

MINUTES OF THE TOWN COUNCIL
Town Hall Council Chambers
June 21, 2010 - Monday

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

Also Present: Franklin Fryer, Town Clerk
George Lane, Town Solicitor
James Wilson, Chief Financial Officer
Richard Swanson, Town Auditor
Robert Leary, Chief, WFD
Richard Grimes, Chief, WPD
Robert O'Connor, Director, DPW
James Clarke, Director of Planning and Development
Michael Gallagher, Director, IT and Administrative Services

Recording Secretary: Mary Briggs

President Mathews called the Town Council Meeting to order at 7:30 PM. Town Clerk Franklin Fryer called roll, with one member not yet present. Council President Mathews noted that Councilor Whitaker will arrive shortly.

MINUTES

Economic Development Committee Meeting, March 30, 2010 (tabled at April 20, 2010 Town Council Meeting)

A MOTION was made by Councilor O'Connor to take the minutes of the March 30, 2010 meeting of the Economic Development Committee off the table and was seconded by Councilor Smart. UNANIMOUSLY VOTED.

Councilor Pap noted a technical correction in the first paragraph ("delegate" to "delegation"). A MOTION was made by Councilor O'Connor to approve the minutes of the March 30, 2010 Economic Development Committee meeting., as amended and was seconded by Councilor Smart UNANIMOUSLY VOTED.

Budget/Management Committee Meeting, April 28, 2010

A MOTION was made by Councilor O'Connor to approve the minutes of April 28, 2010 meeting of the Budget/Management Committee and was seconded by Councilor Smart. UNANIMOUSLY VOTED.

Budget/Management Committee Meeting, May 3, 2010

A MOTION was made by Councilor O'Connor to take the minutes of the May 3, 2010 meeting of the Budget/Management Committee off the table and was seconded by Councilor Smart. UNANIMOUSLY VOTED.

A MOTION was made by Councilor O'Connor to approve the minutes of May 3, 2010 meeting of the Budget/Management Committee, as amended, and was seconded by Councilor Smart. UNANIMOUSLY VOTED.

Budget/Management Committee Meeting, May 12, 2010

A MOTION was made by Councilor O'Connor to approve the minutes of May 12, 2010 meeting of the Budget/Management Committee, and was seconded by Councilor Smart. UNANIMOUSLY VOTED.

Budget/Management Committee Meeting, May 19, 2010

A MOTION was made by Councilor O'Connor to approve the minutes of May 19, 2010 meeting of the Budget/Management Committee, and was seconded by Councilor Smart. UNANIMOUSLY VOTED.

Ordinance Committee Meeting, May 19, 2010

A MOTION was made by Councilor O'Connor to approve the minutes of May 19, 2010 meeting of the Ordinance Committee, and was seconded by Councilor Smart. UNANIMOUSLY VOTED.

Budget/Management Committee Meeting, May 24, 2010

A MOTION was made by Councilor O'Connor to approve the minutes of May 24, 2010 meeting of the Budget/Management Committee, and was seconded by Councilor Smart. UNANIMOUSLY VOTED.

PUBLIC HEARINGS

Mr. Montgomery Thomas asked a question of personal privilege, and was recognized by President Mathews. Mr. Montgomery Thomas noted that he followed protocol of Rule 28, sections (f) and (g) to give an address to the Town Council, referring to a proposal he presented to Councilor O'Connor, which was denied by the President, and requested the President address the citizens with regard to his refusal. President Mathews reiterated that he cannot allow each disagreement Mr. Montgomery Thomas has with each Councilor to be addressed every time there is a meeting. There isn't sufficient time to address them. The President responded that Mr. Montgomery Thomas is out of order. He recommended

that any concern with a particular Councilor be addressed with the councilor via phone, letter or email.

A MOTION was made by Councilor DiFazio to take a five minute recess and was seconded by Councilor Smart. UNANIMOUSLY VOTED.

Councilor Whitaker arrived during the recess. At 7:45 PM, President Mathews reconvened the meeting. He noted that he discussed the issue with Mr. Montgomery Thomas, and asked him to forward correspondence to the Councilors and they can bring any issues to the Council for referral to the appropriate committee.

10 070-Verizon Pole Relocation-North Street-action taken under 2-9(b) same night action

A MOTION was made by Councilor O'Connor to OPEN the Public Hearing and was seconded by Councilor Smart. The abutters were notified on June 14, 2010. UNANIMOUSLY VOTED.

Mr. Gene Butterfield, an engineer from Verizon, reviewed the proposal of the work. The guy wire which is currently attached to a tree will be removed and a pole will be installed on the sidewalk at 262 North Street-- to support the guy wire and cable that runs down Pierce Court.

Mr. Cole, the abutter at 266 North St. addressed the Council to note that as long as the pole is not being put on his land, and his property is not being impacted, he has no objections. Councilor Whitaker asked that Verizon and other representatives from public utilities who bring proposals before the Council include markings of driveway and pole locations on the maps they provide for illustration.

A MOTION was made by Councilor O'Connor to CLOSE the Public Hearing and was seconded by Councilor Smart. UNANIMOUSLY VOTED.

A MOTION was made by Councilor O'Connor to take item 10 070 under same night action (2-9-b) and was seconded by Councilor Smart. UNANIMOUSLY VOTED.

