

MINUTES OF THE TOWN COUNCIL
Town Hall Council Chambers
June 19, 2006

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

Also Present: Franklin Fryer, Town Clerk
Jane Hackett, Chief of Staff
George Lane, Town Solicitor
Richard E. Swanson, Town Auditor
James Wilson, Chief Financial Officer

Recording Secretary: Janet Murray

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

ANNOUNCEMENTS

Councilor DiFazio stated that the East Weymouth Neighborhood Association will hold its Italian - American Cook-Out. They have invited all veterans from the town of Weymouth. There will be a Neighborhood Watch presentation. This presentation is sponsored by the South Weymouth Neighborhood Association, the Homestead Civic Association, along with the East Weymouth Association. The event is this Thursday night at the Sons of Italy Hall at 6:30pm.

Councilor Kay stated that there will be a fund raiser for Jonathan McCarthy at the Weymouth Elks on June 30, 2006 from 7pm - 12pm. Call Helen Maloney at 781-331-0048 for more information. Jonathan is a 5 year old who has a brain tumor.

President Smart noted that Secretary Pritchard of the Massachusetts Environmental Protection Agency (MEPA) has appointed Councilor Mathews to the Citizen Advisory Committee (CAC) for the re-use of the former South Weymouth Naval Air Station.

President Smart asked for a moment of silence for Rick Waite who passed away this past week. Mr. Waite had served on many boards and committees over the years.

MINUTES

Budget/Management Committee-4/25/06

A MOTION was made by Councilor Leary to ACCEPT the minutes from 04/25/06 and was seconded by Councilor Kay and UNANIMOUSLY VOTED.

Environmental Committee -5/15/06

A MOTION was made by Councilor Leary to ACCEPT the minutes from 05/15/06 and was seconded by Councilor Mathews and UNANIMOUSLY VOTED.

Town Council-5/15/06

A MOTION was made by Councilor Leary to ACCEPT the minutes from 05/15/06 and was seconded by Councilor Kay and UNANIMOUSLY VOTED.

Budget/Management Committee-5/23/06

A MOTION was made by Councilor Leary to ACCEPT the minutes from 05/23/06 and was seconded by Councilor Kay.

Councilor Whitaker made a MOTION to amend the minutes to delete the second sentence on page 3 and was seconded by Councilor Mathews.

The MOTION as amended was UNANIMOUSLY VOTED.

Public Works Committee-5/25/06

A MOTION was made by Councilor Leary to ACCEPT the minutes from 05/25/06 and was seconded by Councilor Kay and UNANIMOUSLY VOTED.

Ordinance Committee -5/31/06

A MOTION was made by Councilor Leary to ACCEPT the revised minutes from 05/31/06 and was seconded by Councilor Kay and UNANIMOUSLY VOTED.

Town Council -6/5/06

A MOTION was made by Councilor Leary to ACCEPT the minutes from 06/05/06 and was seconded by Councilor Kay.

Councilor Whitaker stated that on page 14 the MOTION indicates that Councilor DiFazio moved to APPROVE the Capital Improvement Plan. It should read ACCEPT the Capital Improvement Plan.

Councilor Leary noted that these minutes involve a bond issue, therefore the vote must be unanimous.

Councilor Whitaker made a MOTION to correct the language to read ACCEPT and was seconded by Councilor Mathews. The MOTION as amended was UNANIMOUSLY VOTED.

Budget/Management Committee-6/6/06

A MOTION was made by Councilor Leary to ACCEPT the minutes from 06/06/06 and was seconded by Councilor Kay.

Councilor Leary noted that Councilor Whitaker should be listed as “also present” as he is not a member of the Budget/Management Committee.

On page 12, 6th paragraph it should note that Councilor Whitaker left the meeting.

Councilor DiFazio noted that on page 19 of 24, second paragraph, the motion was subdivided into 21 parts not 20 parts.

The MOTION as amended was UNANIMOUSLY VOTED.

PUBLIC HEARINGS

06 113-Free Cash Appropriation-Police Cruisers

A MOTION was made by Councilor Leary to OPEN the Public Hearing on item number 06 113 and was seconded by Councilor Kay and UNANIMOUSLY VOTED.

Item number 06 113 was published on 6/9/06. There was no public comment.

Ms. Hackett stated that this measure will fund five police cruisers. This is number 15 on the March 2006 Capital Improvement Plan. The balance in Free Cash would be \$19,242; this amount assumes the passage of all Free Cash measures that are before the Council.

A MOTION was made by Councilor Leary to CLOSE the Public Hearing on item number 06 113 and was seconded by Councilor Kay and UNANIMOUSLY VOTED.

06 114-School Sped Vans-Free Cash Appropriation

A MOTION was made by Councilor Leary to OPEN the Public Hearing on item number 06 114 and was seconded by Councilor Mathews and UNANIMOUSLY VOTED.

Item number 06 114 was published on 6/9/06. There was no public comment.

Mr. Rull stated that this is a request to replace three special education vans; a 1988 Ford E-250, a 1993 GMC, and a 1995 GMC. The mileage ranges from 170,00 to 252,000 miles.

A MOTION was made by Councilor Leary to CLOSE the Public Hearing on item number 06 114 and was seconded by Councilor Kay and UNANIMOUSLY VOTED.

06 119-FY 06 School Utility Costs-Free Cash Appropriation

A MOTION was made by Councilor Leary to OPEN the Public Hearing on item number 06 119 and was seconded by Councilor Kay and UNANIMOUSLY VOTED.

Item number 06 119 was published on 6/9/06.

Ms. Livingstone stated that the School Department has been tracking a deficit in utilities since January. The current projected deficit is \$217,937. Because there are some monies available in telephones and water and sewer lines, \$200,000 is requested from the Mayor's Office. The measure before the Council is for \$175,000 which would be a supplemental appropriation from Free Cash.

Councilor Leary stated that there was a typo in the original presentation. It should be to appropriate \$150,000 from Free Cash and to transfer the sum of \$25,000 from the Reserve Fund. Ms. Livingstone agreed that this statement was accurate.

There was the following public comment.

Anne Hilbert asked if any of this money is going to the Fulton School. Ms. Livingstone stated that this building is a part of the schools utility costs and is part of the deficit.

