

MINUTES OF THE TOWN COUNCIL
Town Hall Council Chambers
May 18, 2009 - Tuesday

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

Not Present: Thomas J. Lacey

Also Present: Kathy Deree, Assistant Town Clerk
George Lane, Town Solicitor
James Wilson, Chief Financial Officer
Maureen Duffy, Town Auditor

Recording Secretary: Mary Briggs

President Smart called the Town Council Meeting to order at 7:30 PM. Assistant Town Clerk Kathy Deree called the roll. President Smart reported Councilor Lacey had been called away due to a work emergency.

ANNOUNCEMENTS

Councilor Pap thanked everyone who participated in the Mayor's recent town clean up day. There were numerous locations in North Weymouth which benefited from the volunteers.

President Smart reported that Senator Hedlund was on his way and the "Announcements" portion of the agenda will reconvene at his arrival.

MINUTES

A MOTION was made by Councilor Mathews to accept the minutes of the Public Works Committee Meeting of April 28, 2009, and was seconded by Councilor O'Connor.
UNANIMOUSLY VOTED.

A MOTION was made by Councilor Mathews to accept the minutes of the Budget/Management Committee Meeting of April 30, 2009, and was seconded by

Councilor O'Connor. UNANIMOUSLY VOTED.

A MOTION was made by Councilor Mathews to accept the minutes of the Ordinance Committee Meeting of May 4, 2009, and was seconded by Councilor O'Connor. UNANIMOUSLY VOTED.

A MOTION was made by Councilor Mathews to accept the minutes of the Town Council Meeting of May 4, 2009, and was seconded by Councilor O'Connor. UNANIMOUSLY VOTED.

A MOTION was made by Councilor O'Connor to accept the minutes of the Budget/Management Committee Meeting of May 7, 2009, and was seconded by Councilor O'Connor. UNANIMOUSLY VOTED.

PUBLIC HEARINGS

A MOTION was made by Councilor Mathews to open the PUBLIC HEARING on measure **09 023 – Ordinance Amendment-Amnesty Program** which was published on May 8, 2009, and was seconded by Councilor O'Connor. UNANIMOUSLY VOTED.

Mr. Wilson presented on behalf of the Mayor. This measure seeks to extend the tax amnesty program permitted by the Legislature for one additional year. Mr. Wilson reported it has been a very successful program for the town. Since its adoption by the Council, the town has garnered \$798,000; this year will collect between \$200-250,000, and projected to be about \$150,000 next year. This is due to the law of diminishing returns and which is why the Mayor only seeks to extend for one additional year.

President Smart announced that this was a public hearing and for anyone with comments to step forward. There were no public comments.

A MOTION was made by Councilor Mathews to close the PUBLIC HEARING on measure 09 023 and was seconded by Councilor O'Connor. UNANIMOUSLY VOTED.

A MOTION was made by Councilor Mathews to open the PUBLIC HEARING on measure **09 073 – Community Preservation Committee-Whitmans Pond Herbicide Treatment**, which was published on May 8, 2009, and was seconded by Councilor O'Connor. UNANIMOUSLY VOTED.

Mr. Wilson presented on behalf of the Mayor a recommendation by the Community Preservation Committee which seeks to raise and appropriate the sum of \$39,400 from the FY09 Unspecified Reserve. The Reserve Fund balance at this time is \$270,446. \$24,000 of the funds would be used for herbicide treatment of the main body of Whitmans Pond and \$15,400 for herbicide treatment of the area of the pond known as the West Cove.

Councilor Mathews clarified that the \$24,000 for the main body of the pond is for an area of approximately 15 acres and will not treat the entire pond.

Tom Deru of Columbian Street, President of the Whitman's Pond Neighborhood Association thanked the Councilors for their support of past projects, including a cleanup of the pond and weed harvesting. This year's approach is to get the best "bang for the buck."

A MOTION was made by Councilor Mathews to close the PUBLIC HEARING on measure 09 073 and was seconded by Councilor O'Connor. UNANIMOUSLY VOTED.

A MOTION was made by Councilor Mathews to revert to the ANNOUNCEMENTS portion of the agenda, and was seconded by Councilor O'Connor. UNANIMOUSLY VOTED.

ANNOUNCEMENTS

State of the Economy/Local Aid Fund Distribution – Senator Robert Hedlund

Senator Hedlund provided a power point presentation. He presented an overview of the budget. He noted the dynamic has significantly changed since Representative Mariano provided the Council a briefing a few weeks ago. Budget revenue numbers that the House was operating on were unrealistic. The April revenues came in one day after the House concluded its budget deliberations and indicated the largest single month drop off from one year to the next in the states history. The consensus among watchdog groups and the Senate is that the House budget is at least \$1.5-2 billion out of balance.

He then provided a background of the FY09 budget. Last July the Legislature passed a budget based on \$21.4 billion revenue. The problem with the revenue consensus and the process last year were both problematic. Final budget numbers were higher than what the House had passed. Senator Hedlund voted against that budget. No one however, expected the economic downturns to be as severe as they were, but there were warnings by the Mass Taxpayer Association and other watchdog groups that were largely ignored. Based on declining revenues, last October showed a shortfall of \$1.4 billion. In January the Legislature's inaction gave the Governor power to make 9-C cuts, and Senator Hedlund stated the Legislature should have had a seat at the table in the decision making process. Weymouth was affected by these cuts and the later unilateral 9C cuts made by the Governor. In April the shortfall has been identified, and additional adjustments were made, essentially entering FY10 without the ability to fall back on the state's stabilization fund. It will be wiped out by the end of this fiscal year. Metco, SPED reimbursements through the Circuit Breaker, Library Grants, and others were affected. Senator Hedlund reported that the Legislature should have been involved in a debate before the cuts were made so that local aid could have been better protected. \$128 million in local aid was cut, along with \$9.7 million midyear, in addition to other cuts that didn't directly affect Weymouth. The Governor is attempting to address the current shortfall with further cuts, and the use of federal stimulus money. Weymouth felt the brunt of the midyear cuts.