A MOTION was made by Councilor O'Connor to approve item 10 070 and was seconded by Councilor Smart. UNANIMOUSLY VOTED.

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

10 089-Joint Labor Management Committee Finding- Firefighter Arbitration Ruling

Mayor Kay addressed the Council:

"Good Evening Councilors:

"I hereby submit to you measure 10-089. This measure contains two elements:

- a. *The finding from the Joint Labor Management Committee for the Firefighters for fiscal years 2008, 2009 and 2010*
- b. *The funding mechanism for FY2010 only*

“The Joint Labor Management Committee has authority to order arbitration for Fire and Police Contracts in accord with various Massachusetts General Laws. The award is retroactive to the last contract which ended on June 30, 2007. An award must be presented to the Appropriating Body and must be supported by the Executive Officer. I fulfill my obligation under the law tonight.

In this case, you are the appropriating body. You have only two options:

- a. *To appropriate the funds contained in the measure or*
- b. *Reject the award, in which case the Town and Firefighters must return to the bargaining table*

“The Joint Labor Management Committee awarded the firefighters the following:

- a. *Zero percent for FY2008*
- b. *Zero percent for FY2009*
- c. *Six percent for FY2010; nothing more*

“The economic impact of the award is clear:

- a. *\$432,000 to cover the expense in FY2010 retroactively*
- b. *Layoff fire personnel to cover the expense in FY2011*

“If the Council approves the appropriation for FY2010, the impact is automatic for FY2011.

“Thank you.”

A MOTION was made by Councilor O'Connor to refer item 10 089 to the Budget/Management Committee and was seconded by Councilor Smart. President Mathews noted that the Budget/Management Committee is scheduled to deliberate this measure on June 23, 2010. President Mathews also announced a Special Town Council meeting for June 28, 2010 at 7PM to act on this issue. UNANIMOUSLY VOTED.

REPORTS OF COMMITTEES

Budget/Management Committee-Chairman DiFazio

Resolution to the Weymouth Teachers' Association

Councilor DiFazio deferred to Councilor O'Connor on this item. Councilor O'Connor reported that on June 15, 2010, the Weymouth Teachers Association voted a concession of four furlough days equal to 2.19% of the scheduled 4% salary increases and in light of

and after discussions between several Councilors and the president of the WTA, he withdrew the resolution from consideration. Councilor O'Connor further thanked the WTA for realizing they we are in the current budget difficulties together and for cooperatively working with the town in order to put more teachers into the classrooms in addition to lowering class sizes.

Fiscal Year 2011 Budget Measures:

Councilor DiFazio reported that the Mayor submitted a budget for FY2011 on March 29, 2010 which was referred to the Budget/Management Committee on September 5, 2010, in the amount of \$126,159.096; measure 10 020. The Budget/Management Committee has met and reviewed the budget in a series of meetings.

Councilor DiFazio read the following budget summary statement:

“On June 16, 2010 the BMC voted Mayor Kay’s \$126,159,096 budget at the full Town Council. The BMC voted favorable action on all departments except the School Department’s budget of \$51.5 million dollars, which was voted unfavorable action 4/1.

“The BMC met on twelve separate occasions, which included presentations by all departments. Once again I am glad to report that all departments submitted their budgets in a formidable, understandable format and all department heads, school superintendent and School Committee members provided in-depth presentations and answered all of the BMC and auditor questions during the review process. I would note that for the first time since the change of government, the school committee’s spending proposal was submitted for review prior to the school committee voting on the \$51.5 dollar proposed expenditure.

“As I prepared the review of the FY11 annual budget and the difficulties which existed in preparing it, I found it helpful to place it in context with the FY08 annual budget. The FY08 Annual Town Budget was \$126,354,686. Three years later the FY11 Annual Town Budget is \$126,159,096, which is a decrease of approximately \$200,000.

“Therefore, we move from FY10 to FY11 with a budget which is \$800,000 less than FY10 and \$200,000 less than FY08. These numbers are what dictates the Mayor’s messaget this year in which she stated that we will be faced with very real challenges to maintaining the level of services that our citizens are used to being provided. As the Mayor stated in her message, all available revenue has been utilized and budget cuts must be met by eliminating positions, and layoffs.

“Summarizing the justification of a reduced FY11 operating budget requires first a review of the budget drivers, as follows:

- 1. A reduction in local receipts of approximately \$1.6 million from FY10*
- 2. A \$1.7 million reduction in local aid from the state from FY10*
- 3. Cherry sheet revenue \$1.7 million decrease from FY10*
- 4. Health insurance costs have risen by \$2.1 million from FY10*

5. *Our unfunded retirement liability has risen \$300,000 since FY10*

“There are no funds available for proceeding with any capital purchases during FY11.

“Needless to say, almost all department budgets were reduced from the FY10 level. For instance (taking the larger departments):

Police: 4.65% from \$9,740,378 to \$9,287,378

92 employees total

Nothing allocated to three unions in FY11 budget for raises; no raises since 2006

Fire: 4.5% from \$7,783,849 to \$7,433,527

89 personnel; lowest ever for Weymouth was 88

3 engine, 1 ladder

Nothing allocated to union personnel in FY11 for raises; no raises since 2006

DPW: 2.8% from \$8,875,015 to \$8,690,015

Nothing allocated for personnel raises

Schools: 2.6% from \$52,332,283 to \$51,506,261

4% Unit A COLA increases allocated within the budget

“With regards to the school budget, the need to meet its liability created by the 2008 collective bargaining contract was burdensome. This resulted in a 4% COLA this year to the Unit A teachers and it certainly appeared that the budget reduction would require significant reductions in personnel.