A MOTION was made by Councilor Leary to CLOSE the Public Hearing on item number 06 119 and was seconded by Councilor Kay and UNANIMOUSLY VOTED.

06 120-FY 07 Supplemental Appropriation

A MOTION was made by Councilor Leary to OPEN the Public Hearing on item number 06 120 and was seconded by Councilor Mathews and UNANIMOUSLY VOTED.

Item number 06 120 was published on 6/9/06. There was no public comment.

Mayor Madden appeared before the Council. This supplemental appropriation is the result of changes which have occurred since the original submission of the budget in April. The funds for this appropriation were derived from two different sources. The first is that there has been an increase in State assistance to the Town in the amount of \$500,000. Also, there has been a reduction in the charge for retired teachers' health insurance in the amount of \$150,000. Therefore there is an additional \$65,000 available in FY 07.

The Mayor noted that the Town is looking to reduce its reliance on non-recurring revenue in funding operating costs. Items that were being funded with FY 06 Free Cash for FY 07 expenses have been moved into FY 07. Specifically, the non-union salary and benefits increase as well the

Superior Officers Collective Bargaining Agreement, and \$200,000 in additional funding for the schools. In doing this, FY 07 costs are in the FY 07 budget, and it frees up money in the FY 06 budget for other FY 06 measures.

Councilor DiFazio asked how much money is going to be required for FY 08. The Mayor noted that the Town is currently using \$2.7 million in non-recurring revenue; sale of town owned property, and the host community agreement.

Councilor Lacey asked about the Chapter 70 money. The Mayor stated that money received from the State may be earmarked for a specific department; however, the budget must be looked at as a whole.

Councilor DiFazio noted that there is a recordkeeping matter in this measure as there is an amendment. Councilor DiFazio stated that on the second page under reserve fund, there are two columns, April 1st and June 1st. The April 1st number of \$475,965 was amended to \$423,680, and the June 1st submittal was amended from \$472,706 to \$420,421.

A MOTION was made by Councilor Leary to CLOSE the Public Hearing on item number 06 120 and was seconded by Councilor Kay and UNANIMOUSLY VOTED.

OLD BUSINESS

Update on Fulton School-School Department

Mr. Guilfoyle and Ms. Berry of the School Committee appeared before the Council. Ms. Berry noted that there was a committee that has met since January to discuss the disposition of the Fulton School.

She noted that there was a site visit last week with a construction contractor, Timothy Hamilton and an HVAC contractor, Ed Foley. They walked the site to discuss the possibilities.

Ms. Berry stated that there were four possibilities for the use of the Fulton; the alternative high school, special education programs, SWNAS School, or an all- day kindergarten program. All of these ideas had merit. Both contractors stated that the building is structurally sound but internal mechanicals must be replaced with a preliminary cost of \$300,000.

Ms. Berry stated that she will provide a formal report to the School Committee on 6/29/06. At that time the Committee will vote on turning the building back over to the town as a surplus building.

Councilor Mathews noted that at the Budget/Management meeting last week he had expressed concern that the School Department did not budget for the utility costs of the Fulton School. He noted that Mr. Guilfoyle had replied that these costs were not budgeted in FY 07 because the status of the building had not been decided.

Councilor DiFazio asked if the \$300,000 is a known cost for FY 07. Ms. Berry stated that it is preliminary and is not a hard and fast number. She noted that there has been no money budgeted for the Fulton School for FY 07.

President Smart asked if the accessibility issues were included in this preliminary cost. Ms. Berry stated that the \$300,000 amount did not include accessibility updates.

Terry Fancher-Executive Director of South Shore Tri-Town Development Corporation
-monthly update and questions/answers from Councilors

Mr. Fancher, Mr. McPherson, and Mr. Terravecchia appeared before the Council. Mr. Fancher stated that Mr. Lavin, SSTTDC representative from Abington, was also present.

Next week, SSTTDC will make its first payments to the three towns. He also noted that there have been public meetings to discuss the regulatory frameworks, as well as sustainable design and subdivision regulations. SSTTDC is in the process of meeting with the three towns to discuss service needs. They are also working on setting a tax rate to charge LNR.

Mr. Fancher stated that the Council should have received an answer to the resolution regarding the anemometer.

Councilor Kay asked for clarification on the tax rate. Mr. Fancher stated that the Board of Directors has been working with the Department of Revenue to use a pilot tax rate of \$10.15. A tax bill will be sent to LNR in the amount of approximately \$9,000 a month.

Councilor Kay asked if this payment is a mandated payment in lieu of taxes. Mr. Fancher stated that this correct.

Councilor Leary asked when the town will see revenues, as the Legislation states that SSTTDC expenses are paid first.

Mr. Fancher stated that the construction of housing will begin next year with students anticipated in the fall of 2008. Taxes will start flowing when occupancy permits are issued for the Telephone Worker's Credit Union or a similar building, which is not anticipated until the end of 2007.

Mr. McPherson stated that there is no firm date for when the town will receive any money from the tax revenues from the base. He also noted that the amount of services provided will affect the amount of money received by the towns.

Councilor Leary reiterated that he is asking when tax levy money will be received by the town. He noted that the newspapers make it look as if the towns are going to reap an immediate windfall from this project. The reality is that receiving tax levy money may take years.

Mr. Fancher and Mr. McPherson both agreed that this was a fair statement. Mr. McPherson stated that the earliest he would estimate payment would be at the end of Phase I.

Councilor Leary stated that there were anemometers on the blimp hangars in the past. He commented that the only reason that an anemometer was requested was to determine, with current data, whether wind is a useable resource at the base.

Councilor Mathews asked Mr. Fancher to give an overview of the transfer to take place next Tuesday. Mr. Fancher stated that F.O.S.T. 1 and 2, roughly 500 acres, will be transferred to LNR. LNR will make a \$3 million payment to SSTTDC and will extinguish the \$15 million mortgage that they held on the property. Mr. Fancher noted that the \$15 million has been used in pre-development such as for environmental costs.

F.O.S.T. 3, 4, and 5 have not yet been transferred to SSTTDC and there is also a series of carve outs which will be transferred as clean-ups continue on the base.

