

MINUTES OF THE
TOWN COUNCIL MEETING
JUNE 21, 2004

PRESENT: Michael Smart (Vice President), Ken DiFazio, Gregory Hargadon, Sue Kay, Paul Leary, Arthur Mathews and Greg Shanahan

OTHERS: Frank Fryer, Richard Swanson, Jim Wilson and Solicitor George Lane

Vice President Smart called the Town Council Meeting to order on Monday, June 21, 2004 at 7:30 p.m. in the Council Chambers.

ANNOUNCEMENTS

Councilor Leary: Stated that Lee Hultin will be moving on to the Mayor's Office. He wished her best of luck and said she will certainly be missed.

Councilor Kay said Mrs. Hultin has always been so helpful and always had materials that were needed. She thanked her for that. Also, there was a ribbon cutting for the new playground at Kids Landing this past week-end and the Mayor along with several councilors were in attendance. The Mayor thanked the initial committee that put up the first playground.

Councilor Mathews: The Whitman's Pond Annual Fishing Festival is Saturday, July 17th at 10:00 am.

Councilor DiFazio: Stated as chair of the Budget/Management Committee he also thanked Lee Hultin for all her efforts over this past year. The good news is that she will be working for the administration and all the residents should be happy as well.

Councilor Shanahan: Said Lee was invaluable during his first few months and will certainly miss her as well.

Councilor Hargadon: Also expressed his thoughts regarding Mrs. Hultin and wished her well.

Councilor Leary: Said on Thursday evening the South Weymouth Neighborhood Association reorganized and the new president is Paul Utica and he aims to have meetings with all the neighborhood associations.

Councilor Shanahan: Said the North Weymouth Civic Association also reorganized and Sandy Gildea stepped down as President. The new president is Kathleen McClusky.

APPROVAL OF PRIOR MINUTES

Councilor Kay MOTIONED to approve the Town Council minutes of 5/17/04.
Councilor Mathews seconded. VOTED UNANIMOUSLY

Councilor Kay MOTIONED to approve the Budget/Management minutes of 5/20/04.
Councilor Mathews seconded. VOTED UNANIMOUSLY

CITIZEN'S CONCERNS

Presentation from the Weymouth Youth Coalition on underage drinking – Michael Jackman and Diane Lambe, Kathy Lavery, Patty member of the Weymouth Youth Coalition. Their goal is to raise community awareness on the issues. The JSI Health survey indicates that the youths of Weymouth are drinking at a higher rate nationwide and statewide. They decided to develop a resource card with information for parents and students. This card is available at Town Hall, Library and at the High School. This card has tips for parents and emergency numbers. There is also more information on the web site. They have been working with the teen center to organize youth activities.

PUBLIC HEARING

Continued: 04 132 – Mass. Electric/Verizon, North Street

Vice President Smart stated that this application has been withdrawn. They have met with the neighbors and the pole will be relocated.

Councilor Leary MOTIONED to open the public hearing on measure # 04 132 at 7:50 p.m. Councilor Kay seconded. VOTED UNANIMOUSLY

All persons were given the opportunity to speak.

Councilor Leary MOTIONED to close the public hearing on measure # 04 132 at 7:51 p.m. Councilor Kay seconded. VOTED UNANIMOUSLY

Councilor Leary MOTIONED to take no action on measure # 04 132. Councilor Kay seconded. VOTED UNANIMOUSLY

7:35 pm 04 120 – Amendment to Code of Ordinances Section 6-101 (d)

Councilor Leary MOTIONED to open the public hearing on measure # 04 120 at 7:52 p.m. Councilor Kay seconded. VOTED UNANIMOUSLY

Councilor Leary said this is an amendment to section 6-101 (d) “Arrest without warrant” penalty for Consumption of Alcoholic Beverages in Public. This is to increase the fine

from \$20.00 to \$100.00. It was found there were some conflicts in the ordinances and the old by laws. It was decided that \$20.00 was not adequate.

All persons were given the opportunity to speak.

Councilor Leary MOTIONED to close the public hearing on measure # 04 120 at 7:53 pm. Councilor Hargadon seconded. VOTED UNANIMOUSLY

7:36 pm 04 153 – Yr End Appropriate \$10,000 from Free Cash for Fire Fighting Equipment

Councilor Leary MOTIONED to open the public hearing on measure # 04 153 at 7:54 p.m. Councilor Kay seconded. VOTED UNANIMOUSLY

Mr. Wilson said the Mayor has requested \$10,000 in free cash for fire fighters equipment. The balance in free cash prior to this appropriation is \$436,997.00. This is to purchase 60 lengths of fire hose, cup links and equipment associated with the fire hoses. Over the past 3 years the town has been able to use a grant from the Sithe Plant. Those funds are now depleted.

This was published on June 11, 2004.

