

MINUTES OF THE TOWN COUNCIL

Town Hall Council Chambers July 5, 2005

Present: Thomas J. Lacey, President
Michael Smart, Vice-President
Joseph Connolly
Paul J. Leary
Colin McPherson
Kenneth DiFazio
Susan Kay
Michael Molisse
Arthur Mathews
Gregory Hargadon

Also Present: George Lane, Town Solicitor
James Wilson, Chief Financial Officer
Kathy Deree, Asst. Town Clerk
Richard Swanson, Town Auditor

Recording Secretary: Susan DeChristoforo

President Lacey called the July 5th, 2005 Town Council Meeting to order at 7:35 PM.

Announcements

Councilor Mathews announced that on Saturday, July 16th the Whitman's Pond Assn. would be hosting the annual Fishing Festival at the Middle Street Launch. Fishing rods and bait would be supplied to those who wanted to participate at no charge. Anyone needing more information should call Lorraine Larrabee, Chairman of the Whitman's Pond Assn.

Councilor Molisse announced that on Sunday, July 10th the Weymouth Recreation Department will be hosting Great Esker Day from 1 - 5 PM, with a variety of events including live bands, animals and walking tours.

From July 13th - 17th there will be a Festival at the Pingree School sponsored by the Town of Weymouth.

Councilor Shanahan wanted to take a moment to express his gratitude to the Weymouth Dept. of Public Works for doing a tremendous job cleaning up after the heavily attended Fourth of July Fireworks in North Weymouth.

Approval of Minutes

A MOTION was made by Councilor Smart to approve the Parks and Recreation minutes of the January 5th, 2005 meeting as submitted and was seconded by Councilor Kay and UNANIMOUSLY VOTED.

A MOTION was made by Councilor Smart to approve the minutes of the May 12th, 2005 Budget/Management Meeting as submitted and was seconded by Councilor Kay and UNANIMOUSLY VOTED.

A MOTION was made by Councilor Smart to approve the minutes of the May 16th, 2005 Town Council Meeting as submitted and was seconded by Councilor Kay and UNANIMOUSLY VOTED.

A MOTION was made by Councilor Smart to approve the minutes of the June 20th, 2005 Budget/Management Meeting as submitted and was seconded by Councilor Kay and UNANIMOUSLY VOTED.

A MOTION was made by Councilor Smart to approve the minutes of the June 20th, 2005 Town Council Meeting as submitted and was seconded by Councilor Kay and UNANIMOUSLY VOTED.

Citizen's Concern/Council Response

Councilor Kay announced that she had invited the Weymouth Youth Soccer Club/Division 1 team (boys under 12 years of age) to the meeting this evening to celebrate their winning the 2005 State Championship, with 27 wins and 3 losses for the season. She wanted to thank the coaches and players for representing Weymouth in such fine fashion as well as exhibiting good sportsmanship throughout the season.

At this time President Lacey and Councilor Kay called each of the three coaches; i. e., Bill Morrison, Leo Son and John McLeod - as well as each team member up to receive a special citation from the Town of Weymouth, in recognition of this momentous achievement, but first took a moment to read the citation into the record.

PUBLIC HEARINGS:

7:35 PM - 05 082 - Appropriation Request - \$40,000 - Fuel Depot

A MOTION was made by Councilor Smart to open the Public Hearing on Measure 05 082/Appropriation Request of \$40,000/Fuel Depot and was seconded by Councilor Molisse and UNANIMOUSLY VOTED.

CFO Jim Wilson came before the Council. He explained that he was requesting approval of a Reserve Fund Transfer in the amount of \$40,000 from Free Cash to fund the cost of fuel. He said that at the time of submittal on June 6th, they realized the bill was going to be very high due to the inordinate amount of snow removal this past winter. They have now been informed that the FY06 cost of fuel will increase 40% over last year, explaining that the money he is requesting today will be to top of the tank this fiscal year, ending on June 30th in order to take advantage of the lower cost of fuel before the cost escalates again.

Councilor McPherson pointed out that if the cost was going to increase another 40% in FY06 and it has already increased 20% it would end up being a 60% increase in just a two year period (at present the cost is \$1.46 gallon). He then referred to the FY06 appropriation of \$230,000 and said that based on the news of a 40% anticipated increase, they would need to appropriate another \$90,000 for FY06 and Mr. Wilson acknowledged that this was a reasonable estimate.