Debate is to begin on the FY10 budget in the Legislature tomorrow. The House is operating on a less realistic revenue figure; the Senate is basing their revenue figure on

\$17.9 billion. Mass taxpayers estimate is even lower. He would not be surprised to see the same situation in 2010 with having to make adjustments midyear, this time without the cushion of a stabilization fund to fall back on. Current figures show a revenue drop off of \$3.9 million from when budget FY09 process began.

He then briefly reviewed Chapter 70 funds and unrestricted local aid, which is basically income from the lottery. The House, in voting for an increase in voting for an increase in the sale tax earmarked it to local aid; however budgets were unrealistic to begin with. Based on projected cherry sheet totals for Weymouth, Senator Hedlund believes it's prudent for the town to base its numbers on the lower amount.

He then reviewed the items up for debate for local option suggestions- Municipal Relief package is represented in the first two amendments proposed. The recommendations were split in two categories, and tied into revenue enhancements which may make it difficult to get support. There will be a range of discussion on proposals. There is no full package to disseminate, but a series of amendments. Meals tax is one, but may not be workable tools for communities.

Senator Hedlund noted that in the past reviewing a budget with communities- local aid is always a priority, but must be reflected in the votes. When the Senate had a chance to prepare for the downturn a few years ago, the Governor took the surplus operating funds and did not prioritize how they were spent on capital projects. At the same time the Senate was voting a stimulus package. Senator Hedlund was against both actions. He believes they should have set aside funds in the stabilization fund and sent back monies to the communities. Also irresponsible was a biotech initiative bill passed which sets aside \$1 billion in bonded funds to one very narrow segment of state industry. Debt service on this program is \$300 million, which should have been going back to the communities.

The current Governor has made attempts to bring both budgets into line, with a number of vetoes, none of which the Senate has upheld.

Senator Hedlund stated that the Senate should have taken a more disciplined approach to spending, which might have alleviated the current economic predicament. He then discussed some of the more questionable spending of the last few years, all of which he voted against. He noted that the Senate also underestimated the effects of the state's new health care law, which will have a significant impact on FY11. Without the use of the stabilization fund and no guarantee of additional federal stimulus funds, the state must be more prudent in order to prepare for the next few years. He also reviewed the one-time revenues, which will not be available in the future.

He reported on the stimulus package, which is a work in progress, and the types of programs within the guidelines, including safe drinking water initiatives, sewer programs, educational funds, etc. The bulk of the stimulus funding will be in educational chapter 70 funds, which will be distributed to communities, which were formerly penalized. There are a number of revenue enhancement programs up for discussion. Some prefer an

increased meals tax; some prefer gas tax. On the spending side, the Senator expects to see a more conservative approach. There are a number of reform initiatives also, within the Quinn bill phase out, ethics, pensions, and transportation and he briefly discussed each.

Councilor Conlon addressed the possibility of job losses with the transportation authorities and noted it is incumbent at the state level to address an increase in meal and sales taxes rather than a property tax increase. Councilor Mathews noted that the legislation missed an opportunity by turning down resort casinos. There also needs to be more “outside the box” thinking for alternative revenue enhancements, including leasing out “naming rights” for various structures in the state. He indicated there needs to be more information provided on how stimulus funds are to be moved from the administration to the cities and towns. Senator Hedlund noted that although he is not totally in favor of leasing naming rights, there are structures which might be appropriately looked at for potential revenue sources and is co-sponsoring an amendment which will debate this. Senator Hedlund felt the gaming proposal proposed by the Governor was flimsy, and was not comfortable supporting it. He was also concerned with its effect on the state’s hospitality industry.

Councilor DiFazio addressed the possibility of wind turbine consideration. Councilor McDonald asked for an update on the Fore River Bridge project. The Senator noted that the capital funding is in place and it is in the design phase now.

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

09 079-Use of Funds from the Sale of Town Owned Property

Mr. Wilson reported that this item submitted by the Mayor seeks to raise and appropriate \$60,000 from the sale of town owned land for the purchase of two police vehicles.

A MOTION was made by Councilor Mathews to refer this matter to the Budget/Management Committee and was seconded by Councilor O’Connor.
UNANIMOUSLY VOTED.

09 080-Reappointment to the Board of Registrars-Kenneth Karlberg

A MOTION was made by Councilor Mathews to refer this matter to the Budget/Management Committee and was seconded by Councilor O’Connor.
UNANIMOUSLY VOTED.

09 082-Appointment to the Weymouth Redevelopment Authority-Thomas B. Vincent

A MOTION was made by Councilor Mathews to refer this matter to the Budget/Management Committee and was seconded by Councilor O’Connor. This is to fill a vacancy created by the resignation of Robert Hunt. As this is a new appointment, the Council requests the candidate appear before both Budget/Management and Council.
UNANIMOUSLY VOTED.

Councilor Mathews noted as a point of information that measure 09 082 was taken out of

order.

09 081-Reappointment to the Cultural Council-Charlene Terravecchia

A MOTION was made by Councilor Mathews to refer this matter to the Budget/Management Committee and was seconded by Councilor O'Connor. UNANIMOUSLY VOTED.

09 083-Community Preservation Committee-Reed Cemetery Restoration

The Community Preservation Committee requests the town to raise and appropriate \$80,325 for the rehabilitation and restoration of Reed Cemetery. A MOTION was made by Councilor Mathews to refer this matter to the Budget/Management Committee and was seconded by Councilor O'Connor. UNANIMOUSLY VOTED.

