution maintenance programs to protect the progress we’ve achieved. I remain committed to the new water treatment plant project and have programmed its construction costs into our current water rate structure and capital improvement plan.*

*“We continue to make significant improvements to our sewer system in our efforts to minimize overflows and to increase our capacity. The Council has authorized additional funds to complete inflow and infiltration work in the Montcalm area of Town, the last of the major sewer projects in town. With the work completed on our sewer collection system, the town has been able to stabilize the MWRA charges. This has permitted the town to level fund the Sewer Department for FY09 into FY10.*

*“I am currently reviewing costs for parks improvements. I would like to begin with Legion and Reilly fields. I am also mindful that with the beginning of site improvement work at Legion Field, I need to consider the cost of refurbishing the recreational components of that facility in the future with any more immediate expenditure on other parks.*

*“Although Legion was the focus of a recent contest by Kellogg’s, it appears Reilly Field ends up as the finalist. We’re hearing that it was due to too many different plan recommendations. I would ask that each citizen now vote for the finalist by logging onto the Kellogg website. If successful, this money would provide us with a revitalization start of those fields in a manner consistent with its usage. In fact, it would permit us to lessen the requirements for multiple fields at Legion- an outcome I support.*

*“Improvements to our parks is part of my goal of improving the appearance of town and increasing our sense of community. Partnering with your sports organizations in town has always been a dream. Having public spaces that are properly equipped and well maintained increases the likelihood of public gatherings and pride in community assets. There is no doubt that residents of Weymouth yearn for greater opportunities to come together as a community. 2008 marked the first year of our Pumpkin Festival Day, a day of celebration as a community. It was simply the best day I have had in my short tenure as Mayor. In fact, I would like to expand the event to include a farmers market commencing in June and ending with the Pumpkin Day.*

*“Thank you to Lee Hultin, Jeanne Savoy, Kara Hackney, the Community Events Committee, the Civic Organizations, and all town employees and volunteers who work so hard to make this day a resounding success.*

*“With the help of our state delegation, especially Representative Mariano, we are pursuing funding to help complete the Greenbush Landing Station. In addition, I am looking to transform the Landing shopping area from its current state to one where citizens are able to walk along the streets and shop in what I like to refer to as “pickle barrel stores” – small affordable shops filled with the daily necessities. We will need to offer incentives to accomplish that.*

*“A more difficult vision is that of Southfield. No one knows more than I that the stops and starts of this project are, to say the least, distracting and disheartening. However, I remain committed to the project. These difficult times to which we are exposed every night of the week on our televisions, have had a direct and substantial impact on the ability of the Board of Directors to attract lenders for this project. The two*

*Weymouth Board members are committed to seeking every alternative to make the project viable while insuring that the best interests of the town of Weymouth are served. I have every confidence in their efforts. In addition, Southfield represents a source of future revenues for the Town. I can foresee a time when the Town will be able to provide services for Southfield, which will supplement our budget. Some examples of such services are for police, fire and public works. Clearly, our schools may also have an opportunity to obtain supplemental funding by educating the children of Southfield. Our services will not be limited to manpower; we have an agreement in place to provide water to Southfield for the first phase of development. This agreement, once fully operational, will offset some of the costs for the new water treatment plant and spare the residents dramatic increases in our water rates. It is in our best interest to support them in their efforts to implement the plan of development agreed to by the three towns. To that end, my staff and I are working closely with the new chief executive officer, Kevin Donovan. We wish him every success.*

*“Much has been accomplished in the past 17 months. We have stabilized our local revenues; we have maintained our water surplus and significantly minimized the increases to the MWRA sewer charges. We continue to invest in our roads and sought to improve the overall appearance of the town and increased our sense of pride in our community.*

*“The widening of Route 18 and the Greenbush line have become a welcomed reality. Together we have accomplished this without a Proposition 2 ½ override, despite a dramatic reduction in state revenue. But we cannot rest on our accomplishments. As recently as today, we have received word that the schools will experience a Chapter 70 reduction this year. We are also bracing for further reductions for FY10.*

*“We must continue to work to improve the manner in which we deliver services to our residents and maintain the improvements we have completed. Over the next year we face many decisions and challenges as a community, none greater than the redevelopment of the Naval Air Station.*

*“As we begin fiscal year 2010 in July, let us each remember that Weymouth’s progress is the result of the elected officials, appointed personnel and the community working together to deliberately review and consider all factors when coming to our decisions. We must continue that approach and keep the interests of the residents of the town of Weymouth forefront in mind as we face the challenges that lay ahead.*

*“Thank you for your kind attention this evening and for your support”.*

Council President Michael Smart then invited those citizens who signed in to speak to the budget.