Councilor Kay asked Mr. Wilson if the supplier had agreed to hold the price for one year and Mr. Wilson said this was correct - specifying it would be held up to August 2006, emphasizing it was a 'buy' for the Town.

The hearing was opened to the public. No one spoke.

A MOTION was made by Councilor Smart to close the public hearing and was seconded by Councilor Kay and UNANIMOUSLY VOTED.

7:40 PM - 05 089 - Mass. Electric & Verizon Petition/Birch Road

A MOTION was made by Councilor Smart to open the public hearing for measure 05 089/Mass. Electric and Verizon Petition re. Birch Road published on June 28, 2005 and was seconded by Councilor Kay and UNANIMOUSLY VOTED.

Mr. Yepaz, representing Mass. Electric, came before the Board. He said the new pole location on Birch Street would be located 60 ft. from the existing location of the temporary pole at 18 Birch Street and it was being done

at the request of the Savage family for the purpose of relocating the utility lines as their plans were to upgrade their property at this location. He told members that he and the owners, the Savage family at this location has agreed on the relocation. He referred to the notification to abutters and said that although Ms. Savage/18 Birch St. was in favor of the petition, other residents in the area have questioned the relocation.

Councilor Kay asked who would pay for the additional pole and Mr. Yepaz said it would be Mass. Electric and Verizon.

Councilor Shanahan noted that the new pole was to be installed in 3-4 weeks (if approved), then asked when the temporary pole would be removed and Mr. Yepaz estimated in about two months.

Councilor Leary asked Mr. Yepaz to supply the following information and Mr. Yepaz agreed:

- a list of double poles in Town
- the poles to be removed and relocated
- timetable

Mr. Yepaz told members that they had a lot of work in North Weymouth due to a lot of upgrading.

Councilor Leary stated that he has been getting complaints and Mr. Yepaz told him that he would give him a contact name for future complaints.

The hearing was opened to the public.

Ms. Doris Flanagan of 79 Ft. Point Road came before the Board and presented the members with a letter and photographs. She said that she didn't feel the requested re-location was the best location for the pole. She said that she and the residents at 11 Birch Street wanted to see the pole at a different location, not far from where it was being proposed. Ms. Flanagan told members that locating the pole as proposed would block their line of site. At this point she recommended a different location, in the same proximity, that she felt would meet everyone's satisfaction.

Mr. Edwards referred to the 18 Birch St. location, stating that he was not sure it would work adding that one local resident already has three poles on her property with wires running through the middle of her lot. The owner requested that they reduce the number of poles to two at that location with the third pole one across the street.

Mrs. Edwards said she has a problem with the 11 Birch St. location.

Mr. Yepaz told members that the proposed change by Ms. Flanagan would have to be approved by Mr. Savage, as it would be on their 'private' property. In response to a question from the Council, he informed members that Ma. Electric has an easement for the other two poles.

Councilor Hargadon suggested that the affected parties meet with Mr. Yepaz and try to come up with a compromise, adding that he felt the Flanagan's proposal seemed to make sense. Additionally, Mr. Yepaz said he was willing to work with all parties, but pointed out there was little room there with no sidewalk.

A MOTION was made by Councilor Connolly to continue the public hearing to a future Town Council meeting to allow time for all parties to get together on the location of the new utility pole and Councilor Shanahan seconded.

Discussion: Councilor Leary asked for an updated sketch of the site, drawn up to scale.

Councilor DiFazio asked if they could wait until September, which appeared to be their next scheduled meeting, but President Lacey interjected that he expected they would be meeting sooner due to action by the Council for the Air Base.

President Lacey asked the applicant to take the time to meet with the neighbors and to try to come up with a solution.

