

**MINUTES OF THE
TOWN COUNCIL MEETING
JUNE 7, 2004**

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

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

President Lacey called the Town Council Meeting to order on June 7, 2004 at 7:30 p.m. in the Council Chamber.

ANNOUNCEMENTS

President Lacey: Appointed Gregory Shanahan to the Commissions on Disabilities.

Councilor McPherson: Said he has scheduled an Economic Development Committee meeting for June 14, 2004 at 7:00 p.m. He will be discussing how the Council will oversee the development of the Air Base.

Councilor Leary: Yard Waste pick up is this week. He reminded residents not to leave their leave bags out next week.

Councilor DiFazio: Said there will be an East Weymouth Civic Association meeting on June 10, 2004 at 6:30 p.m. at the Sons of Italy.

APPROVAL OF PRIOR MINUTES

Councilor Smart MOTIONED to approve the Annual Town Meeting Minutes of May 10, 2004. Councilor Mathews seconded. VOTED UNANIMOUSLY

Councilor Smart MOTIONED to approve the Budget/Management Committee minutes of May 4, 2004. Councilor Leary seconded. VOTED UNANIMOUSLY

Councilor Smart MOTIONED to approve the Budget/Management Committee minutes of May 13, 2004. Councilor Leary seconded. VOTED UNANIMOUSLY

Councilor Smart MOTIONED to approve the Budget/Management Committee minutes of May 17, 2004. Councilor Leary seconded. VOTED UNANIMOUSLY

CITIZEN'S CONCERN/COUNCIL RESPONSE

Cathy Torrey and Elizabeth Foster-Nolan – Representative of the Town Wide Parent Council. They thanked the Budget/Management Committee for reviewing the budget. As elected official they determine how the money is spent throughout the town. They asked the council to approve the school department budget as presented.

Bob Thomas, 848 Washington Street – Due to a surge in construction in Weymouth, Mr. Thomas proposed an amendment to Chapter 7-101 (i) “Hours and Conditions of Construction operations” of the Municipal Code. Government should be proactive instead of reactive. (See Attached)

The second is a proposed addition to Chapter 8 of the Municipal Code, Commercial Rubbish Removal. Before the new form of government he previously worked on quality of life articles.

The third is a proposed task force be created to ensure that all of Weymouth’s military participants in both fronts of World War II be properly enrolled in the Registry of Remembrances at the newly dedicated World War II Memorial in Washington, DC.

Councilor DiFazio MOTIONED to refer the proposed amendment to Chapter 7-101 and Chapter 8-101 to the Ordinance Committee. Councilor Kay seconded. VOTED UNANIMOUSLY

It has been requested that Mr. Thomas attend the Ordinance Committee. The other information will be taken under advisement.

7:35 pm 04 122 – Appropriate \$224,591.71 from Free Cash for Snow Removal Deficit

Councilor Smart MOTIONED to open the public hearing on measure #04 122 at 8:00 p.m. Councilor Leary seconded. VOTED UNANIMOUSLY

Mr. Wilson stated this deficit occurs each year. The over expenditure of this budget is \$224,591.71. The entire budget was \$420,000 and \$240,000 was from a 3 day storm. The Free Cash balance prior to this measure is \$686,589.

Councilor Connolly commends DPW and endorses this appropriation.

All persons were given the opportunity to speak.

Councilor Smart MOTIONED to close the public hearing on Measure # 04 122 at 8:01 p.m. Councilor Mathews seconded. VOTED UNANIMOUSLY

7:36 p.m. 04 123 – Appropriate \$25,000 from Free Cash for Weymouth Day

Councilor Smart MOTIONED to open the public hearing on measure #04 123 at 8:02 p.m. Councilor Leary seconded. VOTED UNANIMOUSLY

Caroline LaCroix, Director of Community and Administrative Services and Shelby Tillett, Assistant to the Mayor.