Councilor DiFazio asked why the Sithe Grant stopped. Mr. Wilson said the Sithe Donation Grant was part of the host community agreement in 1998. The terms and conditions of that grant have expired. They have complied with this provision. The \$10,000 will be part of the fire department budget in the future.

All persons were given the opportunity to speak.

Councilor Leary MOTIONED to close the public hearing on measure # 04 153 at 7:55 pm. Councilor Hargadon seconded. VOTED UNANIMOUSLY

7:37 pm 04 155 – Yr End Appropriate \$300,000 from Free Cash for Legion Field

Councilor Leary MOTIONED to open the public hearing on measure # 04 155 at 7:56 p.m. Councilor Kay seconded. VOTED UNANIMOUSLY

Mr. Wilson said the Mayor requested \$300,000 from free cash for the purpose of grading Legion Field. If this measure and measure # 04 153 are passed the free cash balance will be \$127,000.

Mr. O'Connor and Paul Gabriel came before the Council. Mr. O'Connor said this came about when the MBTA had some gravel that they need to dispose of. The Mayor recognized the value of this gravel and put Mr. O'Connor to work to find a place for it.

After consulting with the Mayor, they chose Legion Field. The town has a need for playing fields and the school department will no longer be maintaining the facility at legion field when the new school opens. The \$300,000 is for engineering services and construction costs. The gravel is valued in excess of \$1 million dollars.

Mr. Gabriel, President of Environmental Partners Group the consulting firm hired to help us with this. Mr. Gabriel said the function of this expenditure is to prepare the site to accept the soils needed to condense the peat layers under the field and to re-grade the field so it can settle over the next 12 months. Approximately \$122,000 is for the planning and design elements and management of the activities and the balance \$177,000 is related to the preposition of the site, preconstruction activities, demolition of existing utilities, the actual construction at the site and then the movement and compaction of materials at the site.

Councilor DiFazio said as there have been many complaints from abutters worried about the drainage, he asked what they are doing with the existing drainage system. Mr. Gabriel said draining is a key element of the planning. The site has a couple catch basins at the north end of the field and it is pumped into a draining system that runs down Unicorn Avenue and into the Back River. Most of the water on the site goes into the ground. When they add soil onto the site it will squeeze the peat layers down and water will come up into the sand layers. They will not be changing the natural regains or impeding ground water flows in any way.

It was stated at the completion of this phase the following will remain on the site. The fence around the foot ball field, the lights towers, the conduit, the small diameter drainage pipes, and the brick house near the tennis courts will all be removed. Then everything will be filled to approximately six feet and grated flat. The concession stand and concrete stands will remain on site as they are all on solid gravel. There will be someone at the site at all times and DPW staff will be there as needed. This will provide a solid foundation.

Councilor Kay asked how long it will take. It was stated it will depend on the MBTA's construction schedule but they are projected a 3-4 month period and then a 12-18 month period for settlement.

Councilor Kay asked how clean is the material and to what degree do you test. Mr. Gabriel said during the design process the MBTA did a significant amount of characterization of the soil all along the route at variable depths so they have a very high degree of information on the nature of any contaminants. These are all certified laboratory tests. They will be studying that information and they also will be verifying by spot checking the material as it comes in.

The details of the trucking route have not been worked out yet but they anticipate up through Jackson Square area in Hingham and along Commercial Street to the gates.

Once the field is finished and graded it will be sprayed with solidification. It is a biodegradable polymer for dust control.

Councilor DiFazio said this public hearing notice was a small advertisement. It's unfortunate that a project of this size doesn't require abutter notification. He did notify all the abutters himself. He requested the administration notify abutters regarding any and all significant circumstances surrounding construction activity at this site. Mr. O'Connor said he would be happy to do that.

Councilor Hargadon asked if the school department has conveyed the land to the town. Mr. Wilson didn't believe the deed was in the name of the school department but Solicitor Lane said he would look into this. Councilor DiFazio said he has seen the deed and it is in the name of the Town of Weymouth with some restrictions for school or recreation purposes.

Councilor Smart asked if the elevation of Legion Field will change. Mr. Gabriel said the initial elevation will be 6 feet and it will settle 2-3 feet. There then may be some excess material the town may want to scrape off and do the final grading. All said and done it may be 1-2 feet higher than it is today.

It was stated wells and irrigation systems will come later after the foundation is completed. They will fill and grade the field in sections.

Mr. Dominic Galluzzo: President of the East Weymouth Neighborhood Association said they are in full support of the project. Their concern of the future design and use of the field. They complained that the advertisement for the public hearing was too small and it is not indicative of a sincere effort to involve public comment. Abutters did not receive any official notice from the administrative. The association and the Legion Field reuse committee have been putting together a survey for all residents to help decide the future legacy. They were seeking grants for this mailing and investigated possible volunteer assistance. A survey template has been submitted to the Mayor who indicated no objection to its content but offered that the \$3500.00 needed to copy and mail to all residents was not available in the town's budget. He hopes their actions will not be ignored.