09 084-Community Preservation Committee-Tammy Brook Apartments

The Community Preservation Committee requests the town to raise and appropriate \$150,000 to fund a long term loan for the purpose of maintaining the Tammy Brook Apartments as affordable housing. A MOTION was made by Councilor Mathews to refer this matter to the Budget/Management Committee and was seconded by Councilor O'Connor. VOTED 10-0-1, with Councilor Pap abstaining.

REPORTS OF COMMITTEES

Budget/Management Committee- Chairman Kenneth DiFazio

09 041 – Reappointment Request-Retirement

Councilor DiFazio reported that this measure was referred to committee on April 21, 2009. The committee met on May 7, 2009 and unanimously voted to forward it to the full Town Council with a recommendation for favorable action. A MOTION was made by Councilor DiFazio to reappropriate \$1,000 from non-contributory retirement to contributory retirement expenses in order to fund the PERAC retirement contribution for the special military service for an employee, Peter Fulton. Motion was seconded by Councilor Mathews, and voted unanimously.

09 042-Reappointment to the Board of Assessors– Paul Haley

Councilor DiFazio reported that this measure was referred to committee on April 21, 2009. The committee met on May 7, 2009 and unanimously voted to forward it to the full Town Council with a recommendation for favorable action. A MOTION was made by Councilor DiFazio to reappoint Paul Haley of 55 Cassandra Lane, to the Board of Assessors and was seconded by Councilor Mathews. This term will expire on June 30, 2012. Vote PASSED 9/1 (Councilor Pap voting nay).

09 043-Reappointment to the Cemetery Commission–Deborah Sullivan

Councilor DiFazio reported that this measure was referred to committee on April 21, 2009. The committee met on May 7, 2009 and unanimously voted to forward it to the full Town Council with a recommendation for favorable action. A MOTION was made by Councilor DiFazio to reappoint Deborah Sullivan of PO Box 231 to the Cemetery

Commission and was seconded by Councilor Mathews. This term will expire on June 30, 2012. UNANIMOUSLY VOTED.

09 044-Reappointment to the Community Preservation Committee–Daniel Condon

Councilor DiFazio reported that this measure was referred to committee on April 21, 2009. The committee met on May 7, 2009 and unanimously voted to forward it to the full Town Council with a recommendation for favorable action. A MOTION was made by Councilor DiFazio to reappoint Daniel Condon of Zero Albert Road to the Community Preservation Committee and was seconded by Councilor Mathews. This term will expire on June 30, 2012. UNANIMOUSLY VOTED.

09 045-Reappointment to the Conservation Commission–Adrienne Gowen

Councilor DiFazio reported that this measure was referred to committee on April 21, 2009. The committee met on May 7, 2009 and unanimously voted to forward it to the full Town Council with a recommendation for favorable action. A MOTION was made by Councilor DiFazio to reappoint Adrienne Gowen of 108 Essex Street to the Conservation Commission and was seconded by Councilor Mathews. This term will expire on June 30, 2012. UNANIMOUSLY VOTED.

09 046-Reappointment to the Construction Steering Committee–Richard McKinnon

Councilor DiFazio reported that this measure was referred to committee on April 21, 2009. The committee met on May 7, 2009 and unanimously voted to forward it to the full Town Council with a recommendation for favorable action. A MOTION was made by Councilor DiFazio to reappoint Richard McKinnon of 882 Front Street to the Construction Steering Committee and was seconded by Councilor Mathews. This term will expire on June 30, 2012. UNANIMOUSLY VOTED.

09 047-Reappointment to the Cultural Council–Judith Adukonis

Councilor DiFazio reported that this measure was referred to committee on April 21, 2009. The committee met on May 7, 2009 and unanimously voted to forward it to the full Town Council with a recommendation for favorable action. A MOTION was made by Councilor DiFazio to reappoint Judith Adukonis of 54 Broad Reach, #506 to the Cultural Council and was seconded by Councilor Mathews. This term will expire on June 30, 2011. UNANIMOUSLY VOTED.

09 048-Reappointment to the Commission on Disabilities–Susan Kelly-Luscomb

Councilor DiFazio reported that this measure was referred to committee on April 21, 2009. The committee met on May 7, 2009 and unanimously voted to forward it to the full Town Council with a recommendation for favorable action. A MOTION was made by Councilor DiFazio to reappoint Susan Kelly-Luscomb of 32 Dorothea Drive to the Commission on Disabilities and was seconded by Councilor Mathews. This term will expire on June 30, 2012. UNANIMOUSLY VOTED.

09 049-Reappointment to the Commission on Disabilities–Deb Deveau

Councilor DiFazio reported that this measure was referred to committee on April 21, 2009. The committee met on May 7, 2009 and unanimously voted to forward it to the full

Town Council with a recommendation for favorable action. A MOTION was made by Councilor DiFazio to reappoint Deb Deveau of 28 Grant Street to the Commission on Disabilities and was seconded by Councilor Mathews. This term will expire on June 30, 2012. UNANIMOUSLY VOTED.

09 050-Reappointment to the Board of Elder Services–Vincent O’Keefe

Councilor DiFazio reported that this measure was referred to committee on April 21, 2009. The committee met on May 7, 2009 and unanimously voted to forward it to the full Town Council with a recommendation for favorable action. A MOTION was made by Councilor DiFazio to reappoint Vincent O’Keefe of 170 Mediterranean Drive to the Board of Elder Services and was seconded by Councilor Mathews. This term will expire on June 30, 2012. UNANIMOUSLY VOTED.