This request is to compliment funding for Weymouth Day Event on October 2, 2004. Shelby Tillett said this is an effort to expand community unity. This will be a parade that begins at 1:00 p.m. and they are hoping to have civic organizations, businesses and schools participations on floats. This will show case the completion of the new high school as the parade will end there. They may run tours, have shows in the planetarium, etc. They are looking to make this an annual event.

Caroline LaCroix said there may also be a band competition, public safety event earlier in the day and also a carnival event that may be held on a different day. As it is the first year of this event they are estimating the total costs. They believe this funding will be adequate.

Councilor Connolly said it sounds like a great day. Do they have any idea what the total budget will be. Caroline stated \$68,000. This should also cover any over time costs. They researched other towns as well. Councilor Connolly asked if they are doing fundraising for this. Shelby Tillett said the carnival which may be in July, will bring in close to \$10,000. They have not been soliciting business this year but maybe next year.

Councilor Hargadon asked if there will be a big cook-out? Ms. Tillett stated that they are not discouraging any ideas.

The Community Events Committee has been meeting biweekly. Some of the civic groups have expressed an interest in soda sales or popcorn and things that will promote civic pride.

Mr. Thomas said there was a similar event 6 years ago and suggested they try find the people who organized that. There was a cook-out and dunk tank.

Heather Dunn, Chard Street – asked if was better to solicit funds before you start to asked the council to supplement it. Mrs. LaCroix said back in January when Mayor Madden made his inaugural remarks one of his compelling themes in his speech was his commitment and support of community. As far as the funding the Mayor has the annual holiday celebration and that is his annual appeal and it supplements the senior picnic, summer scholarships, children for summer recreation programs and utility assistance. Therefore he did not want to solicit the businesses any further.

Mrs. Hackett stated that of the \$60,000, Abington Savings has donated \$25,000 and Comcast has donated \$15,000.

All persons were given the opportunity to speak.

Councilor Smart MOTIONED to close the public hearing on measure \$ 04 123 at 8:14 p.m. Councilor Leary seconded. VOTED UNANIMOUSLY

7:37 pm 04 132 – Mass Electric/Verizon, North Street

Councilor Smart MOTIONED to open the public hearing on measure # 04 132 at 8:15 p.m. Councilor Leary seconded. VOTED UNANIMOUSLY

There was no one present from Mass Electric/Verizon.

All persons were given the opportunity to speak.

Councilor Leary MOTIONED to continue the public hearing on measure # 04 132 until the next town council meeting. Councilor Leary seconded. VOTED UNANIMOUSLY

OLD BUSINESS

04 122 – Appropriate \$224,591.71 from Free Cash for snow removal

Councilor Smart MOTIONED to take measure # 04 122 off the table. Councilor Hargadon seconded. VOTED UNANIMOUSLY

The free cash balance prior to this appropriation is \$686,589.00.

Councilor Smart MOTIONED to approve measure # 04 122 that the Town of Weymouth raise and appropriate the sum of \$224,591.71 from free cash for the snow removal deficit. Councilor Molisse seconded. VOTED UNANIMOUSLY

04 123 – Appropriate \$25,000 from Free Cash for Weymouth Day

Councilor Smart MOTIONED to take measure # 04 123 off the table. Councilor Hargadon seconded. VOTED UNANIMOUSLY

Councilor Smart MOTIONED to approve measure # 04 123 that the Town of Weymouth raise and appropriate the sum of \$25,000.00 from free cash for Weymouth Day. Councilor Hargadon seconded. VOTED UNANIMOUSLY

President Lacey stated the process for this evening debate. There will be a question and answer period, statements and then motions. Any amendments to the school department

are by dollar amounts only and any amendments to the general government portion must specifically state a line item.

04 087 – Operating #7, Appropriate \$108,556,047 FY05 Operating Budget

Councilor Mathews stated as the SPED reimbursements will be increased, could the school department provide an approximately figure for FY05.

