

MINUTES OF THE TOWN COUNCIL
Abigail Adams Auditorium
June 4, 2007

Present: Michael Smart, President
Paul J. Leary, Vice-President
Jack Carey
Kenneth J. DiFazio
Sue Kay
Thomas J. Lacey
Arthur E. Mathews
Michael Molisse
Patrick O'Connor
Gregory Shanahan
Kevin Whitaker

Not Present: Jane Hackett, Chief of Staff

Also Present: Franklin Fryer, Town Clerk
George Lane, Town Solicitor
Richard Swanson, Town Auditor
James Wilson, Chief Financial Officer

Recording Secretary: Janet Murray

President Smart called the Town Council Meeting to order at 7:30pm-at the Abigail Adams Auditorium.

ANNOUNCEMENTS

Councilor Leary noted that his evening's meeting will not be broadcast live on WETC. He asked that those in the audience pass on the fact that the meeting will be broadcast as follows: 6/5/07 at 7:30 pm, 6/7/07 at 7:30 pm, and on 6/8/07 at 7:30 pm.

Councilor Kay announced that on 6/16/07 from 10am to 12noon the American Legion will host a Korean War Veterans complimentary breakfast. For more information contact Fran Tucci at 781-335-9264 or Ken McNeil at 337-4935.

Councilor Kay announced that there will be a dedication of the corner of White and Union Streets on June 10th at 2pm. The intersection will be named in honor of Fred Tolkien

MINUTES

Auditor Selection Committee Meeting (Executive Session)-3/29/07

A MOTION was made by Councilor Leary to ACCEPT the minutes from 3/29/07 and was seconded by Councilor Kay and UNANIMOUSLY VOTED.

Auditor Selection Committee Meeting (Executive Session)-4/13/07

A MOTION was made by Councilor Leary to ACCEPT the minutes from 4/13/07 and was seconded by Councilor Kay and UNANIMOUSLY VOTED.

Auditor Selection Committee Meeting (Executive Session)-4/18/07

A MOTION was made by Councilor Leary to ACCEPT the minutes from 4/18/07 and was seconded by Councilor Kay and UNANIMOUSLY VOTED.

Budget/Management Committee Meeting-4/19/07

A MOTION was made by Councilor Leary to ACCEPT the minutes from 4/19/07 and was seconded by Councilor Kay and UNANIMOUSLY VOTED.

Budget/Management Committee Meeting-5/8/07

A MOTION was made by Councilor Leary to ACCEPT the minutes from 5/8/07 and was seconded by Councilor Kay and UNANIMOUSLY VOTED.

Annual Town Meeting-5/14/07

A MOTION was made by Councilor Leary to ACCEPT the minutes from 5/14/07 and was seconded by Councilor Kay and UNANIMOUSLY VOTED.

Public Works Committee Meeting-5/21/07

A MOTION was made by Councilor Leary to ACCEPT the minutes from 5/21/07 and was seconded by Councilor Kay and UNANIMOUSLY VOTED.

Town Council Meeting-5/21/07

A MOTION was made by Councilor Leary to ACCEPT the minutes from 5/21/07 and was seconded by Councilor Kay and UNANIMOUSLY VOTED.

CITIZEN'S CONCERN/COUNCIL RESPONSE

Lauren Cross/Field Representative for the Salvation Army-Service Availability

Ms. Lauren Cross addressed the Council regarding the service opportunities within the Salvation Army. She stated that she is the Salvation Army field representative for the South Shore, Cape and Islands. She noted that the town of Weymouth has given generously in support of the Salvation

Army. The Salvation Army is looking to form a local service unit committee. Volunteers are being sought. Additional information is available through email at lauren.cross@use.salvationarmy.org or via phone at 617-338-4155 extension 521.

PUBLIC HEARINGS

07 066-Fiscal Year 2008 Supplemental Budget Appropriation

A MOTION was made by Councilor Leary to OPEN the Public Hearing on item number 07 066 and was seconded by Councilor Kay and UNANIMOUSLY VOTED.

This item was published on 5/25/07.

Mr. Wilson stated that the Mayor is seeking reductions in the amount of \$442,309. The state reduced the town's share of state aid after the budget process. The reductions are as follows:

- \$50,000 in unemployment insurance
- \$17,000 in life insurance benefits
- \$156,780 on retired teacher's health insurance
- \$9,443 in salaries for Elder Services
- \$209,086 in the School Department Budget.

Mr. Wilson introduced Ms. Livingstone, the assistant superintendent. Ms. Livingstone stated that there was significant increase in the cost of the bus contract. This increase is \$120,000. The total reduction figure is \$329,086. The bottom line change is \$209,086.

Ms. Livingstone stated that due to the mild winter there is money available in the utilities line item. She noted that there were funds available in the following accounts:

- Custodial supplies
- Nash classroom teacher
- System building technology
- Johnson principal clerical
- Johnson regular paraprofessionals
- District textbooks
- District electricity
- WHS security paraprofessionals
- Grants unclassified savings from retirement

The total decrease is \$329,086. This amount includes the increase of \$120,000 to the budgeted amount for bus transportation.

Councilor DiFazio asked if any teaching positions would be eliminated. Ms. Livingstone stated that a kindergarten teacher had been included in the budget but was removed. However, the position was retained through a change in Special Education money.

Councilor Whitaker expressed surprise at the reduction in Chapter 70 funding. Ms. Livingstone stated that the change in the Chapter 70 money was due to a change in the funding formula. There

is a 2% “levy” for schools that are below the target net school spending amount. She was not sure if this will continue. She did note that if this formula change continues the town may face this levy again next year.

Councilor Lacey asked about the formula and how far off the town is from the spending. Ms. Livingstone clarified that net school spending and the local contribution amount are not the same thing. She stated that the town is meeting the net school funding amount. The local contribution amount, the town was 12% below what was calculated for the town. Any school district that was more than 10% off was hit with the levy.

There was the following public comment.