09 051-Reappointment to the Board of Health–Karen DeTellis

Councilor DiFazio reported that this measure was referred to committee on April 21, 2009. The committee met on May 7, 2009 and unanimously voted to forward it to the full Town Council with a recommendation for favorable action. A MOTION was made by Councilor DiFazio to reappoint Karen DeTellis of 8 Chauncy Street, #29 to the Board of Health and was seconded by Councilor Mathews. This term will expire on June 30, 2012. UNANIMOUSLY VOTED.

09 052-Reappointment to the Board of Health–Richard Wetterberg

Councilor DiFazio reported that this measure was referred to committee on April 21, 2009. The committee met on May 7, 2009 and unanimously voted to forward it to the full Town Council with a recommendation for favorable action. A MOTION was made by Councilor DiFazio to reappoint Richard Wetterberg of 102 Ryder Road to the Board of Health and was seconded by Councilor Mathews. This term will expire on June 30, 2012. UNANIMOUSLY VOTED.

09 053-Reappointment to the Historical Commission–Jody Purdy-Quinlan

Councilor DiFazio reported that this measure was referred to committee on April 21, 2009. The committee met on May 7, 2009 and unanimously voted to forward it to the full Town Council with a recommendation for favorable action. A MOTION was made by Councilor DiFazio to reappoint Jody Purdy-Quinlan of 152 Middle Street to the Historical Commission and was seconded by Councilor Mathews. This term will expire on June 30, 2012. UNANIMOUSLY VOTED.

09 054-Reappointment to the Board of Library Trustees–Dorothy Coveney

Councilor DiFazio reported that this measure was referred to committee on April 21, 2009. The committee met on May 7, 2009 and unanimously voted to forward it to the full Town Council with a recommendation for favorable action. A MOTION was made by Councilor DiFazio to reappoint Dorothy Coveney of 206 Central Street to the Board of Library Trustees and was seconded by Councilor Mathews. This term will expire on June 30, 2012. UNANIMOUSLY VOTED.

09 055-Reappointment to the Planning Board–Walter Flynn

Councilor DiFazio reported that this measure was referred to committee on April 21, 2009. The committee met on May 7, 2009 and unanimously voted to forward it to the full Town Council with a recommendation for favorable action. A MOTION was made by Councilor DiFazio to reappoint Walter Flynn of 9 Regina Road to the Planning Board and was seconded by Councilor Mathews. This term will expire on June 30, 2014. UNANIMOUSLY VOTED.

09 056-Reappointment to the Planning Board–David Chandler

Councilor DiFazio reported that this measure was referred to committee on April 21, 2009. The committee met on May 7, 2009 and unanimously voted to forward it to the full Town Council with a recommendation for favorable action. A MOTION was made by Councilor DiFazio to reappoint David Chandler of 47 Andrew Road to the Planning Board and was seconded by Councilor Mathews. This term will expire on June 30, 2014. UNANIMOUSLY VOTED.

09 057-Reappointment to the Recreation Commission–Rachel Bickford

Councilor DiFazio reported that this measure was referred to committee on April 21, 2009. The committee met on May 7, 2009 and unanimously voted to forward it to the full Town Council with a recommendation for favorable action. A MOTION was made by Councilor DiFazio to reappoint Rachel Bickford of 25 Sea Street to the Recreation Commission and was seconded by Councilor Mathews. This term will expire on June 30, 2012. UNANIMOUSLY VOTED.

09 058-Reappointment to the Scholarship Fund Committee–Linda Sforza-Berg

Councilor DiFazio reported that this measure was referred to committee on April 21, 2009. The committee met on May 7, 2009 and unanimously voted to forward it to the full Town Council with a recommendation for favorable action. A MOTION was made by Councilor DiFazio to reappoint Linda Sforza-Berg of 74 Summer Street to the Scholarship Fund Committee and was seconded by Councilor Mathews. This term will expire on June 30, 2012. UNANIMOUSLY VOTED.

09 059-Reappointment to the Waterfront Committee–Paul Brooks

Councilor DiFazio reported that this measure was referred to committee on April 21, 2009. The committee met on May 7, 2009 and unanimously voted to forward it to the full Town Council with a recommendation for favorable action. A MOTION was made by Councilor DiFazio to reappoint Paul Brooks of 38 Ocean Avenue to the Waterfront Committee and was seconded by Councilor Mathews. This term will expire on June 30, 2012. UNANIMOUSLY VOTED.

09 060-Reappointment to the Waterfront Committee–Jeffrey Kent

Councilor DiFazio reported that this measure was referred to committee on April 21, 2009. The committee met on May 7, 2009 and unanimously voted to forward it to the full Town Council with a recommendation for favorable action. A MOTION was made by Councilor DiFazio to reappoint Jeffrey Kent of 226 River Street to the Waterfront Committee and was seconded by Councilor Mathews. This term will expire on June 30, 2012. UNANIMOUSLY VOTED.

09 061-Reappointment to the Waterfront Committee–Nancy Blaszo

Councilor DiFazio reported that this measure was referred to committee on April 21, 2009. The committee met on May 7, 2009 and unanimously voted to forward it to the full Town Council with a recommendation for favorable action. A MOTION was made by Councilor DiFazio to reappoint Nancy Blaszo of 23 Regatta Road to the Waterfront Committee and was seconded by Councilor Mathews. This term will expire on June 30, 2012. UNANIMOUSLY VOTED.

09 062-Reappointment to the Waterfront Committee–Raymond Nash

Councilor DiFazio reported that this measure was referred to committee on April 21, 2009. The committee met on May 7, 2009 and unanimously voted to forward it to the full Town Council with a recommendation for favorable action. A MOTION was made by Councilor DiFazio to reappoint Raymond Nash of 31 Bradmere Way to the Waterfront Committee and was seconded by Councilor Mathews. This term will expire on June 30, 2012. UNANIMOUSLY VOTED.