Mr. Joseph Rull and MaryJo Livingstone – They distributed a handout regarding this matter. Mr. Rull said they have made an appoint to keep the council update on SPED monthly costs. In January when they prepare the budget they take each student that is currently enrolled and make as spreadsheet showing possible reimbursements. This was budgeted at a 35% reimbursement but it may now be a 50% reimbursement. Instead of 55 students they now have 57 students. If they stayed at the 35% level there would have been a deficit of \$1724.19. At the 50% level they would see a \$309,424.38 surplus. However, the South shore collaborative tuition is lower and the reimbursement is smaller. Since January they added 14 students who are out placed totaling 59. At the 35% level there would have been a deficit of \$377,739.25 and at the 50% level there would be a deficit of \$323,970.52 which would offset any savings gained in the private schools. Overall going from a 35% to a 50% reimbursement rate would still leave a deficit of \$17,901.00. If the reimbursement rate goes to 65% there would be a surplus of approximately \$20,000 at this point. This was 3 weeks ago and since then there are 6 additional students that will be out placed in September. They do not see any excess money in the budget.

Councilor McPherson asked what types of services costs \$200,000 per student. Ms. Livingston said typically they are residential placements receiving around the clock care. They are more of a physical/medical program. Only a fraction is education related. The state is beginning to recognize this that is why there is an increase in funding. These numbers are all based on a tuition freeze this year.

Councilor McPherson said these numbers are staggering and doesn't know who we can accommodate these costs. This really needs to be addressed at the state level.

Councilor Hargadon asked what the per pupil spending cost is and it was stated \$7,000 per student and SPED is averaging \$50-60,000.

Councilor Smart has what is the historical increase for the private schools. Mr. Rull said it varies but on average it is 3%. There is also legislature proposed that will change the way the notification process occurs as they usually do not receive much notice of an increase.

President Lacey asked if there are any steps to differentiate the medical piece vs. the educational piece and Ms. Livingstone stated not that she is aware of.

Councilor Mathews expressed his disappointment in the way the Charter requires the school committee to provide a budget so early. Mr. Rull stated he agrees with the process of submitting the budget.

Councilor Connolly state because Weymouth has such a great SPED program it drives the numbers up as people want to get their children into the program. He also asked if they were looking to add programs to keep the students in town as it would be more cost effective.

Councilor McPherson said the Real Estate taxes are going up \$1.8 million and \$700,000 is going to SPED. These mandates are draining the budget and we need to hold the state representative accountable. Expenses are going up at an appropriate rate but some items are out of control. Local aid is decreasing and is at the same level as 1989 which used to be 40% of the revenue sources and now is only 26%. The two biggest problems are unfunded retirement costs and health care for retirees. Also health care costs for the employees are going up.

Councilor Kay agrees with Councilor McPherson on the escalating costs. The expenses in the town are now bone dry. She agrees with 99% of the budget and will be offering a substitute motion as there is one department she does not agree with.

Councilor Mathews stated that we are spending over \$2 million dollars in one time revenue sources to balance the budget.

Councilor Hargadon thanked the budget/management committee, the administrative staff as they did a great job on the budget process.

Councilor McPherson reminded all that there is no money left for pay raises for anyone. He realized that he has spoken against pay raises in the past that were excessive, but does not believe people should have no pay raises. He believes this is important.

Councilor Leary MOTIONED to approve measure # 04 087 that the town of Weymouth raise and appropriate the sum of 108,556,047.00 to provide for all the expenses and maintenance and operations of the towns several departments and activities for the fiscal year 2005. Councilor Mathews seconded.

Councilor Kay made a substitute MOTION to divide the question of measure # 04 087 enabling the council to vote the totals of each department separately. That the town of Weymouth raise and appropriate sums of money to provide for the salaries, expenses for maintenance and operation for each of the town departments and activities for the fiscal year 2005 and that several sums set forth are hereby approved for the several purposes and are subject to the conditions specified and the source of funding for said expenditures are as outlined on revenue projections to be stated and incorporated. Furthermore that the sum of \$80,000 is appropriated from the water ways fund to meet some of the costs of the harbormasters budget. Councilor Smart seconded.