Kathleen Curran, 26 Babcock Ave, stated that she is concerned that the School Department is facing financial cuts when there is a capital improvement bond request that will be voted on later this evening for over \$7 million.

She noted that the town’s expenditure per pupil is below the state average.

She suggested that the town utilize the \$2 million mitigation money earmarked for Legion Field and level and seed the field, repair the fence, fix the drainage, and let it go from there.

A MOTION was made by Councilor Leary to CLOSE the Public Hearing on item number 07 066 and was seconded by Councilor Kay and UNANIMOUSLY VOTED.

07 004-Proposed Ordinance Amendment to Section 13-105-Buses

A MOTION was made by Councilor Leary to OPEN the Public Hearing on item number 07 004 and was seconded by Councilor Kay and UNANIMOUSLY VOTED.

This item was published on 5/25/06. There was no public comment.

Councilor DiFazio stated that this item was submitted on 1/24/07. He noted that he was in contact with Sergeant Concannon regarding this proposal. He noted, also, that the amendment makes the following changes to Section 13-105-- which provides for police department enforcement and fines. Section B applies to enforcement and Section C applies to fines of \$100 for first offense and \$200 for second and subsequent offenses.

The intent of this measure is to deter unauthorized use of public places as bus stops.

A MOTION was made by Councilor Leary to CLOSE the Public Hearing on item number 07 004 and was seconded by Councilor Kay and UNANIMOUSLY VOTED.

COMMUNICATION FROM MAYOR, TOWN OFFICERS, AND TOWN BOARDS

07 103-Appointment to the Board of Registrars-Michelle Cronin

A MOTION was made by Councilor Leary to REFER item number 07 103 to the Budget/Management Committee and was seconded by Councilor Mathews and was UNANIMOUSLY VOTED.

07 104-Reappropriation-Veteran's Benefits

Mr. Wilson stated that this is a re-appropriation of \$14,000 from Veteran's Salaries to Veteran's Benefits. He noted that there is only \$747 remaining in the Veteran's Benefit line item.

A MOTION was made by Councilor Leary to take item number 07 104 UNDER 2-9 B, same night action, and was seconded by Councilor Kay and was UNANIMOUSLY VOTED.

A MOTION was made by Councilor Leary to APPROVE item number 07 104 and was seconded by Councilor Kay and was UNANIMOUSLY VOTED.

07 105-Reappropriation to Fire Department Overtime

A MOTION was made by Councilor Leary to REFER item number 07 105 to the Budget/Management Committee and was seconded by Councilor Kay and was UNANIMOUSLY VOTED.

REPORTS OF COMMITTEES

Budget Management Committee – Chairman DiFazio

Vote on Fiscal Year 2008 Budget

Councilor DiFazio stated that he will be reporting on the fiscal year budget review of the Budget/Committee. He stated that the items were referred on 4/2/07. He stated that the committee met on the following dates: 4/2/07, 4/12/07, 4/19/07, 4/24/07, 5/1/07, 5/3/07, and 5/8/07. He stated that a public hearing was held on 5/14/07. Additional committee meetings were held on 5/24/07, and this evening, 6/4/07.

Councilor DiFazio recognized Mr. Swanson.

Mr. Swanson stated that as the town auditor he has no issues or questions on the Mayor's budget. He stated that the Budget/Management Committee has done an excellent job on the budget review process.

Councilor DiFazio stated that the first year of the Community Preservation Committee's budget submittal went well and no changes were made to their requests.

Councilor DiFazio noted that \$1 million may be needed to pay potential Cost of Living increases.

07 041 - Authorization for Use of Overlay Account Funds - \$175,433.49

The committee voted unanimously to recommend favorable action.

A MOTION was made by Councilor DiFazio to APPROVE item number 07 041 and was seconded by Councilor Kay and was UNANIMOUSLY VOTED.

07 042 - Authorization for use of Stabilization Account - \$217,661.00

The committee voted unanimously to recommend favorable action.

Councilor DiFazio stated that the current balance in the Stabilization Account is approximately \$925,000.

A MOTION was made by Councilor DiFazio to APPROVE item number 07 042 and was seconded by Councilor Kay and was UNANIMOUSLY VOTED.

07 043 - Operating Measure-Operation for Use/Sale of Town Owned property \$2,000,000.00

The committee voted unanimously to recommend favorable action.

Councilor Whitaker expressed concern regarding use of non-recurring sources of income. He stated that he would like to see this type of income used for capital improvements rather than on operating expenses.

A MOTION was made by Councilor DiFazio to APPROVE item number 07 043 and was seconded by Councilor Kay and PASSED 10-1 (Councilor Whitaker voting nay).

07 044 - Operating Measure-General Fund Appropriation Request - FY08 Annual Budget

The committee voted unanimously to recommend favorable action.

A MOTION was made by Councilor DiFazio to APPROVE item number 07 044 and was seconded by Councilor Kay and was UNANIMOUSLY VOTED.

07 044A - Town Council - \$299,688.32

The committee voted unanimously to recommend favorable action.

A MOTION was made by Councilor DiFazio to APPROVE item number 07 044A and was seconded by Councilor Kay and was UNANIMOUSLY VOTED.

07 044B - Mayor's Office - \$1,029,980.29

The committee voted unanimously to recommend favorable action.

A MOTION was made by Councilor DiFazio to APPROVE item number 07 044B and was seconded by Councilor Kay and was UNANIMOUSLY VOTED.

07 044C - Reserve Fund - \$404,940.00

The committee voted unanimously to recommend favorable action.

A MOTION was made by Councilor DiFazio to APPROVE item number 07 044C and was seconded by Councilor Kay and was UNANIMOUSLY VOTED.

07 044D - Municipal Finance - \$1,860,950.07

Councilor Whitaker stated that he would abstain from voting on this measure.

A MOTION was made by Councilor DiFazio to APPROVE item number 07 044C and was seconded by Councilor Kay and PASSED 10-0-1. (Councilor Whitaker abstaining).