09 063-Reappointment to the Housing Authority–James Cunningham

Councilor DiFazio reported that this measure was referred to committee on April 21, 2009. The committee met on May 7, 2009 and unanimously voted to forward it to the full Town Council with a recommendation for favorable action. A MOTION was made by Councilor DiFazio to reappoint James Cunningham of 58 Lakeshore Drive to the Housing Authority and was seconded by Councilor Mathews. This term will expire on June 30, 2014. VOTED 9-0-1 (Councilor Pap abstaining)

09 064-Reappointment to the Weymouth Redevelopment Authority–Joseph Curran

Councilor DiFazio reported that this measure was referred to committee on April 21, 2009. The committee met on May 7, 2009 and unanimously voted to forward it to the full Town Council with a recommendation for favorable action. A MOTION was made by Councilor DiFazio to reappoint Joseph Curran of 23 Front Street to the Weymouth Redevelopment Authority and was seconded by Councilor Mathews. This term will expire on June 30, 2014. UNANIMOUSLY VOTED.

09 065-Reappointment to the Zoning Board of Appeals–Mary McElroy

Councilor DiFazio reported that this measure was referred to committee on April 21, 2009. The committee met on May 7, 2009 and unanimously voted to forward it to the full Town Council with a recommendation for favorable action. A MOTION was made by Councilor DiFazio to reappoint Mary McElroy of 11 Peter Road to the Zoning Board of Appeals and was seconded by Councilor Mathews. This term will expire on June 30, 2011. UNANIMOUSLY VOTED.

09 066-Reappointment to the Zoning Board of Appeals–Edward Foley

Councilor DiFazio reported that this measure was referred to committee on April 21, 2009. The committee met on May 7, 2009 and unanimously voted to forward it to the full Town Council with a recommendation for favorable action. A MOTION was made by Councilor DiFazio to reappoint Edward Foley of 54 Harding Avenue to the Zoning Board

of Appeals and was seconded by Councilor Mathews. This term will expire on June 30, 2011. UNANIMOUSLY VOTED.

09 067-Reappointment to the Zoning Board of Appeals–Charles Golden

Councilor DiFazio reported that this measure was referred to committee on April 21, 2009. The committee met on May 7, 2009 and unanimously voted to forward it to the full Town Council with a recommendation for favorable action. A MOTION was made by Councilor DiFazio to reappoint Charles Golden of 226 Columbian Street to the Zoning Board of Appeals and was seconded by Councilor Mathews. This term will expire on June 30, 2011. UNANIMOUSLY VOTED.

09 068-Reappointment to the Zoning Board of Appeals–Robert Galewski – (Alternate)

Councilor DiFazio reported that this measure was referred to committee on April 21, 2009. The committee met on May 7, 2009 and unanimously voted to forward it to the full Town Council with a recommendation for favorable action. A MOTION was made by Councilor DiFazio to reappoint Robert Galewski of 58 Lester Lane to the Zoning Board of Appeals as an alternate member and was seconded by Councilor Mathews. This term will expire on June 30, 2011. UNANIMOUSLY VOTED.

09 069-Reappointment to the Fourth of July Committee–Ronald Rizzo

Councilor DiFazio reported that this measure was referred to committee on April 21, 2009. The committee met on May 7, 2009 and unanimously voted to forward it to the full Town Council with a recommendation for favorable action. A MOTION was made by Councilor DiFazio to reappoint Ronald Rizzo of 164 Pearl Street to the Fourth of July Committee and was seconded by Councilor Mathews. This term will expire on June 30, 2012. UNANIMOUSLY VOTED.

09 070-Reappointment to the Fourth of July Committee–Peter Webb, Jr.

Councilor DiFazio reported that this measure was referred to committee on April 21, 2009. The committee met on May 7, 2009 and unanimously voted to forward it to the full Town Council with a recommendation for favorable action. A MOTION was made by Councilor DiFazio to reappoint Peter Webb, Jr. of 36 Hilltop Road to the Fourth of July Committee and was seconded by Councilor Mathews. This term will expire on June 30, 2012. UNANIMOUSLY VOTED.

09 071-Reappointment to WETC–Joann Stak Bergnard

Councilor DiFazio reported that this measure was referred to committee on April 21, 2009. The committee met on May 7, 2009 and unanimously voted to forward it to the full Town Council with a recommendation for favorable action. A MOTION was made by Councilor DiFazio to reappoint Joann Stak Bergnard of 102 High Street to WETC and was seconded by Councilor Mathews. This term will expire on June 30, 2012. UNANIMOUSLY VOTED.

09 072-1 Year Contract–O’Connor & Drew

Councilor DiFazio reported that this measure was referred to committee on April 21,

2009. The committee met on May 7, 2009 and unanimously voted to forward it to the full Town Council with a recommendation for favorable action. A MOTION was made by Councilor DiFazio to extend a one-year contract to O'Connor & Drew for the town's annual external audit and was seconded by Councilor Mathews. UNANIMOUSLY VOTED.

09 073-Community Preservation Committee –Herbicide Treatment Whitmans Pond

Councilor DiFazio reported that this measure was referred to committee on April 21, 2009. The committee met on May 7, 2009 and unanimously voted to forward it to the full Town Council with a recommendation for favorable action. A MOTION was made by Councilor DiFazio to raise and appropriate the sum of \$39,400 for herbicide treatment of two areas of Whitmans Pond and was seconded by Councilor Mathews. UNANIMOUSLY VOTED.

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

Councilor DiFazio reported that this measure was referred to committee on April 21, 2009. The committee met on May 7, 2009 and unanimously voted to forward it to the full Town Council with a recommendation for favorable action. A MOTION was made by Councilor DiFazio to reappoint Donna Shea of 37 Heritage Lane to the Board of Library Trustees and was seconded by Councilor Mathews. This term will expire on June 30, 2012. UNANIMOUSLY VOTED.