Vice President Smart asked if it was possible to include this survey in the water and sewer bills. Mr. Wilson said state law says we can't add anything to it beyond the statutory requirements.

Solicitor Lane said there is no requirement to notify the abutters of this public hearing.

Steve Bergfors, 46 Mt. Vernon West – Chairman of the reuse committee. Thanked Councilor DiFazio for all his help to the committee. The water and sewer superintendent said they could submit the survey in the water bill quarterly with the approval of the Mayor but we need \$3500.00. This \$300,000 included a crossing guard. There already is

one at Mt. Vernon and Pingree School. He asked if there would be a police detail at Pingree School. Mr. O'Connor said they certainly can review it.

Dick Foyde, 9 Anthony Road - lived there 47 years. He is concerned about the traffic. It was stated there will be no truck route on Gary Street. He believes there is not enough open space. He is also concerned about the water issues and afraid there will be water in his cellar which is finished. He believes the school department has mickey mouse the field and it will require more than \$300,000. He will be back if he gets water in his cellar.

Mr. Gabriel said as the peat is compressed the water will rise into the sand on the top. They are very concerned about the draining and will be examining all the drainage lines to make sure they can handle the capacity. It will be designed for a 25 year storm.

Marilyn Kelliher, 29 Middle Street - Is there any guarantee that if they run out of funds they will finish the project. Wouldn't it be better to use the free cash money for the DARE program and the Weymouth Youth Center. Also, the MDC pool is closing unless the town appropriates money to keep it open. It is used by seniors and high school swim teams and special needs children. There is a much better place to put the money rather than into legion field.

Mr. O'Connor said this is a timing issue with the gravel. It's an opportunity. It was stated that his won't be the last appropriation for the field. It is for engineering and grating only.

Robert Brown, 145 Chard Street – Asked when the stands will come down. Mr. Gabriel said the stands will not be coming down. They are on solid ground, only the portable stands are coming down. The second piece of this project will entail the final design of the field. The stands will be dealt with then. They are coming apart and will most likely come down as part of the final construction.

Councilor Hargadon stated that as it is one of the remaining open spaces in East Weymouth, everyone wants it to remain that way.

Joan Demander, Gary Street - Asked how do we know the dirt is good and will she be able to open her window. It was stated that some of the soil is contaminated and it will be segregated and disposed of. She thanked Councilor DiFazio for the notice in her mail box.

Vice President said Bob O'Connor and the Administration are aware that the abutters should have been notified.

Bob Thomas, 848 Washington Street – Asked, what are the hours of construction and it was stated 7:00 am to 5:00 p.m. He stated we should be spending the money on the sewer system to get the DEP off our backs. He also questioned if the state could help out

with some money. This is a golden opportunity but there are other issues that are a priority.

David Trifler, 28 Gary Street – If this project starts and we get three days of rain there will be a big mud puddle on Legion Field. Money and money and money have been spent on legion field. Nothing is for free. The town should think more about this and stock pile the free fill at the naval air base. Worry about the falling stands first.

Dan Kelleher, 29 Middle Street – Addressed how they were not informed as abutters. He is worried about the drainage and the funding can be used for other things. He is not sure the drainage being proposed will solve the problem. He doesn't believe they know how much ground water they are dealing with. He also believes conservation needs to be notified as it enters into federally protected wetlands at the end of Puritan Road. Peat moss is very acidic and it will go into the wetlands at Great Esker Park. He would like to see independent over site of testing of the soil. It's cheaper for the state to send it to us and they may not want to ensure the quality of testing. Commercial Street residents should be notified about the noise and dust. He would like the town to slow down and review it more closely. He believes an actual written plan must be brought forward for residents to review with another public hearing after it.

Paul said they will be doing some of the independent testing. The first thing they will be doing is a written plan for the grading and drainage.

Dan Kelleher asked if the Council could separate a portion of the \$300,000 request for the planning, engineering and preparation process before they fund the rest for the dirt. Vice President Smart said he doesn't believe they can. The request is for \$300,000.

Councilor Kay asked why will this work. It was stated because Legion field has never been filled like this before. In the past small amounts of soil was added. It is very unstable the way it is now with trucks sinking in the field, it is very spongy. They will be building a raised road to get the areas so they are not flooded out.

Councilor DiFazio asked if they were comfortable that this will be a successful project. It was stated yes, they have very well characterized it.

Rosella Chinchos 958 Commercial Street – Asked if they could have a community outreach person with a phone number and email updates are very good.

Bob O'Connor said the contact will be a DPW engineer and they will provide his cell number with a 24 hour response.

Dominic Gallus – Said it appears the council has more information than the public. If the public was aware maybe there wouldn't be so much concern. If there was a report made to the council last year, when will it be public? Vice President said in January there was a public presentation to the budget/management committee.

This was published on June 11, 2004. All persons were given the opportunity to speak.