Ms. Savage/property owner asked to speak next, informing members that in order to start construction in March, she and her husband have already had to make compromises. She said that wires could go to the corner of the lot on Route 18 and across the street. Since there wasn't a scheduled public hearing, the Savages asked for a temporary pole, adding it is in the sight line of her elderly mother when she exits the property. She stated that she felt strongly that the pole had to be moved - and acknowledged that the residents had some legitimate concerns. Lastly, she wanted to note that she was told they weren't supposed to hang wires across her air space without her authorization, but this was done anyway. She also wanted the members to know that she would be most appreciative if they could act on this petition in a timely manner, so that when her landscaper finishes work at their site in the fall, he wouldn't have to return to correct any damage that may take place from the pole relocation.

Mr. Yepaz wanted to point out that back in 1998 they received the necessary approvals for the work.

Lisa Mallette, 125 Ft. Point Road commented that the area was a mess and wanted members to note that she was in favor of meeting to come up with a compromise. She told the Council that about 15 children play in this area and she had safety concerns. She felt if the pole was moved back, it would be the best situation for all.

Mr. John Malone, 11 Birch Road spoke, stating that eventually they would be needing a transformer there, which would be another concern for the future.

Mr. Yepaz agreed to meet with the neighbors, adding that they are looking to get rid of poles in backyards. He said that he would need to verify that their permits are still viable.

President Lacey asked if he would have this information by July 25th as that would be the date of the next meeting and he said he would.

Councilor McPherson pointed out that the DPW would need to comment on it too.

Councilor Leary wanted to remind Mr. Yepaz about sending along the updated utility pole list and once again he agreed to do this.

President Lacey accepted Councilor Connolly's motion.

UNANIMOUSLY VOTED

Old Business

A MOTION was made by Councilor Smart to take up all Old Business at the close of the meeting and was seconded by Councilor Molisse and UNANIMOUSLY VOTED.

Communication from Mayor, Town Officers and Town Boards**05 090 - Precious Metal Ordinance**

A MOTION was made by Councilor Smart to REFER Measure #05 087 to the Ordinance Committee and was seconded by Councilor Kay and UNANIMOUSLY VOTED.

05 092 - Reserve Fund Transfer-Arthur J. Bilodeau Treatment - Plant Emergency-\$150,000

CFO Wilson came before the Council stating that Mayor Madden was seeking the Council's approval of a Reserve Fund Transfer in the amount of \$150,000 for work done on an emergency basis at the Arthur Bilodeau Water Treatment plant. He went on to say that as the Town Council was aware on June 12, 2005 the building had flooded due to the recent heavy rains and that they experienced a power failure, which forced them to bring the plant off line. On June 13th an Emergency Order was signed by the Mayor for the purpose of taking care of the repairs that needed to be done without time to obtain Town Council approval. He told members that this work was imperative in order to get the plant up and running because of the recent run of hot/humid weather.

Mr. Wilson went on to say that last Friday they incurred \$123,000 in bills due to the power failure. He said that the money would come from the Water Enterprise Fund. He also noted that these bills were incurred in FY05 and must be paid for in FY05 or by Friday, July 8th. If not, they couldn't be paid until the fall.

Councilor Mathews asked if there was any warranty on the work that was done, pointing out that the affected parts were fairly new - approximately two years old.

Mr. Wilson responded that because of the electrical failure between the two plants, it was considered to be an extraordinary event and not covered.

Councilor Kay asked if there were any operators on duty at the time of the power failure and Mr. Wilson said there weren't.

Councilor Smart had some technical questions regarding the system, but Mr. Wilson said he didn't have the expertise to answer them.

Councilor McPherson pointed out that a lot of money had been expended in this area with Mr. Wilson informing him that they were presently in Phase 4.

A MOTION was made by Councilor Leary to approve measure 05 092 in the amount of \$150,000 and was seconded by Councilor Molisse and UNANIMOUSLY VOTED.

05 093 - Reserve Fund Transfer-Traffic Supervisors Collective - Bargaining Agreement-\$4,215.13

CFO Wilson told members that Mayor Madden was requesting this measure be submitted to the Budget/Management Committee for consideration, but before doing so he wanted to make one amendment - that the fiscal year noted in the measure be changed from FY05 to FY06.

A MOTION was made by Councilor Smart to REFER measure #05 093, as amended, to the Budget/Management Committee and was seconded by Councilor Kay and UNANIMOUSLY VOTED.

Health Department/Weymouth Youth Coalition - Patty Henley - Substance Abuse Prevention Programs

It was announced that this presentation would be on the agenda at a future date.