“If you will recall, the FY08 budget for the school department was approximately \$55,937,966 and now some three years later it is some \$4.5 million less. The changes made by the school department this year to meet its budget clearly indicate rising salaries and lower available revenues will result in a dismantling of our school system. It is in this department that it becomes so evident because of its previously agreed upon collective bargaining agreement while other town departments have not implemented significant increases in employee compensation.

“The BMC’s review of each department budget amount was reviewed in light of what reductions were being made to each department and how it would affect our community. Have we maintained services while operating costs continue to escalate and local aid was drastically reduced?

“I think the words ‘just barely’ may be appropriate but in the eyes of some Councilors, maybe not. The BMC review of each department’s reduction in services and personnel was to say the least, disappointing but on the other hand, very thorough.

“What alarms the committee the most is the anticipated cost drivers of our operating budget as it relates to the anticipated FY12 annual operating budget. With no positive new growth and the forecast of a poor economic environment for FY12 in Massachusetts,

it is the FY12 budget that will provide the ultimate test for Weymouth.

“As I stated last year and the year before that, obtaining enough revenue to meet the town’s upcoming operating expenses has never been a bigger challenge in previous years as it was this year. Both the Mayor and the school department have been diligent and in some cases creative in their efforts to produce the budgets reviewed by the BMC. But the fact remains that personnel costs along with pension and health care costs are rising at a rate which cannot be met by annual 2.5% increases in tax levy.

“In closing, I would like to acknowledge the hard work of Richard Swanson, our Internal Auditor; the committee members: Mike Molisse, Arthur Mathews, Michael Smart and Patrick O’Connor, the co-chair. Without their cooperation the committee could never have met tonight’s deadline. Lastly, on behalf of all members of the BMC, a thanks to Diane Hachey for her patience and assistance in scheduling, the Administration and all its department heads who appeared before us, and our CFO, James Wilson, who assisted the Councilors repeatedly during the deliberation process.

“Therefore, without further ado, I’ll commence the line item review of measure 10 020.”

10 020A-Town Council

A unanimous vote was taken on June 16, 2010 to forward this item to the full Town Council with a recommendation for favorable action on the line item amount of \$253,296. A MOTION was made by Councilor DiFazio to APPROVE item 10 020A and was seconded by Councilor O’Connor. VOTE PASSED 9/2.

10 020B-Mayor’s Office

This item was deliberated on May 24, 2010. On June 16, 2010 it was voted 4/1 to forward this item to the full Town Council with a recommendation for favorable action on the line item amount of \$947,413. A MOTION was made by Councilor DiFazio to APPROVE item 10 020B and was seconded by Councilor O’Connor. VOTE PASSED 9/2.

10 020C-Reserve Fund

This item was deliberated on April 26, 2010. On June 16, 2010 it was unanimously voted to forward this item to the full Town Council with a recommendation for favorable action on the line item amount of \$528,646. A MOTION was made by Councilor DiFazio to APPROVE item 10 020C and was seconded by Councilor O’Connor. VOTE PASSED 10/1.

10 020D-Municipal Finance

This item was deliberated on May 24, 2010. On June 16, 2010 it was voted 4/1 to forward this item to the full Town Council with a recommendation for favorable action on the line item amount of \$1,610,331. A MOTION was made by Councilor DiFazio to APPROVE item 10 020D and was seconded by Councilor O’Connor. Councilor Whitaker noted he will abstain from voting on this measure. VOTE PASSED 9/1/1.

10 020E-Town Solicitor

This item was deliberated on May 12, 2010. On June 16, 2010 it was unanimously voted to forward this item to the full Town Council with a recommendation for favorable action on the line item amount of \$313,102. A MOTION was made by Councilor DiFazio to APPROVE item 10 020E and was seconded by Councilor O'Connor. VOTE PASSED 10/1.

10 020F-Information Services

This item was deliberated on May 12, 2010. On June 16, 2010 it was voted 4/1 to forward this item to the full Town Council with a recommendation for favorable action on the line item amount of \$677,345. A MOTION was made by Councilor DiFazio to APPROVE item 10 020F and was seconded by Councilor O'Connor. VOTE PASSED 9/2.

10 020G-Town Clerk

This item was deliberated on May 24, 2010. On June 16, 2010 it was voted 4/1 to forward this item to the full Town Council with a recommendation for favorable action on the line item amount of \$278,803. A MOTION was made by Councilor DiFazio to APPROVE item 10 020G and was seconded by Councilor O'Connor. VOTE PASSED 9/2.

10 020H-Planning and Development

This item was deliberated on May 24, 2010. On June 16, 2010 it was voted 4/1 to forward this item to the full Town Council with a recommendation for favorable action on the line item amount of \$353,203. A MOTION was made by Councilor DiFazio to APPROVE item 10 020H and was seconded by Councilor O'Connor. VOTE PASSED 9/2.

10 020I-Town Building Maintenance

This item was deliberated on May 12, 2010. On June 16, 2010 it was voted 4/1 to forward this item to the full Town Council with a recommendation for favorable action on the line item amount of \$421,496. A MOTION was made by Councilor DiFazio to APPROVE item 10 020I and was seconded by Councilor O'Connor. VOTE PASSED 9/2.