07 044E - Town Solicitor - \$321,925.89

The committee voted unanimously to recommend favorable action.

A MOTION was made by Councilor DiFazio to APPROVE item number 07 044E and was seconded by Councilor Kay and was UNANIMOUSLY VOTED.

07 044F - Information Services - \$759,477.70

The committee voted unanimously to recommend favorable action.

A MOTION was made by Councilor DiFazio to APPROVE item number 07 044F and was seconded by Councilor Kay and was UNANIMOUSLY VOTED.

07 044G - Town Clerk - \$352,382.35

The committee voted unanimously to recommend favorable action.

A MOTION was made by Councilor DiFazio to APPROVE item number 07 044G and was seconded by Councilor Kay and was UNANIMOUSLY VOTED.

07 044H - Human Resources - \$234,311.70

The committee voted unanimously to recommend favorable action.

A MOTION was made by Councilor DiFazio to APPROVE item number 07 044H and was seconded by Councilor Kay and was UNANIMOUSLY VOTED.

07 044I - Planning and Community Development - \$423,251.24

The committee voted unanimously to recommend favorable action.

A MOTION was made by Councilor DiFazio to APPROVE item number 07 044I and was seconded by Councilor Kay and was UNANIMOUSLY VOTED.

07 044J - Police - \$10,171,838.13

Councilor Molisse stated that he abstained at the Committee level and would again abstain from voting.

A MOTION was made by Councilor DiFazio to APPROVE item number 07 044I and was seconded by Councilor Kay and PASSED 10-0-1 (Councilor Molisse abstaining).

07 044K - Fire - \$8,146,519.28

The committee voted unanimously to recommend favorable action.

A MOTION was made by Councilor DiFazio to APPROVE item number 07 044K and was seconded by Councilor Kay and was UNANIMOUSLY VOTED.

07 044L - Licensing and Inspections - \$552,576.56

The committee voted unanimously to recommend favorable action.

A MOTION was made by Councilor DiFazio to APPROVE item number 07 044L and was seconded by Councilor Kay and was UNANIMOUSLY VOTED.

07 044M - Department of Public Works - \$8,804,729.00

Councilor Molisse stated that he abstained at the Committee level and would again abstain from voting.

The committee voted unanimously to recommend favorable action.

A MOTION was made by Councilor DiFazio to APPROVE item number 07 044M and was seconded by Councilor Kay and PASSED 10-0-1 (Councilor Molisse abstaining).

07 044N - Health - \$463,433.00

The committee voted unanimously to recommend favorable action.

A MOTION was made by Councilor DiFazio to APPROVE item number 07 044N and was seconded by Councilor Kay and was UNANIMOUSLY VOTED.

07 044O - Library - \$1,125,911.24

The committee voted unanimously to recommend favorable action.

A MOTION was made by Councilor DiFazio to APPROVE item number 07 044O and was seconded by Councilor Kay and was UNANIMOUSLY VOTED.

07 044P - Administrative and Community Services - \$1,570,780.00

The committee voted unanimously to recommend favorable action.

A MOTION was made by Councilor DiFazio to APPROVE item number 07 044P and was seconded by Councilor Kay and was UNANIMOUSLY VOTED.

07 044Q - Debt Service - \$8,333,551.00

The committee voted unanimously to recommend favorable action.

A MOTION was made by Councilor DiFazio to APPROVE item number 07 044Q and was seconded by Councilor Kay and was UNANIMOUSLY VOTED.

07 044R - Pensions & Benefits - \$19,118,702.00

The committee voted unanimously to recommend favorable action.

A MOTION was made by Councilor DiFazio to APPROVE item number 07 044R and was seconded by Councilor Kay and was UNANIMOUSLY VOTED.

07 044S - State & County Assessments - \$5,879,979.00

The committee voted unanimously to recommend favorable action.

A MOTION was made by Councilor DiFazio to APPROVE item number 07 044S and was seconded by Councilor Kay and was UNANIMOUSLY VOTED.

07 044T - School Department - \$55,966,070.00

Councilor Whitaker disclosed that his brother is a Weymouth School teacher. Councilor Shanahan disclosed that his mother is a Weymouth School teacher

The committee voted unanimously to recommend favorable action.

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A MOTION was made by Councilor DiFazio to APPROVE item number 07 044T and was seconded by Councilor Kay and was UNANIMOUSLY VOTED.

07 044U - Overlay for Abatements - \$600,000.00

The committee voted unanimously to recommend favorable action.

A MOTION was made by Councilor DiFazio to APPROVE item number 07 044U and was seconded by Councilor Kay and was UNANIMOUSLY VOTED.

07 044V - Waterways Fund - \$80,000.00

The committee voted unanimously to recommend favorable action.

A MOTION was made by Councilor DiFazio to APPROVE item number 07 044V and was seconded by Councilor Kay and was UNANIMOUSLY VOTED.

07 045 - Donation Accounts-Annual Authorization to Receive/Expend

The committee voted unanimously to recommend favorable action.

A MOTION was made by Councilor DiFazio to APPROVE item number 07 045 and was seconded by Councilor Kay and was UNANIMOUSLY VOTED.

07 046 - Revolving Accounts Annual Authorization to Receive/Expend

The committee voted unanimously to recommend favorable action.

A MOTION was made by Councilor DiFazio to APPROVE item number 07 046 and was seconded by Councilor Kay and was UNANIMOUSLY VOTED.

07 047 - Operating Measure/Sewer Enterprise Fund Appropriation Order - \$13,573,262

The committee voted unanimously to recommend favorable action.

A MOTION was made by Councilor DiFazio to APPROVE item number 07 047 and was seconded by Councilor Leary and was UNANIMOUSLY VOTED.

07 048 - Sewer Enterprise Fund Residual Account - \$57,680.60

The committee voted unanimously to recommend favorable action.

A MOTION was made by Councilor DiFazio to APPROVE item number 07 048 and was seconded by Councilor Leary and was UNANIMOUSLY VOTED.