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

Councilor DiFazio reported that this measure was referred to committee on April 21, 2009. The committee met on May 7, 2009 and unanimously voted to forward it to the full Town Council with a recommendation for favorable action. A MOTION was made by Councilor DiFazio to reappoint Anne Marie McCarthy of 78 Donald Drive, #40 to the Community Events Committee and was seconded by Councilor Mathews. This term will expire on June 30, 2012. UNANIMOUSLY VOTED.

09 076-Reappointment to the Historical Commission–Theodore Clarke

Councilor DiFazio reported that this measure was referred to committee on April 21, 2009. The committee met on May 7, 2009 and unanimously voted to forward it to the full Town Council with a recommendation for favorable action. A MOTION was made by Councilor DiFazio to reappoint Theodore Clarke of 99 Great Hill Drive to the Historical Commission and was seconded by Councilor Mathews. This term will expire on June 30, 2012. UNANIMOUSLY VOTED.

09 077-Reappointment to the Recreation Commission–Steve Reilly

Councilor DiFazio reported that this measure was referred to committee on April 21, 2009. The committee met on May 7, 2009 and unanimously voted to forward it to the full Town Council with a recommendation for favorable action. A MOTION was made by Councilor DiFazio to reappoint Steve Reilly of 107 Old County Way to the Recreation Commission and was seconded by Councilor Mathews. This term will expire on June 30, 2012. UNANIMOUSLY VOTED.

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

Councilor DiFazio reported that this measure was referred to committee on April 21, 2009. The committee met on May 7, 2009 and unanimously voted to forward it to the full Town Council with a recommendation for favorable action. A MOTION was made by Councilor DiFazio to reappoint Claire Cunningham of 28 Norma Avenue to the Scholarship Fund Committee and was seconded by Councilor Mathews. This term will expire on June 30, 2012. UNANIMOUSLY VOTED.

Ordinance Committee – Chairman Kevin Whitaker

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

Chairman Whitaker reported this measure was referred to the Ordinance Committee to review the request that the town submit to the Legislation requesting to remove the Police Chief's position from Civil Service. Councilor Whitaker remarked.

Should the Town Council ask the State Legislature to remove Weymouth's police chief position from Civil Service?

In examining this request, the Council must look not only at today's Mayor but perhaps more importantly also consider the precedent being set for unknown future Mayors as well as the intent of the residents as expressed in Weymouth's Charter. With due respect and measured consideration of the request before us, we unanimously recommend the police chief's position remain in civil service, but the process used to select a chief undergo a major overhaul and become a merit- based process which allows for more flexibility and also addresses many of the historical complaints of civil service, in general, as well as those properly raised by our Mayor and supported by Weymouth's professional, dedicated, and qualified superior officers.

For the benefit of your consideration, let me review some issues raised or of concern. In doing so I am thankful to my committee members for their assistance, but please know this overview does not speak for any individual but is merely a survey of issues to aid you further in our deliberations and to address questions which may have been raised or anticipated.

Civil Service systems in the United State emerged around 1877-1883 when both New York City and Brooklyn passed the first local civil service regulations. Federal application of civil service occurred with passage of the broader 'reform movement' which was sweeping the country. This movement, and the related civil service systems which emerged from it, were aimed at reducing or eliminating the system of 'spoils', patronage, and corruption which seemed to characterize many governments of the day, including those at the local, state, and federal levels.

The civil service movement thus served to drastically improve local government operations at a time when professional management had yet to emerge. It replaced systems of patronage with staffing based on merit, as determined through examinations.

It also reduced political influence in the hiring, promotion and dismissal of employees. In short, traditional political values ceased to control administrative appointments, and in its place technical expertise emerged as a preeminent appointment factor.

In 1884, the Massachusetts Legislature enacted the Commonwealth's civil service law. Massachusetts was the second state to pass such a statute. As stated in the court opinion *Cambridge v. Civil Service Commission*, the fundamental purpose of the civil service system is 'to guard against political considerations, favoritism, and bias in government employment decisions; when there are, in connection with personnel decisions, overtones of political control or objectives unrelated to merit standards or neutrally applied public policy.

In 1918, Weymouth adopted Civil Service locally. But this is not an issue without more recent review. Most recently, the topic and words "civil service" are discussed and occurs seven times in Weymouth's charter. This shows the topic of civil service was both considered by the drafters of Weymouth's charter as well as supported by the voters of Weymouth who approved the charter's adoption. These mentions are evidence indicating merit-based hiring remains important to the people of Weymouth. Other than those aired at the public hearing, as a Councilor at large and as Chairman of the Ordinance Committee, I have only received one comment from someone who favors the proposed change.

Some examples of the mentioning of civil service in the charter-

Section 2-10 states:

The Mayor shall submit to the Town Council the name of each person the Mayor desires to appoint to any town office, as a department head, or as a member of a multiple-member body, but not including any position which is subject to the civil service law.

I reference this specific provision as the Council is expressly removed from appointing those who have civil service protections. While theoretically the Council could expand its political powers over the naming of a chief if the position was taken out of civil service, I do not see this serving the best interests of the town's law enforcement needs.

In addition, term lengths, position vacancy notices, and other issues are mentioned in the charter too. Perhaps most illuminating of the voter's intent includes reviewing the Charter, Section 9-6.9, requiring 'the Town Clerk, within 30 days following the charter's ratification to forward to the state legislature a petition for the enactment of a special law stating, in part -Nothing in this act shall be construed to affect the civil service status of any person currently covered by such laws and rules.

Given the goals civil service seeks to protect and the most recent expression of Weymouth's voters on the topic, I suggest the present request has a very high threshold to cross to merit the Council's or state legislature's approval.