Discussion: Councilor Kay stated that it is her intent to vote each department's bottom line separately. This is the only way for her to section out the IT Department budget that she is in disagreement with. This also allows the residents to hear the total budget of each department instead of the entire budget as a whole as the budget/management meetings were not televised.

Councilor McPherson said it was stated that the only way to address the IT Department was to divide the question.

Councilor Kay said the only other alternative is to take the bottom line \$108 million and subtract if that is her intent.

Councilor McPherson asked the town solicitor if that is a correct statement. If we want to cut a particular line item can we reference that line item by a substitute motion to reduce it. He is not sure what splitting the question accomplishes.

President Lacey said that is what he attempted to explain in the beginning. Any cut with the exception of the school department, would be to the specific department and category within it.

Solicitor Lane stated that in section 6-6 (c) of the Charter, details adoption of any amendments to the budget. It may delete or decrease any program or amount except expenditures required by law or for debt service and shall have no authority to add programs.

Councilor Kay stated that she doesn't wish to substitute if she didn't have to. She doesn't want to just decrease the bottom line. She asked for clarity as to whether or not she can go into the motion as a whole without separating.

Solicitor Lane said these are two different questions. He answered President Lacey's question as to the process of decreasing or deleting. Councilor Kay asked if they may consider the detail expenditures proposed for each current agency and the answer is yes. That is a process that may be followed. The council may adopt a procedure for reviewing each department and the expenditures there under.

Councilor Shanahan stated that he supports the substitute motion as a courtesy to a fellow councilor as she feels strongly about it.

Councilor DiFazio asked if Councilor Kay's objective can be met without separating them as it has been made clear that she can cut a specific line item.

Councilor Kay said that would meet a good part of her objective but she is convinced the way she proposed is a better way.

Councilor DiFazio said currently the Budget/management committee reviews the budget by department and then votes it as a whole but this could always be changed to vote it by department if that is what the council would prefer in the future. He also wants to ensure that the school department budget is submitted so that they can compare it from year to year.

Councilor Leary said this has been a very public process and he will not support to split the budget.

Councilor McPherson said he will not vote to split the budget as it is not necessary. We have a \$108 million dollar budget and if someone wants to cut a line item then they should make that motion. We don't need to vote on 20 different departments.

Councilor Molisse will not be supporting the substitute motion. The budget/management committee already reviewed line item by line item. There were concerns about different departments such as the school but it was voted as a whole and he intends to do that again.

Councilor Smart said splitting the question is not that uncommon and does not see any reason why they should not do it. Other towns do it. He supports the substitute motion.

Councilor Kay respects everyone's wishes and has had oppositions from day one. After reviewing budget/management minutes and the annual town meeting no where was it stated what the individual department budgets were and that was the bigger of her two intents.

Connolly – No

DiFazio – Yes

Hargadon – No

Kay – Yes

Leary – No

McPherson – No

Molisse – No

Mathews – Yes

Shanahan – Yes

Smart – Yes

Lacey – No

VOTED 6-5 (Failed)

Back to the original motion for the approval of 04 087.

Discussions:

Councilor Kay made a substitute MOTION to cut \$13,803 from the budget to make the total amount of \$108,542,244.00 from department Information Services 155 salary line item Category 41. Councilor Mathews seconded.

Discussions: Councilor DiFazio commends Councilor Kay for her perseverance on this issue and asked for her objective behind it.

Councilor Kay said there was a second reclassification within this department. The first was a reorganization with reclassifications back with the supplemental budget in the fall of 2003. At that time she was reaffirmed by the administration and the department that

this would fulfill all their needs. Now in the FY05 budget there are two additional reclassifications. Two positions that were supposedly eliminated in the 1st reorganization are now being carried through and said to be eliminated in the second reclassification. After researching she could not find the appropriate manner in which it was being reorganized or reclassified. Two positions were grade 7 and after the 1st reclassification went to 9-5, now they are going to grade 13-1. No further certification had been maintained or additional education. The performance procedure was done verbally. She has no problem with the IT Department and realizes the value of the department but feels they were ill prepared and inappropriate.