10 020J-Administrative Services

This item was deliberated on May 12, 2010. On June 16, 2010 it was voted 4/1 to forward this item to the full Town Council with a recommendation for favorable action on the line item amount of \$72,009. A MOTION was made by Councilor DiFazio to APPROVE item 10 020J and was seconded by Councilor O'Connor. VOTE PASSED 9/2.

10 020K-Human Resources

This item was deliberated on May 12, 2010. On June 16, 2010 it was voted 4/1 to forward this item to the full Town Council with a recommendation for favorable action on the line item amount of \$179,562. A MOTION was made by Councilor DiFazio to APPROVE item 10 020K and was seconded by Councilor O'Connor. VOTE PASSED 9/2.

10 020L-Police Department

This item was deliberated on May 5, 2010. On June 16, 2010 it was voted 3/1/1, with one recusal, to forward this item to the full Town Council with a recommendation for favorable action on the line item amount of \$9,287,378. A MOTION was made by

Councilor DiFazio to APPROVE item 10 020L and was seconded by Councilor O'Connor. Councilor O'Connor noted his intent not to support this item as he believes the department is underfunded and does not provide adequate safety to the citizens of Weymouth. He cited inadequate staffing levels due to unfunded positions, elimination of the crossing guards, elimination of weekend detective shifts, and the increase in drug related crimes. Councilor Molisse noted his intent to recuse from voting this item. Councilor DiFazio noted he agreed with Councilor O'Connor, however, the only action open to the committee and the Council is further reduction of the budget amount; not an increase to it. President Mathews requested a ROLL CALL VOTE: Councilor Conlon-YES; Councilor DiFazio-YES; Councilor Harrington-YES; Councilor Lacey-YES; Councilor McDonald-YES; Councilor Molisse-RECUSED; Councilor Pap-NO; Councilor Smart-YES; Councilor Whitaker-NO; Councilor O'Connor- NO; Councilor Mathews-YES. VOTE PASSED 7/3/1.

10 020M-Fire Department

This item was deliberated on May 10, 2010. On June 16, 2010 it was voted 3/2 to forward this item to the full Town Council with a recommendation for favorable action on the line item amount of \$7,433,527. A MOTION was made by Councilor DiFazio to APPROVE item 10 020M and was seconded by Councilor O'Connor. Councilor O'Connor again noted his intent to not support this measure as it also is under funded and leaves the department with two engines and one ladder per shift. He noted the Council passed a resolution prior to his service on the Council to never reduce manning below four. He also cited the reductions in staff; the lowest since WWII. Councilor DiFazio asked for clarification from the fire department or administration as to what numbers will be operational per shift in the department. Mayor Kay noted it is her understanding that the department will operate in FY11and without further reduction with three engines/one ladder per shift.

President Mathews requested a ROLL CALL VOTE: Councilor Conlon- YES; Councilor DiFazio-YES; Councilor Harrington-YES; Councilor Lacey-YES; Councilor McDonald-YES; Councilor Molisse-NO; Councilor Pap-NO; Councilor Smart-YES; Councilor Whitaker-NO; Councilor O'Connor- NO; Councilor Mathews-YES. VOTE PASSED 7/4.

10 020N-Licensing and Inspections

This item was deliberated on May 24, 2010. On June 16, 2010 it was voted 4/1 to forward this item to the full Town Council with a recommendation for favorable action on the line item amount of \$462,426. A MOTION was made by Councilor DiFazio to APPROVE item 10 020N and was seconded by Councilor O'Connor. VOTE PASSED 10/1.

10 020O-Department of Public Works

This item was deliberated on April 28, 2010. On June 16, 2010 it was voted 4/1 to forward this item to the full Town Council with a recommendation for favorable action on the line item amount of \$8,690,015. A MOTION was made by Councilor DiFazio to APPROVE item 10 020O and was seconded by Councilor O'Connor. VOTE PASSED

9/2.

10 020P-Health

This item was deliberated on May 19, 2010. On June 16, 2010 it was voted 4/1 to forward this item to the full Town Council with a recommendation for favorable action on the line item amount of \$398,295. A MOTION was made by Councilor DiFazio to APPROVE item 10 020P and was seconded by Councilor O'Connor. VOTE PASSED 9/2.

10 020Q-Library

This item was deliberated on May 19, 2010. On June 16, 2010 it was voted 4/1 to forward this item to the full Town Council with a recommendation for favorable action on the line item amount of \$971,910. A MOTION was made by Councilor DiFazio to APPROVE item 10 020Q and was seconded by Councilor O'Connor. VOTE PASSED 9/2.

10 020R-Veterans' Services

This item was deliberated on May 19, 2010. On June 16, 2010 it was unanimously voted to forward this item to the full Town Council with a recommendation for favorable action on the line item amount of \$483,489. A MOTION was made by Councilor DiFazio to APPROVE item 10 020R and was seconded by Councilor O'Connor. VOTE PASSED 10/1.

10 020S-Parks and Recreation

This item was deliberated on May 19, 2010. On June 16, 2010 it was unanimously voted to forward this item to the full Town Council with a recommendation for favorable action on the line item amount of \$211,835. A MOTION was made by Councilor DiFazio to APPROVE item 10 020S and was seconded by Councilor O'Connor. VOTE PASSED 10/1.