Mr. Irving Murstein, of 463 Broad Street, spoke to the possibility of misrepresentation in the terms of the Sithe Agreement and requested the Council review the agreement. Mr. Smart referred the matter to the Town Solicitor for further review.

Robert Montgomery Thomas, of 438 Washington Street, addressed the Legion Field property, the possibility of a wind farm on the site at the NAS, and suggested the Council revisit the Southfield plan.

President Smart reminded all that the Town of Weymouth was one of three communities which voted the current plan and cannot rescind the vote. He also noted that the Navy would not have transferred the property under conditions other than what has been negotiated by the three communities.

A MOTION was made by Councilor Mathews to CLOSE the PUBLIC HEARINGS and was seconded by Councilor O’Connor. UNANIMOUSLY VOTED.

#### **09 006 – Exemption from Civil Service for Police Chief Position**

A MOTION was made by Councilor Mathews to OPEN the PUBLIC HEARING on Measure 09 006, which was published on May 1, 2009, and was seconded by Councilor O’Connor. VOTE PASSED 10/1, with Councilor Molisse abstaining.



Mayor Kay read the following prepared statement:

*“Good evening Mr. President, Council members and citizens of Weymouth. Measure 09-006, titled ‘Exemption from Civil Service for Position of Police Chief’ was submitted to you for consideration on January 20, 2009. It asks ‘That the Town of Weymouth, through the Town Council and with the approval of the Mayor, vote to exempt the position of Police Chief in the Town of Weymouth from Chapter 31 of the General Laws and to submit to the Legislature an Act for passage allowing so.”*

*“I am mandated to request this home rule petition through you, the Town Council, for approval prior to it going to the State House for legislative approval.*

*“I would like to begin this evening by speaking to the process we must currently follow as part of Civil Service requirements and why I take issue with it.*

*“Civil Service...”*

*The Town of Weymouth adopted Civil Service in 1918. The intent of Civil Service was to protect employees from arbitrary discipline or dismissal and to eliminate political patronage.*

- The law, as currently configured, restricts the choice of candidates only to those who are currently serving the Town.*
- It also requires more candidates from within the next highest rank to apply. If four are not available, the next highest rank is invited to apply.*
- Civil Service provides for only one exam per year for the position of Police Chief. This year’s written exam is scheduled for May 16<sup>th</sup>.*
- A reading material list is provided and candidates usually study for months prior to the test.*
- For many years, Civil Service has relied on the written examination and its scoring.*
- Town administration is mandated to choose from the top three test scores. The top scorer may be rejected but only for good cause and can be appealed by the rejected candidate.*
- Civil Service has recently decided to offer a ‘Regional Assessment Center’ as another option to the written test.*
- That test date is June 25<sup>th</sup>.*
- Civil Service requires that appointments be made from certified lists from the past exam; otherwise they must be provisional.*

*“I believe that having a Police Chief Position in Civil Service today restricts a community from assuring the best possible candidate for this critical position. Cities and towns share very different and serious situations today. While this process may be adequate for entry level employees, it certainly should not be for the Command Level Officer of a police department. The argument that a police chief requires protection from Civil Service is outdated.*

- Civil Service rules make the tenure of an appointed Chief unlimited. If the Police Chief, like all other department heads, is chosen from all qualified candidates. The Mayor should be permitted to choose a Chief giving due regard to all relevant factors and to enter into employment arrangements with the selected individual with such terms and conditions and limitations on tenure as deemed appropriate. Police Chiefs receive Quinn benefits as well as similar holiday pay as union personnel. The former permanent Chief’s salary was \$140,000; the second highest salary in town. Chiefs are highly paid individuals with CEO job performance required.*
- Civil Service regulates all aspects of hiring and promoting; it is very rigid when asked to help or advise communities confronted with special circumstances.*
- Although better than the written exam, the Regional Assessment Center is also only given once a year and does not allow real tailoring to a specific community. We are told this process will be completed in August of this year. All communities will be assessed at the same time. Civil Service is historically late with their certified lists. We are planning on the assessment results taking longer as this is the first time this process is being used.*
- Since Weymouth has only two captains, lieutenants will also be asked to take the assessment to bring the number over 4.*