Councilor Whitaker stated that there have been concerns by residents at the end of White Street. Tree limbs are hanging over and blocking street lights near the parking area. Mr. Fancher asked to be contacted at his office to further discuss this issue.

Councilor Whitaker asked if \$18 million is the fair market value of the land transferred to LNR. Mr. Fancher stated that it was actually closer to \$19.3 million when the payments to the three towns are included.

Councilor DiFazio stated that the enabling legislation clearly states that feasibility studies should be done at the bequest of the host community. Mr. Fancher replied that this is true only to the extent that it is in the Master Plan, the Reuse Plan, or the Zoning By-law. Mr. McPherson stated that one of the topics of the environmental review is alternative power sources.

Councilor DiFazio stated that he recalled LNR agreeing to consider a wind farm at the Town Council meeting. Mr. McPherson, a former Weymouth Town Councilor at that time, did not recall a discussion of a wind farm.

Councilor Whitaker noted that he has figured that the developer is only paying \$40,000 per acre. He asked for clarification on this. Mr. Fancher stated that he believes that the price will be higher. He noted that these two parcels were transferred under a no-cost economic development conveyance.

Mr. McPherson noted that the land is unimproved and it is not known how much environmental remediation and infrastructure needs actually exist.

Councilor Leary stated that the town is not asking for a wind farm.

Councilor Leary referenced an article in the Boston Globe regarding smart growth. He noted that the basis for Smart Growth is designed for urban renewal in urban centers near transportation. The South Weymouth Naval Air Station is a wide open space.

Councilor Mathews asked if the SSTITDC plans to comment on the Draft Environmental Impact Report (DEIR) once it is released. Mr. Fancher stated that they will do this.

President Smart stated that regular meetings are held by SSTITDC on the second Monday of each month.

Response from LNR Corporation on Council Resolution-Wind Farm Application
-President Michael Smart

For the record, President Smart read the response to the Council's resolution in regards to a wind application at the former South Weymouth Naval Air Station.

COMMUNICATION FROM MAYOR, TOWN OFFICERS, AND TOWN BOARDS

06 123-Julia Road Playground-Reserve Fund Transfer

Ms. Hackett stated that this is a request for a \$70,000 Reserve Fund transfer for the purpose of hiring a licensed site professional and for completing conceptual designs for the eventual remediation of the Julia Road playground. The intention is for all alternatives for remediation to be explored which include capping, removal and excavation.

The Mayor would like to complete the conceptual design and additional testing done over the summer. The intent would then be to come back in the fall to request funds for the final solution for the playground.

Councilor Leary asked if there is already a contractor for this project. Ms. Hackett stated that at the last Council meeting, funding was requested under 2-9B to pay for the emergency procurement authorized for the actual testing of the site. This is the next step.

A MOTION was made by Councilor Leary to take item number 06 123 under 2-9B, same night action, and was seconded by Councilor Kay and was UNANIMOUSLY VOTED.

A MOTION was made By Councilor Leary to APPROVE item number 06 123 and was seconded by Councilor Kay.

Councilor Shanahan asked if there will be another public hearing. Ms. Hackett stated that this will happen once the conceptual design is completed. This is expected late this summer. The park will remain closed for the summer.

Councilor Molisse asked for clarification on when the work will begin. Ms. Hackett stated that the Mayor intends to have a plan in place as soon as possible with construction tentatively scheduled to begin in the fall.

Councilor DiFazio asked what the basis is for the \$70,000. Ms. Hackett stated that this money is for additional information. She noted that the contract calls for two proposals to address the

remediation. Ms. Hackett stated that this document would be forwarded to Mr. Swanson in the morning.

Councilor Shanahan reiterated the need to spare no cost in the remediation of this park as it has far reaching impacts on the neighborhood.

The MOTION was UNANIMOUSLY VOTED.

06 124-Reserve Fund Transfer for Medicare Taxes

Mr. Wilson stated that this is a request for a \$35,000 reserve fund transfer to pay for employer taxes for weeks 50 through week 53. If this measure passes there will be approximately \$88,000 remaining in the reserve fund.

A MOTION was made By Councilor Leary to take item number 06 124 under 2-9B, same night action, and was seconded by Councilor Kay and was UNANIMOUSLY VOTED.

A MOTION was made by Councilor Leary to APPROVE item number 06 124 and was seconded by Councilor Kay and was UNANIMOUSLY VOTED.

REPORTS OF COMMITTEES

Budget/ Management Committee – Chairman DiFazio

06 036-Operating Measure-Authorization for Use of Overlay Account Funds

Item number 06 036 was referred on 4/3/06. The Committee met on 4/6/06 and 6/6/06. The Committee voted unanimously to recommend favorable action. Item number 06 036 was published on 4/28/06. A Public Hearing was held on 5/8/06.

A MOTION was made by Councilor DiFazio to APPROVE item number 06 036 and was seconded by Councilor Kay and was UNANIMOUSLY VOTED.

06 037-Police Detail Account-Authorization to Use Funds for FY 07

Item number 06 037 was referred on 4/3/06. The Committee met on 4/6/06 and 6/6/06. The Committee voted to recommend favorable action. Item number 06 037 was published on 4/28/06. A Public Hearing was held on 5/8/06.

A MOTION was made by Councilor DiFazio to APPROVE item number 06 037 and was seconded by Councilor Kay and was UNANIMOUSLY VOTED.

06 038-Sale of Town Owned Property-Authorization to Use Funds for FY 07

Item number 06 038 was referred on 4/3/06. The Committee met on 4/6/06 and 6/6/06. The Committee voted unanimously to recommend favorable action. Item number 06 038 was published on 4/28/06. A Public Hearing was held on 5/8/06.

A MOTION was made by Councilor DiFazio to APPROVE item number 06 038 and was seconded by Councilor Kay and was UNANIMOUSLY VOTED.

Fiscal Year 2007 Budget Measures:

Councilor DiFazio stated that the FY 07 budget was studied on the following dates; 4/6/06, 4/11/06, 4/13/06, and 6/6/06. Prior to a vote on the entire measure, the Budget/Management Committee voted unanimously to split this measure into 21 subparts for all of the departments for the Town of Weymouth. A Public Hearing was held on 5/8/06

Item number 06 039 was referred on 4/3/06. The Committee voted to recommend favorable action. Item number 06 039 A was published on 4/28/06.