07 050-Bond Request for Sewer I/I

This item was referred on 4/2/07. This item was published on 5/3/07. A Public Hearing was held on 5/14/07. The committee voted unanimously to recommend favorable action.

A MOTION was made by Councilor DiFazio to APPROVE item number 07 050 as follows:

That the Town of Weymouth vote to raise and appropriate the sum of \$1,200,000.00 for the purpose of planning, construction and reconstruction of sewers, sewer systems and sewerage disposal facilities, consisting of infiltration/inflow improvements, including without limitation all costs thereof as defined in Section 1 of Chapter 29C of the general Laws: and to meet this appropriation the Treasurer with the approval of the Mayor is authorized to borrow \$1,200,000.00 and issue bonds or notes therefore under Chapter 44 and/or Chapter 29C of the General Laws: that such bonds or notes shall be general obligations of the Town unless the Treasurer with the approval of the Mayor determines that they should be issued as limited obligations and may be secured by local system revenues as defined in Section 1 of chapter 29C; that the Treasurer with the approval of the Mayor is authorized to borrow all or a portion of such amount from the Massachusetts Water Pollution Abatement Trust established pursuant to Chapter 29C and in connection therewith to enter into a loan agreement and/or a security agreement with the Trust otherwise to contract with the trust and Department of Environmental Protection with respect to such loan for any federal or state available for the project or for financing thereof and the Mayor is authorized to enter into a project regulatory agreement with the Department of Environmental Protect; that the Treasurer with the approval of the Mayor is authorized to borrow all or a portion of such amount from the Massachusetts Water Resources Authority (MWRA) and in connection therewith to enter into a loan agreement and/or a financial assistance agreement with MWRA and otherwise to contract for and to expend any federal or state aid available for the project including any grant related to the project from the MWRA; and that the Mayor is authorized to expend all funds available for the project and to take any other action necessary to carry out the project.

Motion was seconded by Councilor Leary and was UNANIMOUSLY VOTED.

07 051 - Water Enterprise Fund Annual Appropriation - \$7,291,467.00

The committee voted unanimously to recommend favorable action.

A MOTION was made by Councilor DiFazio to APPROVE item number 07 051 and was seconded by Councilor Leary and was UNANIMOUSLY VOTED.

0 7052 - Water Enterprise Fund Residual Account - \$133,193.38

The committee voted unanimously to recommend favorable action.

A MOTION was made by Councilor DiFazio to APPROVE item number 07 052 and was seconded by Councilor Leary and was UNANIMOUSLY VOTED.

07 053-Water Enterprise Fund Bond Authorization for Water Treatment Plant Design and Construction- \$5,000,000.

This item was referred on 4/2/07. This item was published on 5/3/07. A Public Hearing was held on 5/14/07. The committee voted unanimously to recommend favorable action.

A MOTION was made by Councilor DiFazio to APPROVE item number 07 053 as follows:

That the Town of Weymouth vote to raise and appropriate the sum of \$5,000,000.00 for the purpose of planning, designing and constructing a new water treatment plant including without limitation all costs thereof as defined in Section 1 of Chapter 29C of the General laws; and to meet this appropriation the treasurer with the approval of the Mayor is authorized to borrow \$5,000,000.00 and issue bonds or notes therefore under Chapter 44 and/or Chapter 29C of the General Law: that such bonds or notes shall be general obligations of the Town unless the Treasurer with the approval of the Mayor determines that they should be issued as limited obligations and may be secured by local system revenues as defined in Section 1 of Chapter 29C; that the Treasurer with the approval of the Mayor is authorized to borrow all or portion of such amount from the Massachusetts Water Pollution Abatement Trust established pursuant to Chapter 29C and in connection therewith to enter into a loan agreement and/or a security agreement with the Trust and otherwise contract with the Trust and the Department of Environmental Protection with respect to such loan for any federal or state aid available for the project or for financing thereof and the Mayor is authorized to enter into a project regulatory agreement with the Department of Environmental Protect; that the Treasurer with the approval of the Mayor is authorized to borrow all or a portion of such amount from the Massachusetts Water Resource Authority (MWRA) and in connection therewith to enter into a loan agreement and/or a financial assistance agreement with the MWRA and otherwise to contract for and to expend any federal or state aid available for the project including any grant related to the project from the MWRA; and that the Mayor is authorized to expend all funds available for the project and to take any other action necessary to carry out the project.

Motion was seconded by Councilor Leary and was UNANIMOUSLY VOTED.

07 054 - Great Pond Water Treatment Plant De-Commissioning Borrowing Request
\$2,600,000.00

The committee voted unanimously to recommend favorable action.

A MOTION was made by Councilor DiFazio to APPROVE item number 07 054 and was seconded by Councilor Leary and was UNANIMOUSLY VOTED.

07 055 - Community Preservation Committee FY08 Budget Request

The committee voted unanimously to recommend favorable action.

A MOTION was made by Councilor DiFazio to APPROVE item number 07 055 and was seconded by Councilor Leary and was UNANIMOUSLY VOTED.

07 055A - Community Preservation Committee Salary-Administrative Costs - \$35,000.00

The committee voted unanimously to recommend favorable action.

A MOTION was made by Councilor DiFazio to APPROVE item number 07 055A and was seconded by Councilor Leary and was UNANIMOUSLY VOTED.

07 055B - Community Preservation Committee Recording Secretary-Administrative Costs \$3,750.00

The committee voted unanimously to recommend favorable action.

A MOTION was made by Councilor DiFazio to APPROVE item number 07 055B and was seconded by Councilor Leary and was UNANIMOUSLY VOTED.

07 055C - Community Preservation Committee Reserve Fund - \$251,026.00

The committee voted unanimously to recommend favorable action.

A MOTION was made by Councilor DiFazio to APPROVE item number 07 055C and was seconded by Councilor Leary and was UNANIMOUSLY VOTED.