Councilor Leary MOTIONED to close the public hearing on measure # 04 155 at 9:15 pm. Councilor Kay seconded.

Councilor Leary said this is the first phase of many phases.

Councilor Smart asked Mr. Gabriel if he could set up an email database and he said yes.
VOTED UNANIMOUSLY

7:38 pm 04 158 – Keyspan, Monatiquot Street

Councilor Leary MOTIONED to open the public hearing on measure # 04 158 at 9:17 p.m. Councilor Kay seconded. VOTED UNANIMOUSLY

It was stated this project will begin the end of August beginning of September and should take about 8-10 weeks for the total project but about 2 weeks on Monatiquot Road. This will go out to Bridge Street which is a state road and doesn't require council approval.

All persons were given the opportunity to speak.

Councilor Shanahan asked how the noise will impact the neighborhood. On a scale of 1-10 it would be a 5. Construction will be Mon-Fri 7-3pm. A preconstruction letter will go out to abutters with a point of contact.

Councilor Kay asked if they agreed with Bob O'Connor's comments and he said yes.

Councilor Leary MOTIONED to close the public hearing on measure # 04 158 at 9:25 pm. Councilor Kay seconded. VOTED UNANIMOUSLY

Councilor Mathews MOTIONED to consider measure # 04 158 under section 2-9 (b) of the Charter. Councilor Leary seconded. VOTED UNANIMOUSLY

Councilor Leary MOTIONED to approve measure # 04 158 that the town of Weymouth approve Keyspan to install and maintain approximately 320 feet, more or less of 12 inch gas main in Monatiquot Street, from existing 12 inch gas main in Monatiquot Street @ Vanness Road North to Bridge Street. Councilor Kay seconded. VOTED UNANIMOUSLY

Councilor DiFazio MOTIONED to take measure # 04 155 out of order. Councilor Leary seconded. VOTED UNANIMOUSLY

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

Councilor DiFazio reported that the budget/management committee met on 6/7/04 and the committee met on 6/17/04 and unanimously recommended favorable action. This was published on June 11, 2004. The request is that the town of Weymouth appropriate the sum of \$300,000 from free cash for the purpose of grading Legion Field with the land fill provided the Town of Weymouth from the MBTA.

Councilor DiFazio said after hearing the public hearing comments this evening he is sympathetic to the residents abutting Legion Field, However he sees the overall good of this project and will be voting affirmative on it. He requested that the following items are listed in the record.

1. All further major activity in this project will require notice to the abutters of the project.
2. That the Administration, through their consultants or DPW provide at a meeting a complete description of the existing drain system as well as the proposed new drain system before this project begins construction.
3. That our consultant review the environmental reports of the soil that is being provided by the MBTA and that we utilize them to be a second check.
4. To be cognizant of the Pingree School crossing and that it be addressed prior to and at the start of school in September.

Councilor Kay asked if this is in the form of a MOTION and Councilor DiFazio said yes. Councilor Kay seconded.

Vice President Smart said a motion has been made and seconded to approve measure # 04 155 with the stipulations outlined by Councilor DiFazio.
VOTED UNANIMOUSLY

OLD BUSINESS

04 120 – Amendment to the Code, section 6-101 (d) penalty for consumption of alcohol in public

Councilor Leary said this was referred to the ordinance committee on May 17th and they met on June 7th and recommended favorable action. A public hearing was held earlier this evening and it is to increase the fine for public consumption of alcohol from \$20.00 to \$100.00.

Councilor Leary MOTIONED to approve measure # 04 120 to amend section 6-101 (d) of the Code of Ordinances from \$20.00 to \$100.00. Councilor DiFazio seconded.
VOTED UNANIMOUSLY

COMMUNICATIONS FROM THE MAYOR, TOWN BOARDS

Mr. Wilson said the public hearing on the Water and Sewer Rates will be July 14, 2004 at 6:30 p.m. at the DPW, 120 Winter Street. This is a result of the \$11.4 Million passed by council for bonding and discussion regarding the financial impact of the New Water Treatment Plant.

04 165 – Yr End Re-appropriation request of \$5,000 for Annual Senior Picnic

Mr. Wilson said in August the town sponsors a senior picnic for about 200-300 seniors. Most of this is paid through donations which are down.

The unemployment compensation balance is \$90,000 and they anticipate using \$22,000 until the end of the fiscal year. The Mayor requests action under section 2-9 (b).

Councilor Leary MOTIONED to consider measure # 04 165 under section 2-9 (b) of the Charter. Councilor Kay seconded. VOTED UNANIMOUSLY

Councilor Leary MOTIONED to approve measure #04 165 Yr End re-appropriation request of \$5,000 from the Unemployment compensation fund for Annual Senior Picnic. Councilor DiFazio seconded. VOTED UNANIMOUSLY

Councilor Kay MOTIONED to accept two additional agenda items. Councilor Hargadon seconded. VOTED UNANIMOUSLY

04 166 – Yr End Re-appropriation request of \$20,000 for Fire Department Overtime

Mr. Wilson said the mayor requests action under section 2-9 (b). At the end of week 51 the balance in the overtime account is \$296,000 which is insufficient to pay for week 52. There is a balance of \$142,000 in debt service short term interest due to figuring a 2% interest rate and we received 1.745%.