10 020T-Elder Services

This item was deliberated on May 19, 2010. On June 16, 2010 it was unanimously voted to forward this item to the full Town Council with a recommendation for favorable action on the line item amount of \$169,414. A MOTION was made by Councilor DiFazio to APPROVE item 10 020T and was seconded by Councilor O'Connor. VOTE PASSED 10/1.

10 020U-Civil Defense

This item was deliberated on May 12, 2010. On June 16, 2010 it was unanimously voted to forward this item to the full Town Council with a recommendation for favorable action on the line item amount of \$8,108. A MOTION was made by Councilor DiFazio to APPROVE item 10 020U and was seconded by Councilor O'Connor. VOTE PASSED 10/1.

10 020V-Commission on Disabilities

This item was deliberated on May 19, 2010. On June 16, 2010 it was unanimously voted to forward this item to the full Town Council with a recommendation for favorable action on the line item amount of \$392. A MOTION was made by Councilor DiFazio to

APPROVE item 10 020V and was seconded by Councilor O'Connor. Councilor Conlon noted his intent to abstain from a vote as he is a member of the Commission. VOTE PASSED 9/1/1.

10 020W-Youth and Family Services

This item was deliberated on May 19, 2010. On June 16, 2010 it was unanimously voted to forward this item to the full Town Council with a recommendation for favorable action on the line item amount of \$39,171. A MOTION was made by Councilor DiFazio to APPROVE item 10 020W and was seconded by Councilor O'Connor. VOTE PASSED 10/1.

10 020X-Debt

This item was deliberated on April 26, 2010. On June 16, 2010 it was unanimously voted to forward this item to the full Town Council with a recommendation for favorable action on the line item amount of \$9,460,262. A MOTION was made by Councilor DiFazio to APPROVE item 10 020X and was seconded by Councilor O'Connor. UNANIMOUSLY VOTED.

10 020Y-Pensions and Benefits

This item was deliberated on April 26, 2010. On June 16, 2010 it was unanimously voted to forward this item to the full Town Council with a recommendation for favorable action on the line item amount of \$28,512,397. A MOTION was made by Councilor DiFazio to APPROVE item 10 020Y and was seconded by Councilor O'Connor. VOTE PASSED 10/1.

10 020Z-Schools

This item was deliberated on June 14 and 16, 2010. On June 16, 2010 it was voted to forward this item to the full Town Council with a recommendation for unfavorable action on the line item amount of \$51,506,261. Councilor DiFazio noted that subsequent to the vote on June 16, the WTA made a concession which made approximately \$825,000 additional available revenue to the department. The Budget/Management Committee has not made any review, because of time constraints, of the line items or plans that the school department has with regard to the \$825,000. He also asked Mr. Wilson to explain to the Council the net school spending and any affect it will have on the amount being deliberated in this measure.

Mr. Wilson read the following statement:

“Update on net school spending:

- a. On October 1, 2009, the town submitted its end of the year report to the Department of Elementary and Secondary Education (the DESE)*
- b. The DESE indicated to the Town of Weymouth that it had not met its NSS requirement for FY09 and it did appear as if the town will not meet the NSS requirements in FY10*

- c. *The Independent Auditor confirmed the end of the year report during the Fall of 2009*
- d. *The Mayor submitted a request for a waiver on NSS in September, 2009*
- e. *On January 11, 2010, the Department of Revenue notified the town that its request for a waiver was denied*
- f. *The Mayor met with our Legislative Delegation and DESE on February 4, 2010*
- g. *In the meantime, the Superintendent of Schools and I reviewed the employer share of health insurance and retirement costs for school employees for the period 2006 through 2010*
- h. *I provided the Superintendent of Schools with my calculations for each of these years*
- i. *On March 8th, I requested that the School Committee ask the independent auditor to review its findings relative to my calculations*
- j. *On March 22, the Commissioner of DESE indicated to the Town of Weymouth that it stood to have its FY2011 Chapter 70 funding reduced. The commissioner acknowledged that amendments were being sought by the town through the legislative process*
- k. *The independent auditor concurred with my findings on March 29th regarding net school spending and the changes which should be sought*
- l. *The School department and the independent auditor have submitted changes to the net school spending calculation pending the passage of legislation which would permit the changes*
- m. *Our legislative delegation, led by Ron Mariano, submitted legislation permitting the town to amend its 2008 through 2009 NSS calculation*
- n. *We are awaiting at this time legislative action to permit these changes*
- o. *A bill is pending at the State House to allow Weymouth, and other communities, to amend its prior filings with the Department of Revenue (DOR)*
- p. *If passed, the DOR must recalculate Weymouth's net school spending requirements for all years FY2008 through 2011*

"The Legislature is poised to pass the language to permit the town to amend its submittals. That is a critical first step. Our Legislative delegation is supportive. If the legislation is enacted and our internal calculations prevail, I believe the town will

not have its Chapter 70 funding reduced in FY11 by the DESE.”

A MOTION was made by Councilor DiFazio to take unfavorable action on item 10 020Z and was seconded by Councilor O'Connor.

Councilor Lacey asked what other communities are included in the legislation and if it passes, would Weymouth be under the 5% underage, and whether it will get through before the legislation recesses. Mr. Wilson responded that if the amendment passes as proposed and the internal calculations prevail, Weymouth will be under the 5% needed. There other communities included in the legislation; one a city larger than Weymouth. The legislation has passed the House and Senate, and when referred to the Governor, a technical amendment was requested. Mr. Wilson feels there is a highly likely chance of its passage.