07 055D - Community Preservation Committee Miscellaneous Expenses-Administrative Costs - \$13,013.00

The committee voted unanimously to recommend favorable action.

A MOTION was made by Councilor DiFazio to APPROVE item number 07 055D and was seconded by Councilor Leary and was UNANIMOUSLY VOTED.

07 055E - Community Preservation Committee Reserve Fund-Open Space/Herring Run Pool Project \$123,473.00

The committee voted unanimously to recommend favorable action.

A MOTION was made by Councilor DiFazio to APPROVE item number 07 055E and was seconded by Councilor Leary and was UNANIMOUSLY VOTED.

07 055F - Community Preservation Committee Reserve Fund-Community Housing \$103,527.00

The committee voted unanimously to recommend favorable action.

A MOTION was made by Councilor DiFazio to APPROVE item number 07 055F and was seconded by Councilor Leary and was UNANIMOUSLY VOTED.

**07 055G - Community Preservation Committee—Historic Resources-Fogg Library
Expenditure \$382,000.00**

The committee voted unanimously to recommend favorable action.

A MOTION was made by Councilor DiFazio to APPROVE item number 07 055G and was seconded by Councilor Leary and was UNANIMOUSLY VOTED.

**07 055H - Community Preservation Committee-Recreation Expenses- Herring Run Pool
Expenditure \$123,473.00**

The committee voted unanimously to recommend favorable action.

A MOTION was made by Councilor DiFazio to APPROVE item number 07 055H and was seconded by Councilor Leary and was UNANIMOUSLY VOTED.

07 056 - Community Preservation Committee-Wessagusett Field Improvements - \$141,000.00

The committee voted unanimously to recommend favorable action.

A MOTION was made by Councilor DiFazio to APPROVE item number 07 056 and was seconded by Councilor Leary and was UNANIMOUSLY VOTED.

07 057 - Community Preservation Committee-Recreation Pavilion - \$66,000.00

Councilor Mathews stated that he did not support this measure.

The committee voted unanimously to recommend favorable action.

A MOTION was made by Councilor DiFazio to APPROVE item number 07 057 and was seconded by Councilor Leary and PASSED 10-1-0 (Councilor Mathews voting nay).

07 058 - Community Preservation Committee-Abigail Adams Birthplace - \$12,000.00

The committee voted unanimously to recommend favorable action.

A MOTION was made by Councilor DiFazio to APPROVE item number 07 058 and was seconded by Councilor Leary and was UNANIMOUSLY VOTED.

**07 059 - Community Preservation Committee-Elmwood/Reed Cemetery Improvements -
\$12,000.00**

The committee voted unanimously to recommend favorable action.

A MOTION was made by Councilor DiFazio to APPROVE item number 07 055A and was seconded by Councilor Leary and was UNANIMOUSLY VOTED.

Capital Improvement Plan Fiscal Years 2007-2012

Councilor DiFazio stated that the Budget/Management Committee reviewed the Capital Improvement Plan for fiscal years 2007-2012. He stated that the Committee approved the plan. He also noted that the plan was referred to committee on 3/2/07.

07 029-Bond Authorization for Extraordinary Repairs to Parks and Playgrounds

Councilor Smart stated that the Councilor Molisse asked to have the Mayor appear before the Council. The Mayor gave a brief presentation of his proposed plan for Legion Field.

Mayor Madden noted that several minor changes were made. The roller hockey rink has been removed and replaced with a second basketball court. Additionally, the tot lot has been moved further away from the baseball field.

The Mayor stated that there is a base site preparation, wall repair, drainage and utility costs that will be incurred regardless of what is done at the field. This will cost \$3 million. He noted that the cost of rehabilitating the site will be expensive. He stated that when you add bringing the site up to ADA standards and additional site needs the cost rises to \$4.2 million. He stated that the bond payment would be \$385,000 in 2009.

Councilor Whitaker asked if the numbers presented take into consideration the \$2 million from LNR. The Mayor stated that they do and this money is expected in 2011. Councilor Whitaker asked what would happen if the money were not received from LNR. Mayor Madden stated that the town would be responsible for the payments.

Councilor DiFazio stated the following information regarding item number 07 029

- The item was referred on 3/19/07
- The Committee met on 3/27/07
- The public hearing notice was published on 3/23/07
- A public hearing was held on 4/2/07 and continued
- The public hearing continued on 4/17/07 and was concluded that evening
- 4/23/07 voted to attach 5 exhibits
 - 4/2/07 meeting minutes
 - Letter on parking by Michael Colclough
 - Councilor O'Connor's letter to Mayor of 4/23/07
 - Diane Owens' Survey results of 162 respondents
 - Letter from Linda Bermeister dated 4/19/07 regarding synthetic turf
- 4/23/07 voted to perform a limited audit the town's auditor Mr. Swanson and to have members submit questions for administration.
- 4/30/07 met and voted to send questions 5/2
- 5/21/07 response from Mayor
- 5/29/07 field review and analysis audit submitted by Mr. Swanson

- 5/31/07 met and added 3 exhibits
 - 4/17/07 meeting minutes
 - Response from Mayor dated 5/2/07, received 5/27/07
 - Mr. Swanson's letter dated 5/29/07 regarding audit
- 5/31/07 voted 3-1 to issue an unfavorable recommendation
Councilor Kay – not present
Councilor Molisse – no

A MOTION was made by Councilor Molisse to recommend FAVORABLE ACTION and was seconded by Councilor Shanahan.

Councilor Leary stated that he believes that the plan is too busy. Councilor Leary stated that there are 50 fields in town. He entered into the record a report put together by Mr. Callahan documenting the state of the approximately 50 fields in town. He also submitted petitions that were received in the Council office this morning. Councilor Leary stated that in reviewing the report submitted by Mr. Callahan, he noted that there are a number of parks in town that are in need of repair.

Councilor Carey stated that he supports this plan. He stated that he believes that the plan submitted by the Mayor is not much different from what was at Legion Field previously. He stated that he thinks that not all the fields would be used at the same time. He agreed that the fields in town need attention. He noted that he thinks that the different uses will not each occur at exactly the same time.