Councilor McPherson said the budget/management committee debated this at length and voted 4-1 against it. He does not agree with Councilor Kay's concerns. The pay rates for the people and the work they are doing is reasonable and he will not be supporting this.

Councilor DiFazio asked if we followed rules for reclassification. It says that the department head must submit this request in writing to the Mayor. Councilor Kay stated that she was told it was done verbally.

Councilor DiFazio requested that the administration address these comments.

Mrs. Hackett gave a brief overview of the reclassification. In 2002 there were 8 employees and only 2 remain today. In September Mr. Limbey came to the Mayor in person and in writing with reclassification proposals for his department. The requests for for the Director to go from a grade 16 to 18, a position from a grade 7 to 9, and for the establishment of a new position in grade 7-2. That is what was proposed to the Council. What Mr. Limbey actually requested was for some additional reclassification, the grade 9's to go to a grade 13 (both positions) and the grade 7 to be hired as a new position and the grade 5-2 to go a grade 7. At that time and again this was in writing and in person, the Mayor had some concerns as to whether or not the department could handle the increase responsibility with the number of personnel it had. He was considering if an additional member of the department was necessary. He chose not to go forward with the reclassifications to grade 13 and watched them to make sure they were not overburdened. He asked HR to recruit someone for the grade 7. This information was not communicated to the council but in hindsight it should have been and they apologize for that and take responsibility for the lack of communication. The two grade 9's have done an exceptional job and urges they be reclassified to grade 13.

Councilor McPherson asked if it is proper protocol to vote the motion with the highest dollar amount. Councilor Hargadon agreed.

Councilor Kay believes the substitute motion comes first unless there are two substitutes and then you would get into the dollar amount.

Solicitor Lane said he would need a 5 minutes recess to figure it out.

President Lacey ruled that the substitute motion was appropriate and called for the vote.

Connolly – No	DiFazio – No	Hargadon – No	Kay – Yes
Leary – No	McPherson – No	Molisse – No	Leary – No
Mathews – Yes	Shanahan – No	Smart – Yes	

VOTED 8-3 (Failed)

Back to the original motion to approve measure # 04 087 as described by Councilor Leary.

VOTED 10-1 (Kay)

04 088 – Operating #8, Appropriate \$6,665,841 from Water Enterprise

Councilor Smart MOTIONED to approve measure # 04 088 That the town of Weymouth raise and appropriate the sum of \$6,665,841.00 from the Water Enterprise fund receipts and appropriate for the salaries and operations of the water department. Councilor Leary seconded. VOTED UNANIMOUSLY

04 089 – Operating #9, Appropriate \$11,049,518 from Sewer Enterprise

Councilor Smart MOTIONED to approve measure # 04 089 That the town of Weymouth raise and appropriate the sum of \$11,049,518.00 from Sewer Enterprise Fund. Councilor Leary seconded. VOTED UNANIMOUSLY

Councilor McPherson mentioned that there will be a rate increase as we have DEP requirements to meet.

COMMUNICATIONS FROM THE MAYOR

04 133 – Rezoning request at Libbey Park

Mrs. Hackett said this is a request for the zoning change for the Planned Office Park district and would specifically expand the definition of office to include medical offices in the POP zone. This has already been reviewed by the Planning Board.

Councilor Smart MOTIONED to refer this to the ordinance committee. Councilor Mathews seconded. VOTED UNANIMOUSLY

04 134 – R-appointment to Cultural Council, Jeraldine Hollander

Councilor Smart MOTIONED to refer measure # 04 134 to the Budget/Management Committee. Councilor Kay seconded. VOTED UNANIMOUSLY

04 135 – Re-appointment to Board of Zoning Appeals, Donald Holzworth

Councilor Smart MOTIONED to refer measure # 04 135 to the Budget/Management Committee. Councilor Kay seconded. VOTED UNANIMOUSLY

Councilor Leary requested that Mr. Holzworth appear before the budget/management committee and the full Town Council. He will not be voting for any member who was in favor of the Alexan at Arbor Hill Project.