06 039 A-Town Council FY 07 Budget

A MOTION was made by Councilor DiFazio to APPROVE item number 06 039 A- to raise and appropriate \$271,052 to provide for the expenses, maintenance and operation of the Town Council and was seconded by Councilor Whitaker

Councilor Whitaker stated that he had filed disclosures in November of potential conflicts of interest.

The MOTION was UNANIMOUSLY VOTED.

06 039 B-Mayor's Office FY 07 Budget

A MOTION was made by Councilor DiFazio to APPROVE item number 06 039 B- to raise and appropriate \$1,116,928 to provide for the expenses, maintenance and operation of the Mayor's Office and was seconded by Councilor Kay and was UNANIMOUSLY VOTED.

06 039 C-Reserve Fund FY 07 Budget

A MOTION was made by Councilor DiFazio to APPROVE item number 06 039 C- to raise and appropriate \$423,680 for the Reserve fund and was seconded by Councilor Kay and was UNANIMOUSLY VOTED.

06 039 D-Municipal Finance FY 07 Budget

A MOTION was made by Councilor DiFazio to APPROVE item number 06 039 D- to raise and appropriate \$1,754,663 to provide for expenses, maintenance and operation of the Municipal Finance Department and was seconded by Councilor Kay and was UNANIMOUSLY VOTED.

06 039 E-Town Solicitor FY 07 Budget

A MOTION was made by Councilor DiFazio to APPROVE item number 06 039 E-- to raise and appropriate \$293,685 to provide for expenses, maintenance and operation of the Town Solicitor's Department and was seconded by Councilor Kay and was UNANIMOUSLY VOTED.

06 039 F-Admin. And Community Services FY 07 Budget

A MOTION was made by Councilor DiFazio to APPROVE item number 06 039 F-- to raise and appropriate \$1,414,644 to provide for expenses, maintenance and operation of the Administrative and Community Services Department and was seconded by Councilor Mathews and was UNANIMOUSLY VOTED.

06 039 G-Human Resources FY 07 Budget

A MOTION was made by Councilor DiFazio to APPROVE item number 06 039 G- to raise and appropriate \$208,907 to provide for expenses, maintenance and operation of the Human Resources Department and was seconded by Councilor Kay and was UNANIMOUSLY VOTED.

06 039 H-Information Services FY 07 Budget

A MOTION was made by Councilor Kay to APPROVE item number 06 039 H- to raise and appropriate \$745,980 to provide for expenses, maintenance and operation of the Information Services Department and was seconded by Councilor Kay and was UNANIMOUSLY VOTED.

06 039 I-Town Clerk FY 07 Budget

A MOTION was made by Councilor DiFazio to APPROVE item number 06 039 I to raise and appropriate \$315,116 to provide for expenses, maintenance and operation of the Town Clerk's Office and was seconded by Councilor Kay and was UNANIMOUSLY VOTED.

06 039 J-Planning and Development FY 07 Budget

A MOTION was made by Councilor DiFazio to APPROVE item number 06 039 J- to raise and appropriate \$404,120 to provide for expenses, maintenance and operation of the Planning and Development Department and was seconded by Councilor Kay and was UNANIMOUSLY VOTED.

06 039 K-Police Department FY 07 Budget

A MOTION was made by Councilor DiFazio to APPROVE item number 06 039 K- to raise and appropriate \$9,661,023 to provide for expenses, maintenance and operation of the Police Department and was seconded by Councilor Kay

Councilor Molisse recused himself from this vote.

The MOTION PASSED.

06 039 L-Fire Department FY 07 Budget

A MOTION was made by Councilor DiFazio to APPROVE item number 06 039 L- to raise and appropriate \$7,762,299 to provide for expenses, maintenance and operation of the Fire Department and was seconded by Councilor Kay and was UNANIMOUSLY VOTED.

06 039 M-Licensing and Inspections FY 07 Budget

A MOTION was made by Councilor DiFazio to APPROVE item number 06 039 M- to raise and appropriate \$535,896 to provide for expenses, maintenance and operation of the Licensing and Inspections Department and was seconded by Councilor Kay and was UNANIMOUSLY VOTED.

06 039 N-Department of Public Works FY 07 Budget

A MOTION was made by Councilor DiFazio to APPROVE item number 06 039 N- to raise and appropriate \$8,552,181 to provide for expenses, maintenance and operation of the Department of Public Works and was seconded by Councilor Kay

Councilor Shanahan recused himself from this vote.

The MOTION PASSED.

06 039 O-Health Department FY 07 Budget

A MOTION was made by Councilor DiFazio to APPROVE item number 06 039 O- to raise and appropriate \$434,881 to provide for expenses, maintenance and operation of the Health Department and was seconded by Councilor Kay and was UNANIMOUSLY VOTED.

06 039 P-Library FY 07 Budget

A MOTION was made by Councilor DiFazio to APPROVE item number 06 039 P- to raise and appropriate \$1,110,787 to provide for expenses, maintenance and operation of the Library and was seconded by Councilor Kay and was UNANIMOUSLY VOTED.

06 039 Q-Debt Service—FY 07 Budget

A MOTION was made by Councilor DiFazio to APPROVE item number 06 039 Q- to raise and appropriate \$8,422,411 for Debt Service and was seconded by Councilor Kay and was UNANIMOUSLY VOTED.

06 039 R-Pensions and Benefits—FY 07 Budget

A MOTION was made by Councilor DiFazio to APPROVE item number 06 039 R- to raise and appropriate \$17,257,909 to fund Pensions and Benefits and was seconded by Councilor Kay and was UNANIMOUSLY VOTED.

06 039 S-School Department FY 07 Budget

A MOTION was made by Councilor DiFazio to APPROVE item number 06 039 S- to raise and appropriate \$54,395,472 to provide for expenses, maintenance and operation of the School Department and was seconded by Councilor Kay.