Councilor Whitaker asked by what amount is the town out of compliance, and if the amendment does not pass or the calculations not upheld, or if it does, by what amount will it be within the parameters. Mr. Wilson responded that currently, if everything remains unchanged, there is in the budget book a letter dated 3/22/10 from the DESE, the town is \$3.8M under NSS. The calculation if the calculations are upheld, at the end of FY10, very conservatively, the town will be projected at \$2.6M, with the carryover. NSS requires under-expenditures be carried over to the next year; over-expenditures are not allowed to be carried over. It could be lower, because elements of the calculations have not been included (employer share of Medicare and the estimated cost of health insurance); also underestimated is the reimbursement of tuition by the state. Final amounts won't be known until the numbers are reviewed in September.

Councilor Whitaker noted he has voted against every item on the agenda, including the Council's budget, because he does not believe the town has exhausted all revenue sources, and that he is supporting meeting the NSS requirement, in policy.

Councilor O'Connor will not be supporting the measure, also in support of meeting the NSS requirement, but also because of a disagreement he has within the budget with regard to the reconfiguration of the 5-8 middle school model. He believes it will be devastating to the students of Weymouth. It isn't a good year for everybody, in the Commonwealth, but he cannot support a budget that moves the town backwards in terms of educational reforms which have proven positive results, and especially in light of the WTA making concessions. He does not agree with the Superintendent and school committees "sprinkle" approach to allocation of the recaptured funds across the district instead of directing them to maintain the middle school model.

A SUBSTITUTE MOTION was made by Councilor Smart to APPROVE item 10 020Z, and was seconded by Councilor Pap.

Councilor Smart reported that the committee met and deliberated the school department budget, but it is clear that as the school committee chair indicated at committee level,

they come before Council seeking approval of a bottom line budget.; that's it. The school committee approves the spending plan. Much of the discussion at committee, included suggestions made to the Superintendent regarding the overlap of positions within the town and school departments, the middle school plan, possible sources of revenue to increase the number of teachers in the classroom and reduction in classroom sizes. He supported unfavorable action at the committee level; however, after having spoken to teachers, administrators, and constituents, he feels that the concession by the WTA is heeding some of the issues discussed . Councilor Smart disagrees with the Superintendent that the decision to dismantle the middle school program can be easily reversed; he believes it is a poor decision. The school committee deliberated all of the concerns that were voiced at committee. He is not willing to sacrifice the entire school department budget or shut down the administration with nine days remaining in the calendar year and will be supporting the substitute motion.

Councilor Pap noted that no one wants to underfund education. As a parent he supports public education; however, as Councilor Smart indicated, the Council does not administer the plan. This is a difficult position; the responsible thing is to vote the budget. His opinion on the NSS is that this is an unfunded mandate, and once the personal income and other measure in calculating the NSS catch up, the town will be back on track. It's an arbitrary formula which has changed over the last few years.

Councilor Molisse noted he will not support the substitute measure; he believes with cuts of this magnitude, the children of the town will suffer immensely. He believes this budget sets the town back at least five years; education must be funded. Property values will take a hit. He finds it hard to believe that the middle school program cuts can be reversed; he's received calls both from parents and students. It will be extremely difficult to educate with classroom sizes of 30-35.

Councilor DiFazio noted he voted symbolically against the school department budget at committee. He was not happy with what the school department had chosen as the course with the budget. They passed a collective bargaining agreement in 2008 which is detrimentally affecting their budget. This has been made clear to them. Now the Council has received a ruling from the arbitrator for the fire department budget, in which comparisons are made specifically to the school department agreement. It is setting a precedent with all of the other unions in town. The plan that came out was discussed civilly and as thoroughly as possible. The vote at committee was taken to send a message.

After having some time to think, Councilor DiFazio realizes the role of the committee is not to dictate to the school committee as to how to appropriate their funding. He noted to the citizens that if they do not agree with the terms of the spending plan they should attend the school committee meetings and make sure they deliberate. The reconfiguration of the middle schools does not meet the school committee's mandate of an easily reversible change to their program. He does appreciate the WTA's concession; however, it is only one step in the right direction; there is further work to be done. Furlough days still means a 4% increase this year; there will be another 3% added to it next year. FY12

will be very difficult. In order to move forward, and to not dictate to the school committee, he will be supporting the substitute motion.

Councilor Harrington noted his dissatisfaction with the budget. He does not like underfunding education; the fact that there are not enough public safety employees, or that the DPW has gone without a raise for several years, but there must be a budget voted and soon. He will therefore support the substitute motion.

Councilor Lacey noted that he will support the substitute motion. Regardless of how the school committee chooses to fund their budget, the town is under an unfunded mandate to meet NSS. He thanked the Mayor and Mr. Wilson for sharing the work involved in the creation and passage of the legislation. The town is in a position where a significant portion of its budget is taken up in debt and pensions and benefits, and we must find ways to increase revenues to offset costs. The Council's jurisdiction only allows for a reduction in budgets; he will not support any reduction in a budget that is already underfunded. He applauds those members who have reconsidered their vote and the potential crisis if this budget does not pass. He will continue to look for ways to supplement revenues for the town.