04 136 – Re-appointment to Cultural Council, William Westland

Councilor Smart MOTIONED to refer measure # 04 136 to the Budget/Management Committee. Councilor Kay seconded. VOTED UNANIMOUSLY

04 137 – Appointment to the Board of Registrars, Judith Lepine

Councilor Smart MOTIONED to refer measure # 04 137 to the Budget/Management Committee. Councilor Mathews seconded. VOTED UNANIMOUSLY

Councilor Kay asked if this was due to a vacancy. Mrs. Hackett said a term has expired and state statute requires that the republican town committee submit 3 names and the Mayor chose from that list.

04 138 – Appointment to the Board of Assessors, Kevin Spellman

Mrs. Hackett stated that Mr. Spellman was an alternate and someone has stepped down as a regular member.

Councilor Smart MOTIONED to refer measure # 04 138 to the Budget/Management Committee. Councilor Kay seconded. VOTED UNANIMOUSLY

04 139 – Appointment to Board of Assessors-Alternate, John Sheehan

Councilor Smart MOTIONED to refer measure # 04 139 to the Budget/Management Committee. Councilor Leary seconded. VOTED UNANIMOUSLY

04 140 – Re-appointment to Planning Board, Walter Flynn

Councilor Smart MOTIONED to refer measure # 04 140 to the Budget/Management Committee. Councilor Kay seconded. VOTED UNANIMOUSLY

04 141 – Re-appointment to Redevelopment Authority, Joseph Curran

Councilor Smart MOTIONED to refer measure # 04 141 to the Budget/Management Committee. Councilor Mathews seconded. VOTED UNANIMOUSLY

04 142 – Re-appointment to Historical Commission, Richard Pattison

Councilor Smart MOTIONED to refer measure # 04 142 to the Budget/Management Committee. Councilor Mathews seconded. VOTED UNANIMOUSLY

04 143 – Amendments to appointment terms

Mrs. Hackett said this is for several previous measures that the terms were incorrect.

Councilor Leary MOTIONED to approve measure # 04 143 under section 2-9 (b) of the Charter. Councilor Hargadon seconded. VOTED UNANIMOUSLY

04 144 – Yr End, RFT of \$870.00 for Scholarship committee

Councilor Smart MOTIONED to refer measure # 04 144 to the Budget/Management Committee. Councilor Kay seconded. VOTED UNANIMOUSLY

04 145 – Yr End, RFT of \$19,178.73 for Fuel Depot

Councilor Smart MOTIONED to refer measure # 04 145 to the Budget/Management Committee. Councilor Leary seconded. VOTED UNANIMOUSLY

04 146 – Yr End, Re-appropriate \$2993.00 for Essex Street Boiler repairs

Councilor Smart MOTIONED to refer measure # 04 146 to the Budget/Management Committee. Councilor Mathews seconded. VOTED UNANIMOUSLY

04 147 – Yr End, RFT of \$8020.00 for Essex Street Boiler Design

Councilor Smart MOTIONED to refer measure # 04 147 to the Budget/Management Committee. Councilor Leary seconded. VOTED UNANIMOUSLY

04 148 – Appointment to Human Resources Director, Denise Coleman

Mrs. Hackett stated Mrs. Coleman has been with the town since 1999 and is currently serving as the Senior Human Resources Co-coordinator. She has done a phenomenal job and the Mayor is pleased to put her name forward.

Councilor Smart MOTIONED to refer measure # 04 148 to the Budget/Management Committee. Councilor Kay seconded. VOTED UNANIMOUSLY

Councilor Mathews requested that Denise Coleman attend the budget/management committee meeting as he has a few questions in general.