Reports of Committees**Budget/Management Committee - Chairman DiFazio****05 051 - Town Auditor Employment Contract**

Councilor DiFazio stated that this matter was first discussed on March 8, 2005 and again on April 4th and 14th, at which time it was assigned Measure #05 051 and referred to the Budget/Management Committee. On June 20, 2005 a Budget/Management meeting was held and a motion was made to redraft the Agreement to include comments drafted by Councilor McPherson and then to forward the Agreement to the Town Solicitor Lane and CFO Wilson for their comments. This evening, July 5, 2005, the committee voted unanimously to recommend Favorable Action to the full Town Council to adopt the Town Auditor's Employment Contract/Agreement with the Town Auditor being in agreement.

A MOTION was made by Councilor DiFazio on behalf of the Budget/Management Committee to recommend Favorable Action on Measure #05 051 and was seconded by Councilor Smart and UNANIMOUSLY VOTED.

05 085 - Reclassification of Town Clerk Position

Councilor DiFazio stated that Measure 05 085 was referred to the Budget/Management Committee on June 20, 2005 and a meeting was held on July 5, 2005 at which time Denise Coleman/Human Resources Director presented her report and recommendations to the members on the reclassification of the Town Clerk's position. She said it was her recommendation that the Town Clerk's position be raised from Grade 13 to Grade 16 based on internal/external equity comparisons. She further based this recommendation on a Human Resources formula as well as comparisons to other municipalities. The total cost to upgrade this position for FY05/FY06 would be \$995.30.

A MOTION was made by Councilor DiFazio on behalf of the Budget/Management Committee of Favorable Action on Measure 05 085/Reclassification of the Town Clerk's position - but not funded and seconded by Councilor Smart and UNANIMOUSLY VOTED.

05 082 - Appropriation Request - \$40,000 - Fuel Depot

Councilor DiFazio stated that Measure 05 082/Appropriation Request in the amount of \$40,000 for the Fuel Depot was referred to the Budget/Management Committee on June 6, 2005 and a meeting was held on June 20th, 2005 with a publication on June 25, 2005 with the committee unanimously voting to recommend to the full Town Council Favorable Action on Measure 05 082.

A MOTION was made by Councilor DiFazio on behalf of the Budget/Management Committee of Favorable Action on Measure 05 082 for the Town of Weymouth to raise and appropriate \$40,000 from Free Cash to pay for FY05 fuel costs and seconded by Councilor Smart.

Discussion: Councilor McPherson told members that CFO Wilson informed them that there had been an increase in fuel costs from FY04-FY05 of 20% and it is now estimated that costs will increase another 40% for FY05-FY06. At this point it has been decided to top off the tank at the lower cost because it was viewed as a prudent move, but he wanted the Councilors to be aware that additional funding would be needed for this line item in the coming year.

President Lacey accepted Councilor DiFazio's motion.
UNANIMOUSLY VOTED

05 086-Reserve Fund Transfer-\$120.00 - Scholarship Committee

Councilor DiFazio informed members that Measure 05 086 was referred to the Budget/Management Committee on June 20, 2005 and at their July 5, 2005 meeting the committee voted unanimously to recommend Favorable Action to the full Town Council for a Reserve Fund Transfer in the amount of \$120.00 to pay for an increase in accounting fees for the filing of mandated state and federal forms for FY05.

A MOTION was made by Councilor DiFazio on behalf of the Budget/Management Committee of Favorable Action on Measure 05 086 to approve a Reserve Fund Transfer in the amount of \$120.00 and seconded by Councilor Smart and UNANIMOUSLY VOTED.

05 087-Reappropriation Request-\$400,000-Sewer Contract #1

Councilor DiFazio stated that measure 05 087 was referred to the Budget/Management Committee on June 20, 2005 and on July 5, 2005 members unanimously voted to recommend Favorable Action to the full Town Council that the Town of Weymouth reappropriate \$400,000 from Fund 3226/Contract #4 to Fund 3224/Contract #1 for the purpose of fully funding Contract #1 as bids came in substantially higher than anticipated.