Fire Chief Leary said in September they hired 5 fire fighters who were laid off and 4 left to go back to their home towns. Since then 3 retired and 3 are out on long term injury. Over the last month there have been 3 additional injuries and 1 military leave for a total of 14 positions being funded through over time. Last week they swore in 6 new fire fighters but while they were in training they had to pay their salaries. The last 6-7 weeks they have gone over their weekly cap. These 6 new positions will save them \$5600 a week in overtime.

Councilor Leary MOTIONED to consider measure # 04 166 under section 2-9 (b) of the Charter. Councilor Hargadon seconded. VOTED UNANIMOUSLY

Councilor Leary MOTIONED to approve measure # 04 166 that the Town of Weymouth transfer the sum of \$20,000 from line item 17524920 Debt service short term interest to

line item 13204210.513001 fire suppression overtime for purposes of paying end of the year overtime for the fire department. Councilor Kay seconded.

Councilor Kay asked what the average overtime per week is and Mr. Wilson said \$9600-\$10,000 per week. Councilor Kay said the original appropriation of \$360,000 is insufficient.

Councilor DiFazio asked if there were fund in the fire department budget to cover this and Mr. Wilson said some, but not enough.

Councilor Kay asked if they considered budgeting retirements in.
VOTED UNANIMOUSLY

04 167 – Resignation and Appointment to Board of Assessors, David Wight

Mr. Wilson said Mr. Wight is retiring as a fire fighter but must also retire from the board of assessors. He would also like to remain in the board of assessors and the attorneys have deemed this the best way to approach it. Mr. Wight has many years on the board of assessors and he personally recommend favorable action.

Councilor Leary MOTIONED to consider measure # 04 167 under section 2-9 (b) of the Charter. Councilor Kay seconded. VOTED UNANIMOUSLY

Councilor Leary asked if this can be done under 2-9 (b). Mr. Wilson said it has been indicated that it is ok. When you appoint it is for a seamless transition.

Councilor Kay said we don't usually except resignations therefore we are appointing him.

Councilor Leary MOTIONED to approve measure # 04 167 to accept the resignation of David Wight effective 7-9-04 and to approve the appointment of David Wight, 247 Union Street, Weymouth to the Board of Assessors effective 7-10-04. His new term will expire on June 30, 2005. Councilor Hargadon seconded.

Councilor DiFazio reminded the council that under section 2-10 of the Charter it says "shall refer to committee". Vice President said the Council will not be meeting prior to 7-10-04.

Councilor Hargadon said he has been on the board for 15 years and is now retiring as a fire fighter after 30 years. This will allow him to receive the \$1500 stipend in his retirement payment. As a member of the retirement Board this is what they came up with. There are two people on the board of assessors that are fairly new and they would like to keep his expertise.

Retirement Board:

04 161 – Acceptance of State Legislature Chapter 360 and 235

Councilor Leary MOTIONED to refer measure # 04 161 to the Budget/Management Committee. Councilor Mathews seconded. VOTED UNANIMOUSLY

04 162 – Acceptance of Home Rule Petition

Councilor Leary MOTIONED to refer measure # 04 162 to the Budget/Management Committee. Councilor Kay seconded.

Councilor DiFazio believes this should go to the ordinance committee.
Councilor Leary said he doesn't understand any of these items and requested Councilor Hargadon explains them.

Councilor Hargadon said this covers public safety employees that were laid off back in 1981-82 they lost continuity and this allows them to buy back time so they don't lose any when proposition 2 ½ passed.

04 163 seeks to indemnify members of the retirement board.

Councilor Mathews asked councilor Hargadon were they should go and he suggested budget/management as they are a monetary item.
VOTED UNANIMOUSLY

04 163 – Acceptance of MGL Chapter 32, Section 20A

Councilor Leary MOTIONED to refer measure # 04 163 to the Budget/Management Committee. Councilor Kay seconded. VOTED UNANIMOUSLY

Planning Board:

04 164 – Performance guarantee for Holly Estate subdivision

Councilor Leary MOTIONED to refer measure # 04 164 to the Budget/Management Committee. Councilor Kay seconded.

Councilor Mathews said on future meetings he hopes someone is here that presents these numbers to us so that we look a little more organized either from administration or whoever submits them to us to talk to the council about them. We don't even know where they want us to refer them to because there is no one here speaks about them tonight.

Councilor Kay echoes his feelings. Vice President Smart explained measure # 04 164 as he is the district 6 councilor.