Councilor Mathews stated that he has a number of concerns regarding this plan. He expressed concern regarding the financial impact of this project. He noted that Mr. Swanson stated earlier that there would be approximately \$2 million in contract raises that will need to be covered at the end of the fiscal year. He noted that a funding source for these contracts has not yet been identified. Councilor Mathews stated that he is concerned about the wetlands on the site and is hopeful that the DEP will be willing to compromise. He also expressed concern that the money from LNR is not guaranteed. He would like to see the Mayor come back to the Council, if this measure fails, with a measure for a plan for top soil, demolition of the stands, and repair of the wall. He stated that he thinks it would be helpful to see the results of the town wide library study to determine what effect the loss of fields at Libby would have.

Councilor Molisse stated that he supports this plan. He stated that he had many concerns and questions regarding this project and stated that these issues have been addressed. He stated that there has been an extensive public hearing process and a list of questions submitted to the Mayor were answered. He stated that he did not like the roller park and is pleased that this has been removed. He stated that no parking signs should be posted along Gary Street. Councilor Molisse stated that he attended a dedication at Negus Field this past week. He noted that the park improvements were well done. He stated that this is a big step but we need to invest in Legion Field. He stated that he believes that this park will have something for all ages to enjoy.

Councilor Whitaker stated in growing up in Weymouth, Legion Field was a large part of his life. He stated that although he agrees with the ideals of the plan, he is hesitant to rely on the \$2 million

funds expected from LNR. He stated that he is concerned that this issue has become divisive. He stated that he would like to see this issue put to a public vote.

Councilor O'Connor stated that does not support this plan. He stated that he spoke at the Budget/Management Committee and will therefore reserve his comments. He noted that it was refreshing to see the involvement of town resident's in this important issue. He stated that in reviewing the expenses and when you consider that the town has 54,000 residents; the cost equates to \$130 per person. Considering that there are 36,000 taxpayers-the cost equates to \$200 per person. He stated that almost a million dollars has already been spent. He agreed that something should be done soon to meet the immediate needs. He stated that there should be as many meetings as possible before a final plan is submitted. Councilor O'Connor suggested that another bond be submitted.

Councilor Shanahan stated that a tremendous amount of work has gone into the process of determining what to do with Legion Field. He noted that there are diverse needs in Weymouth and he believes that this plan meets the diverse needs of the town. He is concerned about the cost but is apprehensive that if this plan does not pass, nothing will happen at the field. He is concerned that there will be no baseball, no tennis, the drainage issues won't be addressed and that frightens him. He stated that a lot more was said about what the community wanted as opposed to what the community didn't want.

Councilor Kay stated that she could not support this plan as presented. She stated that her first concern when looking at this plan was that it is too congested. She noted that there is a need for fields in town. She stated that the amount of parking (62) is not sufficient. She noted that this plan assumes a standard of one parking space per three users. She stated that this approach relies heavily on car pooling. She referred to a letter submitted by Mr. Colclough, in which he identified the six main user groups. She noted that there is tight scheduling between when one game ends and another game begins. She feels that the hardships on adjacent streets, parking, and maintenance concerns need to be addressed.

Councilor DiFazio stated that he takes no pleasure in voting against this measure. He stated that it is his opinion that the Mayor has done a great job in trying to meet the needs of the town. He stated that it became clear to him that a substantial portion of the citizens wanted more passive recreation space. He stated that he questioned why the two fields comprise 85% of the field space. He stated that he believes that it is subjective as to the exact needs for fields. He believes that a needs assessment should have been completed long before any plan was submitted. He stated that he does not agree with Councilor Whitaker regarding a public vote. It is his opinion that the public voted the Councilors into office and it is up to them to hear the residents' opinions and then vote.

Councilor Lacey commended the Mayor for his attempt to include all people interested in weighing in on what is now a controversial issue. Councilor Lacey stated that something has to be done at Legion Field. He stated that he likes the vision of the sports complex, however it is a matter of how much; however, he thinks that there is too much in this plan. He stated that he also has concerns regarding the financial piece of this measure. He likes the idea of a phased approach. He stated that he likes the idea of spending more time to realize the potential challenges of a build-out to the magnitude we face at Legion Field. He stated that he supports the vision of the plan but

is concerned about the bond timing considering the lean budget which was voted earlier this evening.

Councilor Smart thanked Councilor DiFazio, the Budget/Management Committee, Auditor Richard Swanson, residents who have participated in the process, residents who have put together petitions with 2500 signatures and a booklet that details the conditions of the fields. Councilor Smart stated that he would not support this measure. He stated that any future use of the field should not **negatively** impact the quality of life of the residents in the immediate area. **Councilor Smart noted that the number of times this field would be used, in addition to the multiple uses, would overwhelm the area.** He noted that when Legion Field was built, there were not as many youth sports in existence at that time. He stated that if this measure does not pass, **he would like to see a compromise between the administration and the residents.** He noted that Councilors were not involved in preparing this plan and viewed it at the same time as the public. **He offered cooperation from the Council to the Mayor in moving forward with a new plan.** He stated that he has driven around town and has noted that there are fields that are not being used. He stated that since the high school was remodeled, the brand new field has not been used due to drainage issues. He stated that this situation should be corrected. **Councilor Smart emphasized that there needs to be maximum use of the existing fields in town.**

Councilor Whitaker requested that the Mayor put forth a baseline of the amount needed to remove the soil, fix the retaining wall, and deal with other immediate concerns.

A SUBSTITUTE MOTION was made by Councilor Whitaker to APPROVE \$3.5 million in bonding. Councilor Smart questioned Solicitor Lane as to reducing a bond. Solicitor Lane confirmed that the amount cannot be reduced. Councilor Smart ruled Councilor Whitaker out of order.