A MOTION was made by Councilor DiFazio, on behalf of the Budget/Management Committee for Favorable Action on Measure 05 087 to reappropriate the amount of \$400,000 from Fund 3226/Contract #4 to Fund 3224/Contract #1 and was seconded by Councilor Smart.

Discussion: Councilor DiFazio referred to the backup information on this request, explaining that Sewer Contract #4 came in \$800,000 lower than expected, so there was more than enough funds available to fund this transfer to Sewer Contract #1.

President Lacey accepted Councilor DiFazio's motion.
UNANIMOUSLY VOTED

05 088-Reappropriation Request-\$16,500-Polling Places Rehabilitation

Councilor DiFazio told members that this measure was referred to the Budget/Management Committee on June 20, 2005 and on July 5, 2005 members unanimously voted to recommend Favorable Action to the full Town Council that the Town of Weymouth reappropriate \$16,500 for the rehabilitation of polling places (not to include the Fulton School) from Fund 3119/Academy Avenue Reconstruction to Fund 0002 with the remaining costs for the improvements to be charged to Fund 5211 (Commission on Disabilities) - for extraordinary and necessary repairs as identified by the Secretary of State as not being in compliance with handicapped accessibility.

A MOTION was made by Councilor DiFazio to reappropriate \$16,500 from Fund 3119/Academy Avenue Restoration to Fund 0002 for extraordinary and necessary repairs to the Town's polling places as outlined by the Secretary of State and was seconded by Councilor Kay.

Discussion: Councilor Leary asked if the polling places would be ready for the primaries in September and Councilor DiFazio said he was told they would be by Mr. Wilson and he supplied documentation on the \$73,000 in work to be done, noting that the Fulton School would not be included so that the total sum for the work is smaller. He also wanted to caution the Council that the list does not cover all of the items the Town Clerk wanted to see addressed, but only what was absolutely necessary.

Councilor McPherson wanted to advise the Council members that they were doing everything required to comply with the state.

Councilor Kay recommended the full Town Council meet with the Town Clerk to address all his needs, or if better suited, a subcommittee appointed by the President.

President Lacey said that he would request Frank Fryer/Town Clerk to come before them with his plan and at that point it would be determined if they need the full Town Council or a subcommittee to deal with it.

President Lacey accepted Councilor DiFazio's motion.

UNANIMOUSLY VOTED

New Business

Councilor McPherson said he would like the Town Council to consider if they would like the Ordinance Committee to look into changing the Charter prior to the 10-year expiration date. He would like to see the time limit changed with regard to the School Department budget process.

A MOTION was made by Councilor McPherson to add this item to the agenda and was seconded by Councilor Kay and UNANIMOUSLY VOTED.

A MOTION was made by Councilor McPherson to REFER this new measure to look into the Town Charter to the Ordinance Committee - to look into changing the date/time limit required for the School Committee to submit their budget to the Town Council with a response in time for the November elections and was seconded by Councilor Kay.

Discussion: Councilor Smart asked Town Solicitor Lane about this process and Atty. Lane told him that they began researching this procedure about three months ago, but added he would follow up for the Council with a report to the committee.

President Lacey accepted Councilor McPherson's motion.

UNANIMOUSLY VOTED

It was also agreed that Councilor McPherson would supply something in writing regarding this request.

Motions, Orders and Resolutions

Rule 24-Vote to Suspend Council Meetings before Months of July and August

A MOTION was made by Councilor Smart to suspend the Town Council's regular meeting schedule for the summer months of July and August with regard to Rule 24 and was seconded by Councilor Leary.

Discussion: Councilor Kay asked about holding Special Meetings during the summer months.

Councilor Smart asked if the Councilors would continue to hold their regular meetings and deal with their constituents and President Lacey confirmed that they would - and that any special meetings would be dealt with if the need arises.

OLD BUSINESS

TIF De-certification Process Update - Councilor Leary

President Lacey wanted to acknowledge all of Councilor Leary's work on their behalf, adding he did a great job representing them. It was noted that they made two lengthy visits to the City of Boston with regard to the De-Certification process.

Councilor Leary told members that three trips were made to address the Decertification Process, which included a trip to the Transportation Building and two trips to the McCormick Building/EACC. He said while they were there they tried to renegotiate, adding that the Auditor wrote a letter explaining the process. Then on 6/28/05 they went into the city again and it was favorably voted to decertify and decertify the CIPS (under Chapter 29B). He was expecting a motion tonight on this matter with a date of 6/30/05 (end of FY05).