President Mathews requested a ROLL CALL VOTE: Councilor Conlon- YES; Councilor DiFazio-YES; Councilor Harrington-YES; Councilor Lacey-YES; Councilor McDonald-YES; Councilor Molisse-NO; Councilor Pap-YES; Councilor Smart-YES; Councilor Whitaker-YES; Councilor O'Connor- NO; Councilor Mathews-YES. VOTE PASSED 9/2.

10 020AA-State and County Assessments

Councilor DiFazio reported that this item was referred to the Budget/ Management Committee on April 26, 2010. The committee met and voted 4/1 favorable action on June 16, 2010 for a line item amount of \$2,189,010. A MOTION was made by Councilor DiFazio to APPROVE item 10 020AA and was seconded by Councilor Smart. VOTE PASSED 10/1

10 020BB-Overlay for Abatements

Councilor DiFazio reported that this item was referred to the Budget Management Committee on April 26, 2010. The committee met and voted unanimous favorable action on June 16, 2010 for a line item amount of \$700,000. A MOTION was made by Councilor DiFazio to APPROVE item 10 020AA and was seconded by Councilor Smart. UNANIMOUSLY VOTED.

10 020-General Government Annual Appropriation

A MOTION was made by Chairman DiFazio that, based upon the approval of items 10 020A through 10 020BB, inclusive, that the Town of Weymouth raise and appropriate the sum of \$126,159,097 to provide for all of the expenses for the maintenance and operation of the town's several departments and activities for the Fiscal Year 2011; that the several sums herein set forth are hereby approved, for the several purposes and are subject to the conditions specified. The sources of funding for said expenditures are as outlined in the

revenue projections which are attached hereto and incorporated herein. Furthermore, that the sum of \$40,000 is appropriated from the Waterways Fund to meet some of the costs of the Harbormaster's Program. The motion was seconded by Councilor Smart.

Councilor O'Connor noted that since this measure encompasses the entire budget, he reiterated his reasons for not supporting. The budget is presented as a number; the only action the Council can take is to cut. There is a missing aspect; nowhere in the budget is there a revenue generating mechanism. He would like to see a trash removal fee increase to supplement the budget. To initiate a discussion of a fee increase would have generated discussion and public hearings and he believes there is a large silent majority that would have supported it. The discussion should have taken place this year; the budget as it will be voted is not sustainable. A trash increase of \$2 a month is \$400,000; and an additional \$4 a month is \$800,000. The discussion had to come from the Administration and the discussion should have happened.

Councilor Conlon noted that in a long range plan he would agree with Councilor O'Connor; but not this year.

Councilor Molisse noted he has served on the Budget/Management Committee for eleven years, and this is the worst budget he has seen. This is not workable; public safety is at risk; crime is up. The elimination of the crossing guards at schools for the first time in fifty years, with no plan leaves the students on their own as of September 1st. There is no plan in place by either the town or the school department to accommodate the loss. DPW is at bare-bones levels, with inadequate equipment to perform day-to-day. The Town Clerk's office has been reduced to 3 employees; Health Department sanitation inspections cut in half; the closing of town hall one day per week is not public service and is unfair to other departments. This budget is not what he envisioned when the new form of government was voted ten years ago. It is time to reorganize, and not cut each year. He believes that we should start with the top, and consolidate departments and make the changes needed to bring the town back to where it once was. He does not believe the cuts are equitable by department. It's time to stop cutting departments, asking more of employees and not compensating them for their job performance. It's not a shot at the Mayor, but a belief that the town needs to consolidate.

President Mathews requested a ROLL CALL VOTE: Councilor Conlon- YES; Councilor DiFazio-YES; Councilor Harrington-YES; Councilor Lacey-YES; Councilor McDonald-YES; Councilor Molisse-NO; Councilor Pap-YES; Councilor Smart-YES; Councilor Whitaker-NO; Councilor O'Connor- NO; Councilor Mathews-YES. VOTE PASSED 8/3.

10 021-Revolving Accounts Annual Authorization

Councilor DiFazio reported that this item was referred to the Budget/ Management Committee; the committee met and deliberated on April 26, 2010 and voted unanimous favorable action on June 16, 2010. A MOTION was made by Councilor DiFazio that the Town of Weymouth authorizes the creation of the following revolving accounts, in accordance with MGL, Ch. 44, Section 53E(1/2) for Fiscal Year 2011 in account 52-10

for Parks and Recreation established by MGL, Ch. 44, Section 53D. Furthermore, that each of these revolving accounts is permitted to accept funds in the aggregate to the limits set forth below, and expend those funds in the aggregate to the limit herein expressed, with the consent of the Mayor. The motion was seconded by Councilor O'Connor. VOTE PASSED 10/1.

10 022-Gift Accounts Annual Authorization

Councilor DiFazio reported that this item was referred to the Budget/ Management Committee; the committee met and deliberated on April 26, 2010 and voted unanimous favorable action on June 16, 2010. A MOTION was made by Councilor DiFazio that the Town of Weymouth authorizes the creation of the following revolving accounts for Fiscal Year 2011 in accordance with MGL, Ch. 44, Section 53(a) Furthermore, that each of these revolving accounts is permitted to accept gifts and or donations in the aggregate to the limits set forth below, and expend those funds in the aggregate to the limit herein expressed, with the consent of the mayor. The motion was seconded by Councilor O'Connor. Councilor Whitaker noted that he will not support this measure, nor the previous one as these funds are becoming a sizable portion of the town budget, and they are not being reviewed on an annual basis. More and more positions are being funded from revolving accounts without benefit of annual scrutiny by the Council as part of the normal budget review process. VOTE PASSED 10/1.

