

**MINUTES OF THE
TOWN COUNCIL
JULY 26, 2004**

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

OTHERS: Frank Fryer, Jane Hackett, James Wilson and Solicitor George Lane

President Lacey called the special meeting to order at 7:30 PM.

ANNOUNCEMENTS

Councilor McPherson announced that he would like for the South Shore Tri-Town Weymouth representatives to be invited to a future meeting for an update.

Councilor Kay reminded the Councilors that she started a column in the Weymouth News called the "Council Corner" and they may contact her to publish news.

APPROVAL OF PRIOR MINUTES

Councilor Smart MOTIONED to approve the meeting minutes of June 7, 2004. Councilor Mathews seconded. UNANIMOUSLY VOTED

Councilor Smart MOTIONED to approve the meeting minutes of June 21, 2004. Councilor Mathews seconded. UNANIMOUSLY VOTED

Councilor Smart MOTIONED to approve the meeting minutes of May 25, 2004. Councilor Mathews seconded. SO VOTED (8-1 Councilor Kay abstained)

Councilor Smart MOTIONED to approve the meeting minutes of the Economic Development Committee for their meeting of June 14, 2004. Councilor Kay seconded. UNANIMOUSLY VOTED

COMMUNICATION FROM MAYOR, TOWN OFFICERS & TOWN BOARDS

04 168 – Easement Request at 417 Front Street (Murphy School)

Mrs. Hackett stated the measure was submitted to the Town Council for an approval of an easement for the purpose of providing electricity facilities access to the Murphy School, 417 Front Street. They are hoping for the update to be complete prior to opening the school for the new season.

Councilor Leary MOTIONED for the measure be approved upon under section 2-9 (b) of the Charter. Councilor Kay seconded for purposes of discussion.

Councilor Kay voiced her concern that due to the fact that the request involves an easement that it should be approved through a public hearing process. She questioned whether the matter required to be advertised.

Mrs. Hackett replied that Solicitor Lane had reviewed the request and had determined that no such hearing/advertisement was statutorily required and there was no past precedence.

Councilor Kay stated under section 2-206 of the Code it refers to easements and public notification.

Solicitor Lane replied he reviewed the application and had determined under the General Laws under the statute of Chapter 166 there was no such requirement. Section 2-206 of the Code is non-applicable under this circumstance. The easement is being granted solely for electrical purposes; it is not being conveyed.

Mr. Thomas Slattery, Director of School Maintenance, came forward and stated he had been dealing with Mass Electric and they are in need of an easement to install the handicap elevator at the Murphy School. He asked for the matter to be expedited as soon as possible. Mass Electric is not charging a fee to the Town so that is the reason for the different process of approval. This is a cost savings to the Town in the amount of tens of thousands of dollars.

Councilor Smart questioned the urgency of the matter before the Council stating the project had been in the works.

Mr. Slattery replied the project began in April and the urgency of the matter is to have the elevator up and running for the start of the school year.

Councilor Kay voiced her concern that if the approval is voted under 2-9 (b) that the residential abutters wouldn't be notified.

Mr. Slattery stated there are three direct abutters.

Councilor DiFazio agreed that the abutters should be notified of the project.

Solicitor Lane agreed that abutters had been notified in the past for certain utility applications.

President Lacey entertained a motion for the matter to be tabled for further review by Solicitor Lane as to whether abutter notification was necessary.

Councilor Kay MOTIONED to table the item to discuss it further later in the evening. Councilor Smart seconded. UNANIMOUSLY VOTED

04 169 – Appropriation Request of \$1.1 Million for Lower Central/Old Swamp River I/I Construction

Mrs. Hackett stated the Mayor requests the approval of the following measure, "That the Town of Weymouth appropriate the sum of \$1,100,000 for the purpose of planning, construction and reconstruction of sewers, sewer systems and sewerage disposal facilities, consisting of infiltration/inflow improvements, including without limitation of all costs thereof; and to meet this appropriation the Treasurer with the approval of the Mayor is authorized to borrow \$1,100,000 and issue bonds or notes therefore under Chapter 44 of the General Laws: that such bonds or notes shall be general obligations of the Town; and that the Mayor is authorized to expend all funds available for the project and to take any other action necessary to carry out the project.

Mrs. Hackett stated the project is #24 on the Capital Improvement Plan. The project is ready to go. The Town Council published the measure for public hearing scheduled for their meeting of August 2, 2004.

Councilor Smart MOTIONED to refer measure 04 169 to the Budget Management Committee. Councilor Mathews seconded.

Councilor McPherson questioned if the Committee members would be provided materials on the project.

Mrs. Hackett responded that information was previously provided and nothing has changed.

President Lacey stated there was a MOTION before the body. UNANIMOUSLY VOTED

04 170 – Appropriation Request of \$1.6 Million for Southeast Landing I/I Construction

Mrs. Hackett stated the Mayor submits the measure for consideration, "That the Town of Weymouth appropriate the sum of \$1,600,000 for the purpose of planning, construction and reconstruction of sewers, sewer systems and sewerage disposal facilities, consisting of infiltration/inflow improvements, including without limitation all costs thereof; and to meet this appropriation the Treasurer with the approval of the Mayor is authorized to borrow \$1,600,000 and issue bonds or notes therefore under Chapter 44 of the General Laws: that such bonds or notes shall be general obligations of the Town;' and that the Mayor is authorized to expend all funds available for the project and to take any other action necessary to carry out the project.

Mrs. Hackett stated the project is #25 on the Capital Improvement Plan. Nothing has changed with the project except for the projected cost. The Mayor requests referral of the measure to the Budget Management Committee.

Councilor Smart MOTIONED to refer measure 04 170 to the Budget Management Committee. Councilor Leary seconded. UNANIMOUSLY VOTED

Councilor Smart stated the measure has been advertised for a public hearing to be held on August 2, 2004.

04 171 – Conservation Fund Authorization for Expenditure

Mrs. Hackett stated the measure should have been submitted previously with the Fiscal Year 2005 budget. The Mayor requests that the measure is referred to the Budget Management Committee.

Councilor Smart MOTIONED to refer measure 04 171 to the Budget Management Committee.
Councilor Leary seconded. UNANIMOUSLY VOTED

NEW BUSINESS

04 172 – Call of the State Primary on 9/14/04

President Lacey announced that the Town of Weymouth will hold a State Primary Election on September 14, 2004.

Councilor Smart MOTIONED to approve measure 04 172 under section 2-9(b) of the Charter.
Councilor Mathews seconded. UNANIMOUSLY VOTED

**COMMUNICATION FROM MAYOR, TOWN OFFICERS & TOWN BOARDS
(CONTINUED)**

04 168 - Easement Request at 417 Front Street (Murphy School)

Solicitor Lane stated after hearing a concern of the Town Council earlier he reviewed the statute and code pertaining to the request. As the abutters have been notified in the past for utility requests he would suggest that the abutters to the Front Street property be given a seven day notice. The requirements of the Code does not apply, therefore an advertisement is not required.

Councilor Smart MOTIONED to refer measure 04 168 to the Budget Management Committee.
Councilor McPherson seconded. UNANIMOUSLY VOTED

President Lacey stated the matter will be scheduled for a public hearing on a future agenda of the Town Council and will be taken up by the Budget Management Committee on Wednesday.

ADJOURNMENT

Councilor Smart MOTIONED to adjourn the meeting at 8:05 PM. Councilor Mathews seconded.
UNANIMOUSLY VOTED

Respectfully submitted by Lisa VanWinkle, Recording Secretary