Councilor Whitaker stated that he had sent out an email regarding an opinion of possible conflict of interest. He noted that a revised opinion of the State Ethics Commission stated that since the Council does not have line item authority, it can only vote the School Department budget up or down; there was no conflict of interest or an appearance of conflict of interest. He noted that his brother is a teacher and coach for the Weymouth Public Schools.

The MOTION was UNANIMOUSLY VOTED.

06 039 T-State and County Assessments—FY 07 Budget

A MOTION was made by Councilor DiFazio to APPROVE item number 06 039 T- to raise and appropriate \$5,492,484 to fund the payment of the State and County Assessments and was seconded by Councilor Kay and was UNANIMOUSLY VOTED.

06 039 U-Overlay for Abatements—FY 07 Budget

A MOTION was made by Councilor DiFazio to APPROVE item number 06 039 U- to raise and appropriate \$600,000 to fund the overlay for the abatement account was seconded by Councilor Kay and was UNANIMOUSLY VOTED.

06 039-Operating Measure-General Fund Appropriation Request FY 07 Annual Budget

A MOTION was made by Councilor DiFazio to APPROVE item number 06 039- to raise and appropriate \$121,174,118 to provide for all the expenses, maintenance and operations of several departments and was seconded by Councilor Kay.

Councilor Kay asked for a point of information. She stated that the dollar amount noted in this measure is for informational purposes. The measure needed to be voted this way because of the reference to the Harbor Master.

The MOTION was UNANIMOUSLY VOTED.

06 041-Donation Accounts-Annual Authorization to Receive Revenue and Expend Funds

Item number 06 041 was referred on 04/03/06. The Committee met on 4/6/06 and 6/6 06. The Committee voted unanimously to recommend favorable action. Item number 06 041 was published on 4/28/06. A Public Hearing was held on 5/8/06.

A MOTION was made by Councilor DiFazio to APPROVE item number 06 041 and was seconded by Councilor Kay and was UNANIMOUSLY VOTED.

06 042-Revolving Accounts-Annual Authorization to Receive Revenue and Expend Funds

Item number 06 042 was referred on 4/3/06. The Committee met on 4/6/06 and 6/6/06. The Committee voted unanimously to recommend favorable action. Item number 06 042 was published on 4/28/06. A Public Hearing was held on 5/8/06.

On behalf of the Budget/Management Committee-Councilor DiFazio submitted the following measure to Town Council:

That the Town of Weymouth authorize the creation of the following revolving accounts in accord with Mass. General Laws Chapter 44, Section 53E ½ for Fiscal Year 2007. Furthermore that each of these revolving accounts be permitted to accept funds in the aggregate to the limit set forth below and expend those funds in the aggregate to the limit herein expressed with the consent of the Mayor.

Councilor DiFazio noted that there was an amendment, the account should be 5209, not 5210.

Account 5209 for Parks and Recreation is established pursuant to General Laws Chapter 44, Section 53D.

A MOTION was made by Councilor DiFazio to APPROVE item number 06 042 as amended, and was seconded by Councilor Kay and was UNANIMOUSLY VOTED.

06 043-Bond Authorization for Extraordinary Repairs to Town Owned Buildings

Item number 06 043 was referred on 4/3/06. The Committee met on 4/25/06 and 6/6/06. The Committee voted unanimously to recommend favorable action. Item number 06 043 was published on 4/28/06. A Public Hearing was held on 5/8/06.

On behalf of the Budget/Management Committee-Councilor DiFazio submitted the following measure to Council:

That the Town of Weymouth raise and appropriate the sum of \$2,650,000.00 for the purpose of remodeling, reconstruction or making extraordinary repairs to school building and other site improvements incidental or directly relating to such remodeling, reconstruction or repair.

To meet this appropriation, the Treasurer, with the approval of the Mayor, is authorized to borrow the sum of \$2,650,000.00 in accord with Mass. General Law, Chapter 44.

March 2006 CIP-Proposed Building and Grounds-roof on Hamilton School, roof on Adams, masonry at Pingree School, waterproofing at Chapman School and other such school capital projects relating to buildings as there may be funds to perform the work.

A MOTION was made by Councilor DiFazio to APPROVE item number 06 043 and was seconded by Councilor Kay and was UNANIMOUSLY VOTED.

06 044-Bond Authorization for Extraordinary Repairs to Town Owned Buildings

Item number 06 044 was referred on 4/3/06. The Committee met on 4/25/06. The Committee voted unanimously to recommend favorable action on 6/6/06. Item number 06 044 was published on 4/28/06. A Public Hearing was held on 5/8/06.

This item is for town building repairs in the March 2006 Capital Improvement Plan.

A MOTION was made by Councilor DiFazio to APPROVE item number 06 044 and was seconded by Councilor Kay and was UNANIMOUSLY VOTED.

06 046-Operating Measure-Sewer Enterprises Fund Appropriation Order

Item number 06 046 was referred on 4/3/06. The Committee met on 4/20/06 and 6/6/06. The Committee voted unanimously to recommend favorable action. Item number 06 046 was published on 4/28/06. A Public Hearing was held on 5/8/06

A MOTION was made by Councilor DiFazio to APPROVE item number 06 046 and was seconded by Councilor Kay and was UNANIMOUSLY VOTED.

06-047-Sewer Enterprises Fund-Residual Account

Item number 06 047 was referred on 4/3/06. The Committee met on 4/20/06 and 6/6/06. The Committee voted unanimously to recommend favorable action. Item number 06 047 was published on 4/28/06. A Public Hearing was held on 5/8/06.

A MOTION was made by Councilor DiFazio to APPROVE item number 06 047 and was seconded by Councilor Leary and was UNANIMOUSLY VOTED.

06 048-Water Enterprise Fund-Annual Appropriation

Item number 06 048 was referred on 4/3/06. The Committee met on 4/20/06 and 6/6/06. The Committee voted unanimously to recommend favorable action. Item number 06 048 was published on 4/28/06. A Public Hearing was held on 5/8/06.

A MOTION was made by Councilor DiFazio to APPROVE item number 06 048 and was seconded by Councilor Leary.

Councilor Molisse recused himself from this vote.

The MOTION PASSED.