Councilor DiFazio stated in the past 5 years he can't think of more than 5 times that there hasn't been some one here to present these measures. He believes the administration has done an excellent job in 5 years making sure someone was here. It is the council's decision on which committee to send it to and not the administrations.

VOTED UNANIMOUSLY

REPORTS OF COMMITTEES

Budget/Management: Chairman DiFazio

04 133 – Rezoning request at Libbey Park was listed on agenda by error.

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

In accordance with Section 2-10 of the Town Charter, the Mayor respectfully submits the name of Jeraldine Hollander of 8 East Street, Weymouth, Ma 02188 for reappointment to the Cultural Council. Her new term will expire June 30, 2006.

Chairman DiFazio reported that this measure was referred to the budget/management committee on 6/7/04, the committee met on 6/17/04 and recommend favorable action unanimously.

Jeraldine Hollander was not present.

Councilor DiFazio MOTIONED to approve measure # 04 134. Councilor Leary seconded. VOTED UNANIMOUSLY

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

In accordance with Section 2-10 of the Town Charter, the Mayor respectfully submits the name of Donald Holzworth of 26 Charles Diersch Street, Weymouth, Ma 02189 for reappointment to the Board of Zoning Appeals. Her new term will expire June 30, 2006.

Chairman DiFazio reported that this measure was referred to the budget/management committee on 6/7/04, the committee met on 6/17/04 and recommend favorable action 3-1.

Councilor DiFazio MOTIONED to approve measure # 04 135. Councilor Hargadon seconded.

Mr. Donald Holzworth said his background is in architect and civil engineer. In the past he has said he goal is to maximize the use of the land.

Councilor Leary said the citizens deserve more input than they are getting by the BZA. Councilor Leary discussed Alexan at Harbor Hill will him and the decisions that were made. He will not be supporting anyone that sat on that case.

Councilor Mathews also said he is disappointed in his decision on Alexan at Harbor Hill but will be supporting him anyway. The overall perception of the BZA is not good. He has received many complaints about them being a rubber stamp for developers. He hasn't seen a problem with Mr. Holzworth directly. People feel they are not allowed to speak at their meetings. Some of the issues brought up by council have been addressed already.

Councilor Shanahan said his background helps when he asks these important questions and will be supporting this appointment.

Councilor Kay asked him to describe what it is to be member. Mr. Holzworth said the jurisdiction is to follow the town's ordinances and take input everyone and apply them to the zoning ordinance to see if they fit or not. The BZA will be looking over the grey areas of the ordinances that are in conflict with each other.

Councilor Leary said he keeps hearing about conflicts in the ordinances and no one has ever come before the Council for these to be changed. Developers seem to get what they want before the BZA even with huge opposition.

VOTED 6-1 (Leary)

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

Chairman DiFazio reported that this measure was referred to the budget/management committee on 6/7 and they met on 6/17 and unanimously recommended favorable action.

Councilor DiFazio MOTIONED to approve measure # 04 136 to re-appoint William Westland of 26 Dana Road, Weymouth to the Cultural Council. His new term will expire on June 30, 2006. Councilor Hargadon seconded. VOTED UNANIMOUSLY

04 137 – Appointment to Board of Registrars, Judith Lepine

Chairman DiFazio reported that this measure was referred to the budget/management committee on 6/7 and they met on 6/17 and unanimously recommended favorable action.

Judith Lepine said she has been a member of the republic town committee for many years. She has been working at the elections and believes she is capable of performing this position.

Councilor Leary asked if the proper procedure was followed in her nomination and she stated yes it was as far as she knows. The republican town committee is having a difficult time. There are some in favor of this appointment and some who are not.

Councilor Mathews asked if there were any correspondence given to the budget/management committee regarding this appointment and Councilor DiFazio said no. However, this evening a citizen gave him the MGL which outline the requirements

for the nomination with the allegation that maybe they were not followed. If they violated the MGL in deciding who they would submit to the Mayor that is with the republic town committee. The Mayor received 3 names and chose 1 to submit to the Council and our task is to approve the person or not.

Councilor DiFazio MOTIONED to approve measure # 04 137 to re-appoint Judith Lepine of 573 Broad Street, Weymouth to the Board of Registrars. Her new term will expire on June 30, 2007. Councilor Mathews seconded. VOTED 6-0 (Hargadon abstained)

04 138 – Appointment to Board of Assessors, Kevin Spellman

Chairman DiFazio reported that this measure was referred to the budget/management committee on 6/7 and they met on 6/17 and unanimously recommended favorable action.

Mr. Spellman said he brings 20 years of real estate practition to the board and feels he can serve the town very well.

Councilor DiFazio MOTIONED to approve measure # 04 138 to Appoint Kevin Spellman of 450 Pond Street, Weymouth to the Board of Assessors. His new term will expire on June 30, 2007. Councilor Hargadon seconded. VOTED UNANIMOUSLY

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

Chairman DiFazio reported that this measure was referred to the budget/management committee on 6/7 and they met on 6/17 and unanimously recommended favorable action.