During the public hearing testimony, we heard:

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.

This seems incorrect, the MMA website reveals support for keeping this position in civil service. It states:

The Civil Service system no longer works for the selection and promotion of municipal employees except for police and fire personnel...The MMA bill would abolish Civil Service for non-public safety personnel and restrict Civil Service for cities and towns to the selection and promotion of police officers and firefighters.

At the Annual Meeting it was stated:

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.

I am unsure as to the sponsors of the petition, however, the vote to return the position to civil service was passed at town meeting. And while the town of Holbrook has explored going outside of the town to seek civil service chiefs, it has not revoked civil service for the chief and presently does not allow candidates from outside the town. Also, I spoke with the acting chief there who supports keeping the position in civil service.

While other cities and towns have removed the police chief position from civil service, we must be careful in drawing broad conclusions. For instance, Somerville removed its chief from civil service, but included a non-political selection process which begins with an outside firm recruiting and reviewing applicants. The firm then passes on the top five to seven résumés to a selection committee that includes two police officers – one from the Patrolmen’s Union and one from the Superior Officers Union, and four residents selected by the Mayor and Board of Alderman. Two of those residents are also minorities. Thus, while the position was removed, there were mandated safeguards included to place objective assessments free from undue political influence into the selection process.

Braintree Police Chief Frazier recently appeared at Weymouth’s Annual Town Meeting and iterated that candidates for chief are among some of the most politically active. While we do not consider the merits of his argument, in his own case, he testified to having unfairly lost his job over political reasons by a 3-2 Selectman’s vote. He also added elected officials were, in fact, replaced due to this situation with his position ultimately reinstated. In the politically charged environment he conjures to mind, this begs the question, had Chief Frazier been afforded the basic protections under civil service, might the political influences he testified on been avoided in the first place? While Chief Frazier’s final position suggested Weymouth should move away from civil

service, to me his proffered testimony may have suggested quite the opposite. One might argue the Town of Weymouth partly moved to accept a Charter, in part, for the specific purpose to avoid the types of political maneuverings, infighting, and power struggle Mr. Frazier's testimony addressed. In fact, one of the most important components of the civil service system is the 'just cause' protection which it affords tenured employees. Civil service employees cannot be discharged, removed, suspended, laid off, or transferred without 'just cause.' This does not protect those who are terminated or disciplined for cause as, again, the fundamental purpose of the civil service system is to guard against political considerations, favoritism, and bias in governmental employment decisions.

Like our charter that was accepted by our residents, on May 4, 2009, in Westwood, a Board of Selectmen proposal to remove the fire chief's position from the provisions of the Civil Service law was reported as 'going down in flames at Town Meeting, 130-81.' It was also argued there too, that the field of candidates was not large enough to find the best candidate for Westwood. The public, however, found these arguments unconvincing as demonstrated in their vote.

One author finds ...in general it appears as though the primary benefit of civil service, and hence its primary application, has been in cities with ...forms of government such as the weak or strong-Mayor forms. In these cases civil service has partly helped to ensure the non-politicized appointment and advancement of the workforce.

In recommending a 'Yes' vote, we are not asking our fellow Councilors to adopt a perfect process but to reaffirm the continuation of a non-politicized selection of our police chief and further to support promoting career advancement based upon demonstrated merit following a fair and open competition among qualified professionals.

Regardless of the vote taken this evening, Weymouth is entering a new day in finding the best candidate for our police chief. We now have reason to celebrate as we embrace the new and innovative professional assessment manner in which Weymouth's future police chief candidates will be evaluated and promoted. In addition to our vote, we commend the Mayor for her efforts to bring much needed reform to the civil service hiring process for Weymouth's police chief going forward.

Like all other effective law enforcement agencies, the Weymouth Police Department must continue evolving, not only in technology, equipment, and knowledge but also in leadership development. That development may only be possible with qualified chief of police at the helm of the Weymouth Police Department. An effective promotional system for our chief helps Weymouth identify and motivate its best leaders while serving and protecting our citizens. Further, an effective promotional process breeds success by affording the town the ability to identify its best, brightest and most experienced leaders while motivating other officers to constantly improve and strive toward career advancement to the highest position of chief.

We applaud and agree with the Mayor as well as the Superior Officer's Union for agreeing to the principal that an effective process is required. We agree with the Mayor's

recent comments, stating ‘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 finding grants and other revenue opportunities are paramount.

Civil service has partly helped to ensure the non-politicized appointment and advancement of the workforce. Our recommendation reflects the idea that government functions best when it is staffed based on merit outside political influences. Today’s assessment centers provide a level playing field and also provides a means for evaluating important leadership and interpersonal skills.

A strong chief counterbalances and serves as a check and balance in a strong Mayor form of government.

Others have noted hiring from within produces leaders with ‘community-specific’ knowledge. It provides chiefs who know Weymouth’s law enforcement needs better than any outsider ever could.

I should discuss the assessment center, the alternative method being supported.

The Human Resources Division’s new Regional Assessment Center Initiative is an initiative to implement an Assessment Center form of civil service testing for the levels of Police Chief and Deputy Police Chief.

Assessment Centers are a series of exercises designed to test how well a candidate would perform in a job, using task simulations and role players to replicate real, on-the-job situations. Candidates are evaluated on qualities such as Decision-Making, Interpersonal Skills, Planning and Administration, and Leadership. As these qualities are important in the promotion of Chiefs and Deputy Chiefs, and yet difficult to measure in multiple choice written exams, the use of Assessment Centers to evaluate promotional candidates is growing and gaining acceptance in Massachusetts.