06 049-Water Enterprise Fund-Residual Account

Item number 06 049 was referred on 4/3/06. The Committee met on 4/20/06 and 6/6/06. The Committee voted unanimously to recommend favorable action. Item number 06 049 was published on 4/28/06. A Public Hearing was held on 5/8/06.

A MOTION was made by Councilor DiFazio to APPROVE item number 06 049 and was seconded by Councilor Leary and was UNANIMOUSLY VOTED.

Councilor DiFazio stated that item numbers 06 085, 06 086, 06 087, 06 088, 06 090, and 06 091 were withdrawn by Administration. The Committee voted unanimously to recommend no action.

06 085-Free Cash Appropriation for Non-Union Employees

A MOTION was made by Councilor DiFazio to TAKE NO ACTION on item number 06 085 and was seconded by Councilor Kay and was UNANIMOUSLY VOTED.

06 086- Retained Earning Appropriation for Water Non-Union Employees

A MOTION was made by Councilor DiFazio to TAKE NO ACTION on item number 06 086 and was seconded by Councilor Leary and was UNANIMOUSLY VOTED.

06 087- Retained Earning Appropriation for Sewer Non-Union Employees

A MOTION was made by Councilor DiFazio to TAKE NO ACTION on item number 06 087 and was seconded by Councilor Leary and was UNANIMOUSLY VOTED.

06 088- Free Cash Appropriation for Non-Union Employee Tuition Reimbursement Program

A MOTION was made by Councilor DiFazio to TAKE NO ACTION item number 06 088 and was seconded by Councilor Leary and was UNANIMOUSLY VOTED.

06 090- Free Cash Appropriation for Collective Bargaining Agreement-Superior Officers

A MOTION was made by Councilor DiFazio to TAKE NO ACTION on item number 06 090 and was seconded by Councilor Leary and was UNANIMOUSLY VOTED.

06 091- Re-appropriation-Collective Bargaining Agreement-Superior Officers

A MOTION was made by Councilor DiFazio to TAKE NO ACTION on item number 06 091 and was seconded by Councilor Leary and was UNANIMOUSLY VOTED.

06 102-Collective Bargaining Agreement for Superior Officers

Item number 06 102 was referred on 6/5/06. The Committee met on 6/6/06. The Committee voted unanimously to recommend favorable action.

A MOTION was made by Councilor DiFazio to APPROVE item number 06 102 and was seconded by Councilor Kay and was UNANIMOUSLY VOTED.

06 103-Superior Officers Collective Bargaining Medical Technology Incentive Plan Agreement

Item number 06 103 was referred on 6/5/06. The Committee met on 6/6/06. The Committee voted unanimously to recommend favorable action.

A MOTION was made by Councilor DiFazio to APPROVE item number 06 103 and was seconded by Councilor Kay and was UNANIMOUSLY VOTED.

06 104-CDBG Approvals for Fiscal Year 2007

Item number 06 104 was referred on 6/5/06. The Committee met on 6/13/06. The Committee voted unanimously to recommend favorable action.

A MOTION was made by Councilor DiFazio to ACCEPT item number 06 104 and was seconded by Councilor Kay and was UNANIMOUSLY VOTED.

06 105-Payment of Fire Alarm Lease-Reserve Fund Transfer

Item number 06 105 was referred on 6/5/06. The Committee met on 6/13/06. The Committee voted unanimously to recommend favorable action.

A MOTION was made by Councilor DiFazio to APPROVE item number 06 105 and was seconded by Councilor Kay and was UNANIMOUSLY VOTED.

06 106-Reappropriation to Fire Department Overtime

Item number 06 106 was referred on 6/5/06. The Committee met on 6/13/06. The Committee voted unanimously to recommend favorable action.

Councilor DiFazio noted that there was an amendment to reduce the amount to \$60,000. He noted that the reduction request was requested by the Fire Chief.

Councilor Lacey stated that he had asked for a comparison of sick time in FY 01 to FY 06. He noted that there has been an increase of 164% in sick time when comparing the reference time frames. There has been a 150% increase in injury time. In the mid 1990's, there was an agreement between the Firefighter's Union and the Town to agree to 24 hour shifts which would allow, in some cases, firefighters having up to five days off in a row. One of the reasons for this was to reduce sick leave.

Councilor Lacey stated that he would like to see the Council take an active role in understanding the on-going practices to help in this regards to the staggering sick leave which has been reported to the Council.

A MOTION was made by Councilor DiFazio to APPROVE item number 06 106 and was seconded by Councilor Kay and PASSED 10-1-with Councilor Lacey voting NO.

06 107-Reappropriation-FY 06-07 IT Maintenance Contracts

Item number 06 107 was referred on 6/5/06. The Committee met on 6/13/06. The Committee voted unanimously to recommend favorable action.

A MOTION was made by Councilor DiFazio to APPROVE item number 06 107 and was seconded by Councilor Kay and was UNANIMOUSLY VOTED.

06 108-Legal Services-Reserve Fund Transfer

Item number 06 108 was referred on 6/5/06. The Committee met on 6/13/06. The Committee voted unanimously to recommend favorable action.

A MOTION was made by Councilor DiFazio to APPROVE item number 06 108 and was seconded by Councilor Mathews and was UNANIMOUSLY VOTED.

06 109-Reappropriation-Legal Services-Special Counsel

Item number 06 109 was referred on 6/5/06. The Committee met on 6/13/06. The Committee voted unanimously to recommend favorable action.

A MOTION was made by Councilor DiFazio to APPROVE item number 06 109 and was seconded by Councilor Kay.

Councilor Whitaker stated that he would abstain from voting on 06 109 and 06 110.

The MOTION PASSED.

06 110-Legal Services-Reserve Fund Transfer

Item number 06 110 was referred on 6/5/06. The Committee met on 6/13/06. The Committee voted unanimously to recommend favorable action.

A MOTION was made by Councilor DiFazio to APPROVE item number 06 110 and was seconded by Councilor Kay. The MOTION PASSED.

06 111-Appropriation-Stabilization Fund

Item number 06 111 was referred on 6/5/06. The Committee met on 6/13/06. The Committee voted unanimously to recommend favorable action

A MOTION was made by Councilor DiFazio to APPROVE item number 06 111 and was seconded by Councilor Kay and was UNANIMOUSLY VOTED.