Mr. John Sheehan said he has served on the board for 8 years and took a few years off and now is getting back into the action.

Councilor DiFazio MOTIONED to approve measure # 04 139 to Appoint John Sheehan of 521 Union Street, Weymouth to the Board of Assessors as an alternate member. His new term will expire on June 30, 2007. Councilor Hargadon seconded. VOTED UNANIMOUSLY

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

Chairman DiFazio reported that this measure was referred to the budget/management committee on 6/7 and they met on 6/17 and unanimously recommended favorable action.

Walter Flynn had no comments. Councilor Kay said it is nice to have him, he is a wealth of knowledge in the area. He is very experienced.

Councilor DiFazio MOTIONED to approve measure # 04 140 to re-appoint Walter Flynn of 9 Regina Road, Weymouth to the Planning Board. His new term will expire on June 30, 2009. Councilor Hargadon seconded. VOTED UNANIMOUSLY

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

Chairman DiFazio reported that this measure was referred to the budget/management committee on 6/7 and they met on 6/17 and unanimously recommended favorable action.

Joseph Curran said he has been on the board for 15 years and looks forward to continuing the position.

Councilor DiFazio MOTIONED to approve measure # 04 141 to re-appoint Joseph Curran of 22 Genevieve Road, Weymouth to the Redevelopment Authority. His new term will expire on June 30, 2009. Councilor Hargadon seconded. VOTED UNANIMOUSLY

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

Chairman DiFazio reported that this measure was referred to the budget/management committee on 6/7 and they met on 6/17 and unanimously recommended favorable action. Mr. Pattison was not present.

Councilor DiFazio MOTIONED to approve measure # 04 142 to re-appoint Richard Pattison of 841 Washington Street, Weymouth to the Historical Commission. His new term will expire on June 30, 2007. Councilor Kay seconded. VOTED UNANIMOUSLY

04 144 – Year End – RFT of \$870.00 for Scholarship Comm.

Chairman DiFazio reported that this measure was referred to the budget/management committee on 6/7 and they met on 6/17 and unanimously recommended favorable action.

Councilor DiFazio MOTIONED to approve measure # 04 144 that the Town of Weymouth transfer the sum of \$870.00 from the Reserve Fund to line item 11214416.578313 Scholarship Committee Expense line item for the purpose of paying year end expenses. Councilor Kay seconded. VOTED UNANIMOUSLY

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

Chairman DiFazio reported that this measure was referred to the budget/management committee on 6/7 and they met on 6/17 and unanimously recommended favorable action.

Councilor DiFazio MOTIONED to approve measure # 04 145 that the Town of Weymouth transfer the sum of \$19,178.73 from the Reserve Fund to line item 14105377.541001 DPW Central Fuel Depot for the purpose of paying year end deliveries. Councilor Kay seconded. VOTED UNANIMOUSLY

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

Chairman DiFazio reported that this measure was referred to the budget/management committee on 6/7 and they met on 6/17 and unanimously recommended favorable action.

Councilor DiFazio MOTIONED to approve measure # 04 146 that the Town of Weymouth transfer the sum of \$2993.00 from line item 11945742.517206 (unemployment compensation) to Fund 0002-02121702 Essex Street Boiler replacement for the purpose of paying for additional costs for replacing the heating boiler at the Essex Street Annex. Councilor Kay seconded. VOTED UNANIMOUSLY

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

Chairman DiFazio reported that this measure was referred to the budget/management committee on 6/7 and they met on 6/17 and unanimously recommended favorable action.

Councilor DiFazio MOTIONED to approve measure # 04 147 that the Town of Weymouth transfer the sum of \$8020.00 from the Reserve Fund to the Weymouth Housing Authority for the purpose of paying for the design of the boiler at the Essex Street Annex. Councilor Kay seconded. VOTED UNANIMOUSLY

04 148 – Appointment of Human Resources Director, Denise Coleman

Chairman DiFazio reported that this measure was referred to the budget/management committee on 6/7 and they met on 6/17 and unanimously recommended favorable action.

Denise Coleman said she was hired as a human resources co-coordinator in 1999 and brought 7 years experience with her. It was a newly created department and they successfully implemented many different policies and procedures. She is looking forward to continuing to enhance those procedures.

Councilor DiFazio MOTIONED to approve measure # 04 148 to appoint Denise Coleman as the Human Resources Department Director. Councilor Hargadon seconded. VOTED UNANIMOUSLY

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

Chairman DiFazio reported that this measure was referred to the budget/management committee on 6/7 and they met on 6/17 and unanimously recommended favorable action.

Mr. Ron Rizzo was not present.

Councilor DiFazio MOTIONED to approve measure # 04 149 to re-appoint Ronald Rizzo of 164 Pearl Street, Weymouth to the Community Events Committee. His new term will expire on June 30, 2007. Councilor Kay seconded. VOTED UNANIMOUSLY

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

Chairman DiFazio reported that this measure was referred to the budget/management committee on 6/7 and they met on 6/17 and unanimously recommended favorable action.