*"I have been Mayor for 1 ½ years. One full year of that time was spent regarding allegations concerning the former Police Chief. The investigation provided me with a better understanding of how the department has been functioning.*

*"The former Police Chief retired, which created a vacant Chief position. The senior Captain was put in as a provisional Chief as required by Civil Service.*

*"He has now applied for retirement from the job due to health issues. I must fill the position provisionally with the most senior ranking officer in accord with Civil Service rules and procedure. I am not permitted to look at his experience, credentials, or employment file and qualifications.*

*"The Town of Weymouth has been without a permanent Chief for almost one year. The investigation taught me that the Department needs a Chief with strong, consistent leadership and a willingness to make changes and policy improvements. Budgetary constraints, increases in local crime, mostly drug related, increases in drug distribution and the need for experience in funding grants and other revenue opportunities are paramount.*

*"The Town of Weymouth needs and deserves the ability to find the very best candidate to fill the position of Police Chief.*

*"Of the 350 communities in Massachusetts, only 87, or 25% retain their Police Chief position in Civil Service.*

*"Very recently, Sandwich voted to remove the Chief's position from Civil Service. Now, only Bourne remains as a Cape Cod community with a Civil Service Chief. Also, Gloucester's Town Council voted to put the question of removing the Chief on the November ballot. Manchester by the Sea's Police Chief requested that Civil Service be removed from the entire Police Department and it was recently approved. Holbrook adopted the Civil Service provision in 1935; they revoked it in 1981, and after a petition by police officers, voted to put it back in Civil Service in 1989.*

*"Mass Municipal Association adopted the policy regarding Civil Service at their Annual Meeting, as 'thousands of local employees and hundreds of municipalities now function under a civil service system that is cumbersome, frustrating and slow. The Civil Service system should be eliminated for all municipal employees.'*

*"Civil Service cannot meet the different and specific needs of all communities. Weymouth should no longer be restricted by outdated rules and regulations that do not take into account our special circumstances.*

*"Weymouth is very fortunate to employ many hard working, caring and loyal police officers. These officers helped our recent acting Chief get through a very difficult time and they helped to maintain stability. They should have the opportunity to apply for advanced positions in the Department, including Chief. Removing the position from Civil Service DOES NOT restrict those officers from applying; it simply broadens the field and offers more choices.*

*"The position should not be an entitlement which Civil Service seems to dictate. As in the corporate world, where not everyone should be a CEO, it is reasonable to believe that not all police officers should be Chief.*

*"Councilors, you are the only vehicle for submission of a home rule petition to the Legislature. Without it, I am restricted to choose from a small group of candidates. I must hope that Civil Service will provide me with the three most qualified. It doesn't always end up that way. In addition, I had intended to hire an assessment group under Civil Service guidelines called a 'delegated assessment' to Weymouth for the purpose of being able to somewhat tailor the assessment to the real needs of Weymouth. My office and the HR department repeatedly tried to get information from Civil Service on how to conduct this. As late as today, they have informed us that we cannot conduct our own and we must comply with their Regional Assessment.*

*“The results will be Weymouth having very little input into the process; therefore, the importance of removing this position from Civil Service is critical.*

*“Councilors, I request that I be given the tools to assure that we choose the best possible candidate for Police Chief.”*

Council President Smart then read the following letter, dated May 11, 2009, from Thomas and Josephine Tanner who were unable to attend this meeting, into the record:

*“Weymouth Town Council*

*“Dear Council Members:*

*“We are taking time to address the very, very important subject of taking the position of Police Chief out of Civil Service. First and foremost, the Town of Weymouth should have the opportunity to select the most qualified candidate for Police Chief we can find. The search should not be limited,, any qualified applicant should be looked at. We would like to remind everyone the Town does not limit any other member of the police force to come from within the community. If that were the case, only people that lived in Weymouth would be on the force. Why would we limit the Police Chief to only members of the Weymouth Police Force? Look around, we have many police officers on our force today that came from other police departments. Second, the opening of the search to outside of Civil Service does not mean the best candidate isn't still right here in Town. What it means is we are taking a Police Chief from the best qualified candidates anywhere. Third, getting out of Civil Service and getting the best applicant will insure no I.O.U.'s will remain with former partnerships or best buddies from the past. Fourth, if each Councilor was to ask any officer they know personally, how do they feel, they would find that privately, they believe the town should not be limiting the search to only the department, but publicly they can not say that. That's part of that secret 'code of blue' that you always hear about, 'stick up for me today and I will thank you tomorrow'. Running the Police Department is done in a manner that is best for the town, that's no easy job, and making hard choices as a Councilor is not easy either, but making the best choice from the most qualified is the only right thing for our Town.*