06 112-Weymouth Day-Reserve Fund Transfer

Item number 06 112 was referred on 6/5/06. The Committee met on 6/13/06. The Committee voted unanimously to recommend favorable action.

A MOTION was made by Councilor DiFazio to APPROVE item number 06 112 and was seconded by Councilor Kay and was UNANIMOUSLY VOTED.

06 113-Free Cash Appropriation-Police Cruisers

Item number 06 113 was referred on 6/5/06. The Committee met on 6/13/06. The Committee voted unanimously to recommend favorable action. Item number 06 113 was published on 6/9/06. A Public Hearing was held on 6/19/06.

A MOTION was made by Councilor DiFazio to APPROVE item number 06 113 and was seconded by Councilor Kay and was UNANIMOUSLY VOTED.

06 114-School SPED Vans-Free Cash Appropriation

Item number 06 114 was referred on 6/5/06. The Committee met on 6/13/06. The Committee voted unanimously to recommend favorable action. Item number 06 114 was published on 6/9/06. A Public Hearing was held on 6/19/06.

A MOTION was made by Councilor DiFazio to APPROVE item number 06 114 and was seconded by Councilor Kay and was UNANIMOUSLY VOTED.

06 115-Veteran's Bonus-Acceptance of Statute

Item number 06 115 was referred on 6/5/06. The Committee met on 6/13/06. The Committee voted unanimously to recommend favorable action.

A MOTION was made by Councilor DiFazio to ACCEPT item number 06 115 and was seconded by Councilor Mathews and was UNANIMOUSLY VOTED.

06 116-Back River Study-Reserve Fund

Item number 06 116 was referred on 6/5/06. The Committee met on 6/13/06. The Committee voted unanimously to recommend favorable action.

A MOTION was made by Councilor DiFazio to APPROVE item number 06 116 and was seconded by Councilor Kay and was UNANIMOUSLY VOTED.

06 117-Installation of Sewer Pump in the Landing-Sewer Reserve Fund

Item number 06 117 was referred on 6/5/06. The Committee met on 6/13/06. The Committee voted unanimously to recommend favorable action.

A MOTION was made by Councilor DiFazio to APPROVE item number 06 117 and was seconded by Councilor Kay and was UNANIMOUSLY VOTED.

06 118-Randall Street Cleanup-Water Reserve Fund - WITHDRAWN

Item number 06 118 was referred on 6/5/06. The Committee met on 6/13/06. The Committee voted unanimously to recommend favorable action.

Councilor DiFazio stated that he had been informed that this item was withdrawn. Another funding source has been found to pay for this item.

A MOTION was made by Councilor DiFazio to take NO ACTION on item number 06 118 and was seconded by Councilor Kay and was UNANIMOUSLY VOTED.

06 119-FY 06 School Utility Costs-Free Cash Appropriation

Item number 06 119 was referred on 6/5/06. The Committee met on 6/13/06. The Committee voted unanimously to recommend favorable action. Item number 06 119 was published on 6/9/06. A Public Hearing was held on 6/19/06.

Councilor DiFazio noted that there was an amendment in this measure. The "re-" in re-appropriation was deleted so that it was "appropriation". He also stated that this measure is in the amount of \$175,000.

Councilor Mathews stated that he was alarmed that the School Committee did not include the utility costs for the Fulton School in the FY 06 budget. The utility cost for the school was \$57,000. He noted that this has not been budgeted for FY 07.

Councilor Leary stated that the School Committee would hear a report next week on the disposition of this building.

Councilor DiFazio requested that Administration address the issue that the utility costs for the Fulton School are not accounted for in any town budget for FY 07.

President Smart stated that it would be better to wait until the School Committee makes a decision as to the disposition of the building. He stated that to ask Administration to address the utility costs at this time would be premature.

Councilor Mathews stated that the School Committee closed the Fulton School in 2003 in order to save \$46,000 in their budget. Since that time, \$128,959 has been spent on utilities for this building.

A MOTION was made by Councilor DiFazio to APPROVE item number 06 119 and was seconded by Councilor Kay and PASSED 10-1.

06 120-FY 07 Supplemental Appropriation

Item number 06 120 was referred on 6/5/06. The Committee met on 6/6/06. The Committee voted unanimously to recommend favorable action. Item number 06 120 was published on 6/9/06. A Public Hearing was held on 6/19/06.

Councilor DiFazio stated that the supplemental appropriation is for \$502,108. This amount increases the FY 07 budget from \$121,174,118 to \$121,676,226 to provide for all the expenses, maintenance and operations of several departments. Furthermore, it is affirmed that \$80,000 is appropriated from the waterways funds to meet some of the costs of the Harbor Master's Program.

A MOTION was made by Councilor DiFazio to APPROVE item number 06 120 and was seconded by Councilor Molisse.

Councilor Kay asked if the bottom line can be supplemented since the budgets were voted individually. Mr. Wilson, through the President, stated that this could be done.

The MOTION was UNANIMOUSLY VOTED.

A MOTION was made by Councilor Leary to take item numbers 06 121 and 06 122 out of order and placed under Motions, Orders, and Resolutions-- and was seconded by Councilor Kay and UNANIMOUSLY VOTED.

Ordinance Committee-Chairperson Kay

06 098-Organization Plan – Establishment of the Community Preservation Committee

Councilor Kay stated that the Committee met on 5/31/06 on measure numbers 06 098 and 06 99. Jane Hackett, James Clarke, George Lane, and James Wilson gave a presentation on these measures.

After the presentation, raising many questions and requesting many changes, the Committee voted to continue measures 06 098 and 06 099 until after the Public Hearing.

A Public Hearing was held on 6/5/06. Mayor Madden addressed the Council, presenting an amendment to change 06 098 in three ways; increase the at-large/citizen from one to three with the total Committee complement increasing from seven to nine and those citizens appointed to the Committee cannot hold appointed or elected office- and the terms are limited to 2 years; 2) in paragraph C1, add “ annually” in holding one or more public informational hearings; 3) paragraph 4, 2nd page under 4A open space, to include the phrase” not included in land for recreational purposes”.