Mr. Charles Hickey said has been a library trustee for a long time. Councilor Kay said it is comforting to have him back.

Councilor DiFazio MOTIONED to approve measure # 04 151 to re-appoint Charles Hickey of 896 Middle Street, Weymouth to the Board of Library Trustees. His new term will expire on June 30, 2007. Councilor Leary seconded. VOTED UNANIMOUSLY

04 152 – Yr End Re-appropriate \$10,000 from DPW Street & Sidewalks salaries to Fuel Depot line item

Chairman DiFazio reported that this measure was referred to the budget/management committee on 6/7 and they met on 6/17 and unanimously recommended favorable action.

Councilor Kay let the constituents know we are filling the tanks because we have a very good rate.

Councilor DiFazio MOTIONED to approve measure # 04 152 that the town of Weymouth transfers the sum of \$10,000 from line item 14104160.510001 DPW Street and Sidewalk Salaries to line item 14105377.541001 DPW Central Fuel Depot for the purpose of filling the tank once before the year ends. Councilor Kay seconded. VOTED UNANIMOUSLY

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

Chairman DiFazio reported that this measure was referred to the budget/management committee on 6/7 and they met on 6/17 and unanimously recommended favorable action. A public hearing was held earlier this evening and the advertisement for it was June 11, 2004.

Councilor DiFazio MOTIONED to approve measure # 04 153 that the town of Weymouth transfers the sum of \$10,000 from free cash for the purpose of purchasing fire fighting equipment. Councilor Leary seconded. VOTED UNANIMOUSLY

04 154 – Acceptance of \$25,000 gift from the Friends of the Wey. Veterans Memorial

Chairman DiFazio reported that this measure was referred to the budget/management committee on 6/7 and they met on 6/17 and unanimously recommended favorable action.

Councilor Kay thanked Mr. Fryer for his donation on behalf of the Friends of the Weymouth Veterans Memorial.

Councilor DiFazio MOTIONED to approve measure # 04 154 that the town of Weymouth accept \$25,000 gift from the Friends of the Weymouth Veteran Memorial for the purpose of contributing to update and maintenance of the Veteran Memorial. Councilor Kay seconded. VOTED UNANIMOUSLY

Ordinance Committee: Paul J. Leary

Chairman Leary reported that the Ordinance Committee met earlier this evening and discussed 4 items. The first three will require a public hearing and no votes were taken.

04 133 – Rezoning request at Libbey industrial Parkway

This was presented by Mr. Clark

04 150 – Proposed Ordinance Re: Impoundment of Vehicles

Councilor Hargadon, Captain Callahan and Sergeant Concannon were present.

04 156 – Proposed Ordinance Chapter 7

This was presented by Mr. Thomas and has to do with noise and construction.

04 157 – Amendment to Code of Ordin. Chpt 8-101 (Rubbish)

Chairman Leary reported that this is a regulation and not an ordinance.

Councilor Leary MOTIONED to take no action on measure # 04 157. Councilor Kay seconded. VOTED UNANIMOUSLY

Economic Development: Colin McPherson

Vice President Smart stated that Councilor McPherson is not here this evening but has submitted a written report and requested that he give the oral report at the next council meeting.

NEW BUSINESS

04 159 –Re-appointment of the Assistant Town Clerk, Kathy Deree

Councilor Leary MOTIONED to consider measure # 04 159 under section 2-9 (b) of the Charter. Councilor Kay seconded. VOTED UNANIMOUSLY

Kathy Deree was present. There were no questions.

Councilor Leary, Kay, Shanahan, Hargadon and Smart all said she comes highly recommended and look forward to working with her.

Councilor Leary MOTIONED to approve measure # 04 159 to re-appoint Kathleen Deree as Assistant Town Clerk, who shall serve coterminously with the Town Clerk. Councilor Hargadon seconded. VOTED UNANIMOUSLY

04 160 – Abandonment of Theron Avenue

Councilor Leary MOTIONED to refer measure # 04 160 the Abandonment of Theron Avenue to the Planning Department for review. Councilor Kay seconded. VOTED UNANIMOUSLY

MOTIONS, ORDERS AND RESOLUTIONS

Rule 24 – To suspend Council meetings for the month of July and August

Councilor Kay MOTIONED to suspend the Town Council meeting of July and August. Councilor Hargadon seconded. VOTED UNANIMOUSLY

Councilor Mathews reminded the constituents that the Councilors are still working over the summer they are only suspending the meetings. There will be a special town council meeting on August 2, 2004.

ADJOURNMENT

Councilor Leary MOTIONED to adjourn at 10:45 p.m. Councilor Hargadon seconded. VOTED UNANIMOUSLY

Respectfully submitted by,

Lee Hultin, Recording Secretary