The MOTION to recommend FAVORABLE ACTION on item numb 07 029 FAILED on a 3-8 vote as follows:

Councilor Carey – Y	Councilor Mathews – N	Councilor DiFazio – N
Councilor Molisse – Y	Councilor Kay – N	Councilor O’Connor – N
Councilor Lacey – N	Councilor Shanahan – Y	Councilor Leary – N
Councilor Whitaker – N	Councilor Smart – N	

Section which was tabled on June 18th

07 029-Bond Authorization for Extraordinary Repairs to Parks and Playgrounds

Councilor Smart stated that the Councilor Molisse requested that the Mayor appear before the Council. The Mayor gave a brief presentation of his proposed plan for Legion Field.

Mayor Madden noted that several minor changes were made. The roller hockey rink has been removed and replaced with a second basketball court. Additionally, the tot lot has been relocated further away from the baseball field.

The Mayor stated that there is a base site preparation, wall repair, drainage and utility costs that will be incurred regardless of what is done at the field. This will cost \$3 million. He noted that the cost of rehabilitating the site will be expensive. He stated that when the cost of bringing the site up to ADA standards and additional site needs are taken into consideration, the cost rises to \$4.2 million. He stated that the bond payment would be \$385,000 in 2009.

Councilor Whitaker asked if the numbers presented take into consideration the \$2 million from LNR. The Mayor stated that they do and this money is expected in 2011. Councilor Whitaker asked what would happen if the money was not received from LNR. Mayor Madden stated that the town would be responsible for the payments.

Councilor DiFazio stated the following information regarding item number 07 029:

- The item was referred on 3/19/07
- The Committee met on 3/27/07
- The public hearing notice was published on 3/23/07
- A public hearing was held on 4/2/07 and continued
- The public hearing continued to 4/17/07 and was concluded that evening
- 4/23/07 voted to attach 5 exhibits
 - 4/2/07 meeting minutes
 - Letter on parking by Michael Colclough
 - Councilor O'Connor's letter to the Mayor of 4/23/07
 - Diane Malono's survey results of 162 respondents
 - Letter from Linda Bermeister dated 4/19/07 regarding synthetic turf
- 4/23/07 voted to perform a limited audit to be conducted by the town's auditor, Mr. Swanson and to request that members submit questions for administration.
- 4/30/07 met and voted to forward questions to administration
- 5/21/07 response from Mayor
- 5/29/07 field review and analysis audit submitted by Mr. Swanson
- 5/31/07 met and added 3 exhibits
 - 4/17/07 meeting minutes
 - Response from Mayor dated 5/2/07, received 5/27/07
 - Mr. Swanson's letter dated 5/29/07 regarding audit
- 5/31/07 voted 3-1 to issue an unfavorable recommendation to Town Council

Councilor Kay – not present

Councilor Molisse – no

A MOTION was made by Councilor Molisse to recommend FAVORABLE ACTION and was seconded by Councilor Shanahan.

Councilor Leary stated that he believes that the plan is too busy. Councilor Leary entered into the record a report put together by Mr. Callahan documenting the state of the approximately 50 fields in town. He also entered 2 petitions into the record, one containing 90 signatures and one containing approximately 2, 500 signatures-against the proposed redesign of Legion Field.

Councilor Carey stated that he thinks that not all the fields would be used at the same time. He agreed that the fields in town need attention. He noted that he thinks that the different uses will not each occur at exactly the same time.

Councilor Mathews expressed concern regarding the financial impact of this project. He noted that Mr. Swanson stated earlier that there would be approximately \$2 million in contract raises which will need to be covered at the end of the fiscal year. He also expressed concern that the money from LNR is not guaranteed. He would like to see the Mayor come back to the Council, if this measure fails, with a measure for a plan for top soil, demolition of the stands, and repair of the wall, only.

Councilor Molisse stated that he supports this plan. He stated that he had many concerns and questions regarding this project and stated that these issues have been addressed to his satisfaction. He stated that he believes that this park will have something for all ages to enjoy.

Councilor Whitaker stated that although he agrees with the ideals of the plan, he is hesitant to rely on the \$2 million funds expected from LNR. He stated that he would like to see this issue put to a public vote.

Councilor O'Connor stated that he does not support this plan.

Councilor Shanahan stated that a tremendous amount of work has gone into the process of determining what to do with Legion Field. He is concerned about the cost but also is concerned that if this plan does not pass, that nothing will happen at the field.

Councilor Kay stated that she could not support this plan as presented due to her concerns regarding parking and maintenance. She noted that this plan assumes a standard of one parking space per three users. She referred to a letter submitted by Mr. Colclough which contradicts this standard.

Councilor DiFazio stated that he takes no pleasure in voting against this measure. He stated that he believes that it is subjective as to the exact needs. He believes that a needs assessment should have been completed long before a plan was submitted. He stated that he does not agree with Councilor Whitaker regarding a public vote. It is his opinion that the public elected the Councilors into office and it is up to them to hear the residents' opinions and then vote.

Councilor Lacey stated that he thinks that there is too much in this plan. He stated that he also has concerns regarding the financial piece of this measure. He prefers the idea of a phased approach.

President Smart stated that he would not support this measure. He stated that the quality of life of the residents in the immediate area is what will be affected the most. He stated that if this measure does not pass, he would like to see cooperation between the Mayor and the Councilors regarding a new plan. He noted that Councilors were not involved in preparing this plan and saw it at the same time as the public.

A SUBSTITUTE MOTION was made by Councilor Whitaker to APPROVE \$3.5 million in bonding. Councilor Whitaker’s motion was ruled out of order.