Again President Lacey thanked Mr. Leary for his time and effort.

05 - 091 - TIF Revocation - Councilor Leary

President Lacey next addressed continuation of this work, required to complete the process of TIP, referring to the context of the documents in the Councilor's packets. He spoke about terminating the TIP arrangement/Libbey.

A MOTION was made by Councilor Smart to reconsider Measure 05 091 and was seconded by Councilor Kay.

Discussion: Councilor McPherson wanted to note that he disagreed with '29B'.

President Lacey accepted Councilor Smart's motion.

UNANIMOUSLY VOTED

A MOTION was made by Councilor Smart to approve measure 05 091 with regard to Libbey Park, etc.

Discussion: Councilor Kay pointed out that it saved Weymouth \$70,000, with thanks given to Councilor Leary and Richard Swanson.

President Lacey noted that the funding has huge fiscal impacts and would prove to be a great savings for next year.

Councilor McPherson did not agree.

A roll call vote was taken:

Councilor Connolly - Yes	Councilor McPherson - No
Councilor DiFazio - Yes	Councilor Molisse - Yes
Councilor Hargadon - Yes	Councilor Shanahan - Yes
Councilor Kay - Yes	Councilor Smart - Yes
Councilor Leary - Opposed	Councilor Lacey - Yes
Councilor Mathews - Yes	

The MOTION was SO VOTED (10/1, Councilor McPherson Opposed)

Planning Dept. Report on Zoning for Naval Air Station - Councilor Leary

Next President Lacey referred to the zoning information from the Planning staff in the members' packets, which he commented was very detailed, interesting and helpful.

Councilor McPherson noted that they were scheduled to vote on July 25th on the Base, asking if the members would be debating the issue that night, with the President responding he would like to address it tonight as well as on July 25th. He emphasized that the Town Council would need 100% attendance that night.

Councilor Leary said the date was okay with him, but asked if there would be any more public hearings on the Base and President Lacey responded 'no' but he added he would consider scheduling one if requested. He stated that they have a 90-day timeline, adding he didn't consider the 7/25/05 meeting to be an 'information-sharing' meeting.

Councilor McPherson asked if Tri-Town Corporation would be present and President Lacey responded that he was sure they would be but he would let them know it was not a public hearing.

Councilor McPherson felt it would be prudent to schedule a 7/26/05 meeting just in case something unexpected came up, then if it wasn't needed they could cancel it.

President Lacey felt it was a good point, adding they have some leeway with an August 5, 2005 deadline.

Councilor Kay stated that she would be on vacation then.

Councilor Leary noted that an affirmative vote would require a 2/3 vote (8 votes) of the Town Council - clarifying not 2/3 of the members present but of the full Council.

Councilor Mathews stated that the Town Council still needs to meet for the purpose of discussing mitigation.

President Lacey told him they would determine that after the next agenda item.

EXECUTIVE SESSION

At 9:12 PM a MOTION was made by Councilor Smart to go into EXECUTIVE SESSION for the purpose of considering the value of the real property involved in the transfer and development of the South Weymouth Naval Air Station and to reconvene in open session for the purpose of adjournment in that such discussion may have a detrimental effect on the negotiating position of the Town Council relating thereto and was seconded by Councilor Kay and was UNANIMOUSLY VOTED. The roll call vote was as follows:

Councilor Connolly - Yes
Councilor DiFazio - Yes
Councilor Hargadon - Yes
Councilor Kay - Yes
Councilor - Yes
Councilor Mathews - Yes

Councilor McPherson - Yes
Councilor Molisse - Yes
Councilor Shanahan - Yes
Councilor Smart - Yes
Councilor Lacey - Yes

EXECUTIVE SESSION MINUTES WILL BE RELEASED AT A FUTURE DATE.

ADJOURNMENT

At 11:10 PM the committee returned to Open Session with no further business to be conducted,

A MOTION was made by Councilor Hargadon to ADJOURN and was seconded by Councilor Molisse and UNANIMOUSLY VOTED.

Approved by: _____
Thomas J. Lacey, President