10 024-Fiscal Year 2011 Supplemental Appropriation for Unemployment Insurance Liability

Councilor DiFazio reported that this item was referred to the Budget /Management Committee on April 26, 2010. The committee met and voted unanimous favorable action on June 16, 2010. A MOTION was made by Councilor DiFazio that the Town of Weymouth raise and appropriate the sum of \$500,000 from Free Cash to Fund 0002, for the purpose of funding a portion of the cost of unemployment compensation for Fiscal Year 2011 and was seconded by Councilor O'Connor. UNANIMOUSLY VOTED.

10 025-Free Cash Appropriation-53 Payroll Week

Councilor DiFazio reported that this item was referred to the Budget/ Management Committee on April 25, 2010. The committee met and voted unanimous favorable action on June 16, 2010. A MOTION was made by Councilor DiFazio that the Town of Weymouth raise and appropriate the sum of \$500,000 from Free Cash to the various salary line items as determined by the Town Accountant, for the purpose of funding the 53rd payroll week in Fiscal Year 2011 and was seconded by Councilor O'Connor. UNANIMOUSLY VOTED.

10 026-Sewer Enterprise Fund Annual Appropriation

Councilor DiFazio reported that this item was referred to the Budget/ Management Committee on April 28, 2010. The committee met and voted unanimous favorable action on June 16, 2010. A MOTION was made by Councilor DiFazio that the Town of Weymouth raise and appropriate the sum of \$13,573,262 from the Sewer Enterprise Fund receipts and appropriate for the salaries, operation and expense for Fiscal Year 2011 for the Sewer Enterprise Fund and the Director of Public Works, with the approval of the

Mayor be authorized to expend said funds. In addition, any expenditure from the Reserve Fund for extraordinary and unforeseen circumstances is subject to the approval of the Mayor and the Town Council. This motion was seconded by Councilor O'Connor. VOTE PASSED 10/1.

10 027-Water Enterprise Fund Annual Appropriation

Councilor DiFazio reported that this item was referred to the Budget /Management Committee on April 28, 2010. The committee met and voted unanimous favorable action on June 16, 2010. A MOTION was made by Councilor DiFazio that the Town of Weymouth raise and appropriate the sum of \$8,764,188 from the Water Enterprise Fund receipts and appropriate for the salaries, operation and expense for Fiscal Year 2011 for the Water Enterprise Fund and the Director of Public Works, with the approval of the Mayor be authorized to expend said funds. In addition, any expenditure from the Reserve Fund for extraordinary and unforeseen circumstances is subject to the approval of the Mayor and the Town Council. This motion was seconded by Councilor O'Connor. VOTE PASSED 10/1.

10 028-Community Preservation Committee Annual Appropriation

Councilor DiFazio reported that this item was referred to the Budget/ Management Committee; the committee met and deliberated on May 24, 2010 and voted unanimous favorable action on June 16, 2010. A MOTION was made by Councilor DiFazio that the Town of Weymouth adopt the recommendation of the Community Preservation Committee on the Fiscal Year 2011 Community Preservation Budget in the amount of \$719, and all other necessary and proper expenses for the Fiscal Year 2011 and as identified on the attached Exhibit. Revenue projections are attached to support the budget request. The motion was seconded by Councilor O'Connor. Councilor Harrington noted he will abstain from the vote as he is a member of the Community Preservation committee. VOTE PASSED 10/0/1.

Issue-Capital Improvement Plan for 2011-2015

Councilor DiFazio reported that this item was referred to the Budget /Management Committee; the committee met and deliberated on May 24, 2010 and unanimously voted favorable action on June 16, 2010. A MOTION was made by Councilor DiFazio that the Town of Weymouth accept the report of the Capital Improvement Plan for FY2011-2015 and was seconded by Councilor O'Connor. UNANIMOUSLY VOTED.

MOTIONS, ORDERS, AND RESOLUTIONS

Vote to Suspend Town Council Rule 24(Council Meetings)

President Mathews read a segment from Rule 24:

“During July and August, regular meetings shall be suspended by a majority vote of the Town Council.”

He noted a vote in favor does not mean taking the summer off, but allows for a more flexible schedule to meet during July and August. The next scheduled meeting would be

during the week of July 4th which he would like to avoid. There are two special Town Council meetings scheduled; one on June 22, and one on June 28, 2010.

A MOTION was made by Councilor Pap to suspend Rule 24 and was seconded by Councilor O'Connor. UNANIMOUSLY VOTED.

Councilor Lacey acknowledged the work of the Budget/Management Committee, especially the chairman, Councilor DiFazio. The amount of nights met deliberating by that committee is appreciated, particularly as it was presented back to the Council.

ADJOURNMENT

The next Special Town Council meeting will be held on June 22, at 7:00 PM.

At 9:15PM, there being no further business, a MOTION to adjourn was made by Councilor O'Connor and seconded by Councilor Smart. UNANIMOUSLY VOTED.

Respectfully submitted by Mary Briggs as recording secretary

Approved by

Arthur Mathews, Town Council President