04 149 – Re-appointment to Community Events Committee, Ron Rizzo

Councilor Smart MOTIONED to refer measure # 04 149 to the Budget/Management Committee. Councilor Kay seconded. VOTED UNANIMOUSLY

Councilor Smart MOTIONED to accept 5 additional agenda items. Councilor Kay seconded. VOTED UNANIMOUSLY

04 151 – Re-appointment to the Board of Library Trustees, Charles Hickey

Councilor Smart MOTIONED to refer measure # 04 151 to the Budget/Management Committee. Councilor Leary seconded. VOTED UNANIMOUSLY

04 152 – Yr. End – Re-appropriate \$10,000 from DPW Street and Sidewalks to Fuel Depot

Councilor Smart MOTIONED to refer measure # 04 152 to the Budget/Management Committee. Councilor Mathews seconded. VOTED UNANIMOUSLY

04 153 – Yr End – Free Cash Appropriation of \$10,000 for Fire Fighting Equipment

Mrs. Hackett stated that this would require a public hearing.

Councilor Smart MOTIONED to refer measure # 04 153 to the Budget/Management Committee. Councilor Mathews seconded. VOTED UNANIMOUSLY

04 154 – Acceptance of a gift of \$25,000 from Friends of Weymouth Veteran Memorial

Mrs. Hackett said this is for the maintenance of the Veteran's Memorial.

Councilor Smart MOTIONED to refer measure # 04 154 to the Budget/Management Committee. Councilor Leary seconded. VOTED UNANIMOUSLY

04 155 – Yr End Appropriate \$300,000 for Legion Field

Councilor Smart MOTIONED to refer measure # 04 155 to the Budget/Management Committee. Councilor Leary seconded. VOTED UNANIMOUSLY

Councilor Hargadon requested an additional agenda item.

Councilor Kay MOTIONED to accept an additional agenda item from Councilor Hargadon. Councilor Leary seconded. VOTED UNANIMOUSLY

04 150 – Proposed Ordinance regarding impoundment of vehicles

Councilor Hargadon stated that Sergeant Concannon brought this to his attention. He requests the proposal “No motor vehicle impounded pursuant to an arrest for OUI may be released prior to the passing of twelve (12) hours following arrest”.

Councilor Smart MOTIONED to refer measure # 04 150 to the Ordinance Committee. Councilor Kay seconded. VOTED UNANIMOUSLY

REPORTS OF COMMITTEES

Ordinance Committee: Chairman Leary

Councilor Leary reported that the Ordinance Committee met earlier this evening and discussed three items. First was the zoning at St. Albert’s Church with Jim Clarke and other is 03 008 which they are still working on.

04 120 – Amendment to the Municipal Code, Section 6-101 (d)

Councilor Leary reported that this measure was referred on 5/20/04 and met on 6/7/04 with all members in attendance. Chief Thomas spoke in favor of this and the committee unanimously recommends favorable action on measure # 04 120 which increases the fine from \$20.00 to \$100.00.

Councilor Leary MOTIONED to approve measure # 04 120. Councilor Smart seconded.

Discussions:

Councilor McPherson questioned if this needs a public hearing. This is also to correct an error as when we did the code of ordinance it inadvertently got reduced to \$20.00. It was \$100.00 before.

Solicitor Lane said you are changing an ordinance. He suggested that they have a public hearing as they are changing it from \$20 to \$100.

Councilor Leary withdrew his motion. Councilor Smart seconded. VOTED UNANIMOUSLY

Councilor Smart MOTIONED to accept the report of the ordinance committee. Councilor Kay seconded. VOTED UNANIMOUSLY

NEW BUSINESS

MOTIONS, ORDERS, RESOLUTIONS

ADJOURNMENT

Town Council Meeting

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Councilor Leary MOTIONED to adjourn at 10:10 p.m. Councilor Hargadon seconded.
VOTED UNANIMOUSLY

Respectfully submitted by,

Lee Hultin, Recording Secretary

Approved by: _____