The MOTION to recommend FAVORABLE ACTION on item number 07 029 FAILED on a 3-8 vote as follows:

Councilor Carey – Y	Councilor Mathews – N	Councilor DiFazio – N
Councilor Molisse – Y	Councilor Kay – N	Councilor O’Connor – N
Councilor Lacey – N	Councilor Shanahan – Y	Councilor Leary – N
Councilor Whitaker – N	Councilor Smart – N	

Ordinance Committee-Chairperson Susan Kay

06 125-Utility Applications/Petitions Proposed Changes

Councilor Kay stated that this proposal was submitted by Councilor Mathews in an attempt to have the utility companies provide abutters with detailed maps regarding work to be done on abutting properties. Another option would be to ask the utility companies to reimburse the town to provide this service. She noted that the cost is about \$386 per application. The town currently charges a nominal fee of \$25 which is often shared between more than one utility.

The Committee voted to allow the Council President and staff to determine whether a package is sufficient to go to a public hearing.

A MOTION was made by Councilor Kay to ACCEPT the report on item number 06 125 and was seconded by Councilor Mathews and UNANIMOUSLY VOTED.

06 126-Utility Pole Removal Proposed Ordinance

Councilor Kay stated that this item was referred on 7/25/06. This issue is regarding double poles. She noted that the committee voted favorable action to write a letter to utility companies regarding the town’s progress in removing fire alarm boxes from the poles. There are approximately 60 poles which need to have boxes removed. She also noted that the Ordinance Committee will review this issue on a yearly basis.

A MOTION was made by Councilor Kay to ACCEPT the report on item number 06 125 and was seconded by Councilor Mathews and UNANIMOUSLY VOTED.

07 004-Proposed Ordinance Amendment to Section 13-105-Buses

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

07 024-Rezoning Request-1132 and 1136 Middle Street

Councilor Kay stated that this item was referred on 3/5/07. The Committee met on 3/19 and a public hearing was held on 5/23/07. On 4/17 a joint public hearing was held with the Planning Board. On 5/15/07 the Planning Board submitted a recommendation of no action due to the intent to perform a comprehensive study of the Route 18 construction impacts. She stated that the Ordinance Committee disagreed, believing that the proponent had done all they were required to do and the committee voted to recommend favorable action on the change.

A MOTION was made by Councilor Kay to recommend FAVORABLE ACTION on item number 07 024 and was seconded by Councilor Leary and UNANIMOUSLY VOTED.

07 026-Rezoning Request-DF Haviland/King

Councilor Kay stated that this item was referred on 3/5/07. The committee met on 3/19/07, 5/23/07, and this evening. A joint public hearing was held with the Planning Board on 4/17/07. On 5/15/07 the Planning Board submitted a recommendation of favorable action. This evening, 6/4/07, the committee voted to recommend favorable action on this measure to change to R-1 zoning.

A MOTION was made by Councilor Kay to recommend FAVORABLE ACTION on item number 07 026 and was seconded by Councilor Molisse and voted unanimously.

Councilor Leary expressed concern regarding spot zoning. He noted that at the various meetings there was discussion regarding cut- through traffic and site distances. He stated that he did not see how zoning would solve these issues. He stated that the property owner has property rights and that there will be a zoning review completed in August and he believes that waiting until this is done would be beneficial.

Councilor Kay clarified the motion. She stated that the zoning change would affect lots 31, 36, and 37 of block 282 by changing the zoning from I-2 to R-1.

Councilor Lacey noted that there is a timeline regarding this measure. If this measure is not passed this evening, there would be a two year waiting period before any zoning change could be reconsidered.

President Smart stated that his vote requires a 3/4 vote or 9 Council members so voting.

President Smart asked if the cab company was still a possibility.

Councilor Kay stated that she did not have it on authority, but believed that the interest for this usage was no longer present.

Solicitor Lane stated that he had spoken with the attorney for the affected party where it was stated that this interest was no longer present.

Councilor DiFazio asked Solicitor Lane if the property owner had agreed with Solicitor Lane's assessment regarding spot zoning and that this was not a case of spot zoning. Solicitor Lane stated

that there had been much evidence submitted to indicate that the change to R-1 zoning was in keeping with the character of the neighborhood.

A MOTION was made by Councilor Kay to APPROVE item number 07 026 and was seconded by Councilor Molisse and UNANIMOUSLY VOTED.

07 027-Rezoning Request-Cypress Street

Councilor Kay stated that the recommendation was to take no action as the change would make one of the lots less than the 25,000 square foot requirement. She stated that the Planning Board had also recommended this.

A MOTION was made by Councilor Kay to take NO ACTION on item number 07 027 and was seconded by Councilor Mathews and was UNANIMOUSLY VOTED.

07 062-Rezoning Measures and Public Notice

Councilor Kay stated that the recommendation is for no action. Each Councilor if they so desire may inform their constituents of any rezoning. She stated that it was the opinion of Solicitor Lane that it would not be possible to change the regulations at this time.

A MOTION was made by Councilor Kay to take NO ACTION and was seconded by Councilor Molisse and was UNANIMOUSLY VOTED.

NEW BUSINESS

07 100-Reappointment of Town Clerk-Franklin Fryer - Council President Smart

A MOTION was made by Councilor Leary to REFER item number 07 100 to the Budget/Management Committee and was seconded by Councilor Kay and UNANIMOUSLY VOTED.

07 101-Reappointment of Assistant Town Clerk- Kathleen Deree - Council President Smart

A MOTION was made by Councilor Leary to REFER item number 07 101 to the Budget/Management Committee and was seconded by Councilor Kay and UNANIMOUSLY VOTED.

07 102-Appointment of Town Auditor-Maureen Duffy - Council President Smart

Councilor Whitaker asked for a summary of the terms of the appointments to ensure that the dates in the measure are in keeping with the Charter.

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Solicitor Lane stated that the appointments are for three years. Councilor Whitaker asked when the terms begin and end. Solicitor Lane stated that he would provide a report of this information.

A motion was made by Councilor Leary to REFER item number 07 102 to the Budget/Management Committee and was seconded by Councilor Kay and was UNANIMOUSLY VOTED.

ADJOURNMENT

At 10:05pm there being no further business, Councilor Leary MOTIONED to adjourn and Councilor Kay seconded and was UNANIMOUSLY VOTED.

Approved by: _____
Michael Smart, President