Through the Regional Assessment Center Initiative, the Human Resources Division is committed to offering civil service communities the option of a joint assessment center for the 2009 Police Chief and Deputy Policy Chief exam series, at the same fee rate to applicants as our multiple choice written promotional exam. They are also delighted that the initiative has brought forth a partnership among the Massachusetts Chiefs of Police Association, EB Jacobs, an international public safety testing consultant, and the Human Resources Division. In the upcoming months, they will be recruiting assessors and providing subject matter expertise to the Commonwealth, and EB Jacobs will be assisting in test validity.

The Human Resources Division believes this in an exceptional opportunity since the use of an Assessment Center has proven to be effective and insightful for both candidates and Appointing Authorities.

Requesting to participate in the Regional Assessment Center Initiative is straightforward and is no different than requesting a traditional exam. In fact, Weymouth has submitted a complete form 13 and cover letter specifying our community would like to participate in the Regional Assessment Center as a stand-alone exam.

Discussions with Jack Collins, who serves as the general counsel for the Massachusetts Police Chiefs Association, revealed he strongly supports keeping the position in civil service. He believes the former system was bad, but now a flexible system exists that allows communities to examine applicants well beyond a mere written test. In addition to providing a better process, Mr. Collins believes removing the process from civil service promotes higher-ranking officers to stop trying. Further, in referencing the hiring of outside chiefs, he says those that work out are the exception rather than the rule. More often, chiefs who come from outside don't understand local issues or local union relations and are short term. He firmly stated, if you have the choice, keep it in civil service. We agree.

The Ordinance Committee recommends the Council vote no on Measure Number 09-006. This means a Councilor must vote 'Yes' to affirm the committee's recommendation and support denying the measure. A 'Yes' vote would keep the police chief position under civil service.

A MOTION was made by Councilor Whitaker to deny the measure and was seconded by Councilor Mathews. A YES vote is required to affirm the vote taken by committee and keep the position in Civil Service.

Councilor O'Connor noted that he is against taking it out of civil service in light of the challenges Weymouth is currently facing, including drug use and reductions in funding. He noted it is not the time to shake up things. A chief chosen from within the force knows the town and the issues the town faces. He also noted that Mr. Frazier's having discussed private assessment of three candidates at the Public Hearing forum was inappropriate. He will support a vote to keep the position in Civil Service and requested a roll call vote be taken.

Councilor Pap thanked the committee for their diligent research and the Mayor for bringing forward a good suggestion. He noted the dedication of the officers on the force and reported he will support the affirmative vote of committee.

Councilor Conlon read the following prepared statement:

"Statements have been made that it was difficult to initiate discipline procedures against an officer because of his or her protection under civil service regulations.

"This is not true!

"As a supervisor, I have suspended a police officer for dereliction of duty. And, yes, he did exercise his appeal to Civil Service.

"I testified at the Civil Service hearing and shortly thereafter, they came down with their ruling.

"Civil Service upheld the original suspension and stated that the officer's appeal to Civil Service was without merit.

Yes, the Civil Service system does work.

"The administration's next argument is that it needs a larger pool to select from; therefore they need to go out of Civil Service so that the Mayor can pick the best candidate who may be within the state or maybe a nation-wide search.

"I believe that the current captains and lieutenants on the Weymouth Police Department have demonstrated their commitment to the residents of Weymouth.

"They know firsthand the inner workings of the department.

"How best to motivate officers to obtain discipline and more important to have a high degree of esprit de corps.

"They have paid their dues with loyalty and devotion to duty.

"Do we throw that out?

"What message are we sending to the community?

"I am perplexed as to why the Mayor does not want to promote within.

"The many police chiefs that have served Weymouth since 1918 have always kept the concerns of the citizens their primary duty.

"The residents of Weymouth deserve to have a police chief appointed within the ranks of the Police Department and not an outsider who will be here for two or three years and then move on to the next chief's job."

Councilor McDonald thanked Chairman Whitaker, and noted while he understands the Mayor's desire to explore options, it sends the wrong message to those who protect the town, and it would cause a morale issue within the department. He will support keeping the position in Civil Service.

Council President Michael Smart read the following prepared statement:

"There is no substitute for the experience gained by an individual working through the ranks of the Weymouth Police Department. A chief chosen from within the department has valuable insight into the strengths, weaknesses and skills of his fellow officers, while an outsider would possess none of this knowledge. There is no time for a learning curve in the leadership of the department whose duty it is to serve and protect our residents.

“Because taking the chief’s position out of civil service would provide no assurances that our next chief would come from within the Weymouth Police Department, I will be voting ‘No’ on this measure.”

A ROLL CALL vote was taken; Robert Conlon-Yes, Kenneth DiFazio-YES, Ed Harrington-YES, Arthur Mathews-YES, Michael Molisse-abstained, Brian McDonald-YES, Patrick O’Connor-YES, Victor Pap III-YES, Kevin Whitaker-YES, and Michael Smart-YES. Vote Passed 9-0-1 with one absention.

09 022 – Proposed Ordinance- Compliance with Chapter 465 PF The Acts or 2008 (Parking fines)

A MOTION was made by Councilor Whitaker to take NO ACTION on this measure and was seconded by Councilor Mathews. UNANIMOUSLY VOTED.

09 023 – Ordinance Amendment-Amnesty Program

A MOTION was made by Councilor Whitaker for favorable action on this measure and was seconded by Councilor Mathews. UNANIMOUSLY VOTED.

09 038 – Proposed Ordinance “Neighborhood Property Preservation”

Councilor Whitaker reported this measure is still in committee and will be reported out at a later date.

ADJOURNMENT

At 9:50 PM, there being no further business, a MOTION to adjourn was made by Councilor Mathews and seconded by Councilor O’Connor. UNANIMOUSLY VOTED.

Respectfully submitted by Mary Briggs

Approved by Michael Smart-Council President