The Committee met again on 6/13/06 to continue discussions on 06 098 and 06 099. After much discussion, the majority of the Ordinance Committee voted to recommend favorable action on 06 098

Councilor Kay made a MOTION to APPROVE item number 06 098 and was seconded by Councilor Leary.

Councilor Kay expressed concern that an established portion of the Act did not appear. She stated that she wanted to be clear that this was just an oversight. The words missing are “in accordance with Chapter 267 of the Acts of 2000 Community Preservation Act”.

Councilor Mathews stated that he has voted against this measure. He believes that the Mayor should be involved only in an advisory capacity.

Councilor O’Connor stated that he has voted against this measure. He asked about the number senior citizens applying for the tax exemption. Ms. Hackett stated that there were 265 exemptions.

Councilor DiFazio asked for clarification regarding the five appointments to the Committee from the Town Boards. Each of the five Committees will vote who will represent that Committee.

Councilor DiFazio asked if this was a deviation from the Charter that the Mayor shall appoint all members to Committees.

Solicitor Lane stated that in terms of the appointments, they are considered multiple member Committees which are appointed under the Charter solely by the Mayor. He stated that the provision which provides for multiple member Committees makes that statement that they are appointed solely by the Mayor. However in this case, there is a statutory mandate to the extent

of who serves on the Committee, as a result it doesn't fall under that particular provision. So it is consistent with the Charter.

Councilor DiFazio stated that it appears that this Legislation supersedes the Charter. Solicitor Lane stated that the Home Rule Procedure's Act Chapter 43B Section 20 provides that the provisions of State Law are deemed to be consistent with the Charter.

Councilor Carey referenced the Licensing Board. Solicitor Lane stated that the Charter specifically designates that specific Board.

Solicitor Lane stated that this is not a Committee set up solely by the Mayor.

Councilor Carey commented that people appointed to Town Committees are still members of the community.

The MOTION as amended PASSED 9-2 as follows:

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

06 099-Organization Plan – Establishment of the Community Preservation Act Division within the Dept. of Planning and Community Development

The majority of the Committee voted unfavorable action on this item.

A MOTION was made by Councilor Kay to recommend UNFAVORABLE ACTION on item number 06 099 and was seconded by Councilor Molisse.

Councilor Kay stated that the consensus was that there was plenty of Planning Department representation on the CPA Committee. She stated that the consensus was that this Committee, as created by Ordinance, is able to stand on its own. However, the Ordinance Committee recommended that the CPA Committee be added to section 6 for staff support within Planning.

A number of Councilors spoke as to their reasons for voting for or against this measure.

President Smart clarified that a yes vote would be in accord with the Ordinance Committee's recommendation for unfavorable action, and a no vote would mean that you are in favor of item number 06 099.

The MOTION for unfavorable action PASSED on a 6-5 vote

Councilor Carey – N	Councilor Mathews – Y
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Councilor DiFazio – Y

Councilor Kay – Y

Councilor Lacey – N

Councilor Leary – Y

President Smart – N

Councilor Molisse – N

Councilor O'Connor – Y

Councilor Shanahan – N

Councilor Whitaker – Y

Naval Air Station Advisory Committee-Chairperson Leary

Councilor Leary stated that the Committee has not met formally as they are awaiting a ruling from the Attorney General on the legality of the Committee.

He stated that SSTTDC has agreed to hold a meeting on the second Monday of each month.

He also noted that Councilor Mathews has been appointed to the CAC. He commented that the Town is also represented on the CAC by Jim Young, a consultant for SSTTDC, and Jim Clarke, Planning Director.

NEW BUSINESS

Utility Applications/Petitions Proposed Changes-Councilor Mathews

Councilor Mathews submitted a letter regarding public utility requests in the Town. He stated that he is concerned that the Council is taking action under 2-9B, same night action, on utility requests. He stated that direct abutters do not always receive plans; they are only given notice of the public hearing. He stated that the proponent should be responsible for sending detailed plans to the abutters.

Councilor Molisse stated that he is not in favor of referring these requests. He believes that the utility companies have improved their response over the past six years.

Councilor Whitaker asked that Solicitor Lane look into any implications from the State level that would be affected by these changes.

Solicitor Lane stated that he would report to the Ordinance Committee in regards to this matter.

A MOTION was made by Councilor Mathews to REFER these proposed changes to the Ordinance Committee and was seconded by Councilor Lacey and was UNANIMOUSLY VOTED.

Motions, Orders and Resolutions

Town Council Rule 24-Vote to Suspend Council Meetings for the Months of July and August-Councilor Paul J. Leary

Councilor Leary made a MOTION to SUSPEND Council meetings for the months of July and August, as per Town Council Rule 24, and was seconded by Councilor Kay

Councilor Leary stated that this action does not preclude the Council from calling Special Meetings.

The MOTION was UNANIMOUSLY VOTED.

06 121-Sale of Town Owned Land

Councilor Leary made a MOTION to go into **Executive Session** for the purpose of considering the value of real property involved in the upcoming public auction of town owned property since such discussion may have a detrimental effect on the negotiating position of the Town Council relating thereto and to reconvene into Open Session for the purpose of initiating a vote and to adjourn and was seconded by Councilor Kay and PASSED on a roll call vote as follows:

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

****Executive Session minutes to be released at a future date.****

Item number 06 121 was referred on 6/5/06. The Committee met on 6/6/06. The Committee voted unanimously to recommend favorable action.

A MOTION was made by Councilor Kay to APPROVE item number 06 121 and was seconded by Councilor Leary and was UNANIMOUSLY VOTED.

06 122-Sale of Town Owned Land-Reserve Fund Transfer

Item number 06 122 was referred on 6/5/06. The Committee met on 6/6/06. The Committee voted unanimously to recommend favorable action.

A MOTION was made by Councilor DiFazio to APPROVE item number 06 122 and was seconded by Councilor Kay and was UNANIMOUSLY VOTED.

ADJOURNMENT

Town Council – June 19, 2006

At 11:00pm there being no further business, Councilor Leary MOTIONED to adjourn and Councilor Mathews seconded and was UNANIMOUSLY VOTED.

Approved by: _____
Michael Smart, President