*“Because we are unable to attend this hearing, we would request this letter be read into the minutes.*

*“Thank you*

*“Thomas and Josephine Tanner.”*

Members of the public were invited to speak to the measure.

John Ciccolo of Homestead Avenue, a retired police Captain, recommended keeping politics out of the department as much as is possible and that this suggestion does not set a good precedent.

Irving Murstein of 463 Broad Street recommended the department get the best chief it can and pay accordingly.

Robert Montgomery Thomas of 848 Washington Street urged the Council to reject the proposal and keep the selection within Civil Service.

Ann Hilbert of 45 Doris Drive noted that this would be a change to the Charter, which is not allowed.

Mayor Kay made a point of clarification; the measure does not petition to change the Charter.

Mr. Montgomery Thomas noted in rebuttal that page 59 of the Charter that Weymouth shall continue to be governed by Mass General Laws incorporated in the Charter, and approved by the voters. There have been changes not brought back to the voters, including removal of the positions of treasurer and tax collector.

He recommended keeping the position provisional until the charter commission review has been completed.

Solicitor Lane clarified the history of litigation of the matter.

Sgt. Concannon, Vice President of the Superior Officers Local 85 of the Weymouth Police Department, noted the members of Local 85 do not support the proposal.

Paul Frazier, Chief of the Braintree Police Department, spoke in favor of Mayor Kay's proposal. He noted that Civil Service does not evaluate key abilities for the chief position, including communications, labor relations, establishing goals, experience with an operating budget, mentoring subordinates, and leadership qualifications. He suggested Civil Service is an antiquated, archaic system. The Mayor, who is accountable to the community, should be able to select from a wider pool of candidates. He also noted the appeal process within Civil Service is a "nightmare".

Steven Krupps, 37 Edgeworth Street, and member of the Weymouth Police Department spoke to the discipline issue and that there is no provision built in to the Civil Service system which precludes the town from discipline when it is warranted.

Bob Burke of 1 Alewife Street spoke in favor of keeping the position within Civil Service.

Kevin Malloy, business owner, town resident, and parent of a member of the police department spoke in favor of keeping the position within Civil Service.

Ann Hilbert rebutted a statement made regarding the town charter; she noted the people voted the charter and the Town Council cannot vote to take something out of it.

Mayor Kay noted that the Charter Commission cannot send a home rule petition to the legislature.

Councilor Conlon reviewed a recent decision and the ramifications in the town of Winthrop regarding termination of a chief who was not in Civil Service.

President Smart noted the measure is under consideration in the Ordinance Committee. A MOTION was made by Councilor Mathews to CLOSE the PUBLIC HEARING and was seconded by Councilor O'Connor. Vote PASSED 10/1, with Councilor Molisse abstaining.

#### **REPORT OF COMMITTEE - Budget/Management Committee**

##### **09 035 – Capital Request-Bond Authorization Route 18 Water Mains Project**

Councilor DiFazio noted this measure was referred to the Budget/Management Committee on April 2, 2009 and the committee met on May 7, 2009 at which time it voted unanimously to recommend favorable action by the full Town Council. Councilor DiFazio made a MOTION that the "Town raise and appropriate the sum of \$1,100,000 for the purpose of the construction and oversight of repair/replacement of water mains on Route 18. To meet this appropriation, the Town of Weymouth raises and appropriates the sum of \$1,100,000 and the Treasurer with the approval of the Mayor, is authorized to borrow \$1,100,000 in accord with M.G.L. Chapter 44." Motion was seconded by Councilor Mathews. Vote PASSED 10/1; Councilor Pap VOTING NO.

#### **ADJOURNMENT**

At 10:13 PM, there being no further business, a MOTION was made by Councilor Mathews to adjourn and was seconded by Councilor O'Connor. UNANIMOUSLY VOTED.

Respectfully submitted by: Mary Briggs

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