

**MINUTES OF THE TOWN COUNCIL**  
**Town Hall Council Chambers**  
**September 19, 2005**

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

Not Present: Colin McPherson

Also Present: George Lane, Town Solicitor  
Franklin Fryer, Town Clerk  
Richard Swanson, Town Auditor  
Jane Hackett, Chief of Staff

Recording Secretary: Janet Murray

President Lacey called the Town Councilor Meeting to order at 7:30pm.

**ANNOUNCEMENTS**

Councilor Smart stated that the Citizen's Advisory Committee (CAC) for the Naval Air Station will meet this Wednesday, 09/21/05.

Councilor Molisse stated that there is a meeting on Tuesday, 09/20/05, of the Redevelopment Authority (RDA) regarding the improvements to Echo Avenue.

Councilor Leary commended Bob Mattsson for placing a banner in the foyer outside of the Council Office, remembering 9/11.

Councilor Leary stated that there will be a Candidates night this Thursday, 09/22/05.

Councilor DiFazio added that the Candidates night will be held at the Sons of Italy Hall in East Weymouth. District Councilors, At-Large Councilors, and School Committee Candidates have been invited to attend. There will be a social hour at 6:30pm, with the program starting at 7:00pm.

## MINUTES

### **Special Town Council – 7/25/05 – Tabled from 9/6/05**

A MOTION was made by Councilor Smart to APPROVE, as amended, the minutes from the Special Town Council meeting and was seconded by Councilor Kay and UNANIMOUSLY VOTED.

### **CITIZEN'S CONCERN/COUNCIL RESPONSE**

Councilor Kay made a MOTION to TAKE OUT OF ORDER the Citation Presentation to the South Weymouth Wildcats and was seconded by Councilor Mathews and UNANIMOUSLY VOTED.

Citation Presentation- South Weymouth Wildcats-Cal Ripken United States Northeast Regional Champions -Councilor Lacey/Councilor Smart

The South Weymouth Wildcats won the Cal Ripken United States Northeast Regional Championship. The boys on the team are nine-years old. The Council applauded this feat. Council President Lacey read a citation to the team's Coaches. Citations were handed out to each player in recognition of their accomplishment.

#### David Wight

Mr. Wight appeared before the Town Council to express his concern regarding his non-reappointment to the Board of Assessors. He noted that he has served on the Board as both an elected and an appointed official. He also noted that he has been the Chairperson for the past two years.

He informed the Council that he was concerned about the way in which he was informed of his non-reappointment and that although his appointment had expired in June, he had continued to serve on the Board, under the assumption that he was still a member. He stated that the Mayor notified him that he would not be reappointed several weeks ago. In the letter, the Mayor stated that it was time to allow others to participate.

#### Gary Peters

Mr. Peters appeared before the Town Council to express his concern regarding his non-reappointment to the Board of Health. Mr. Peters also expressed his concern regarding how he was notified of his non-reappointment. He had also been attending meetings since his term expired in June. He noted that the Mayor did not personally notify him.

Citation Presentation-Robert Lundquist-South Shore Tri-Town Development Corporation Board Member -Councilor Lacey

Councilor Lacey presented Robert Lundquist a citation from the Town Council for his service to the Town of Weymouth while he served on the Tri-Town Development Corporation Board. The Council applauded his service.

Proclamation Presentation-Robert Lundquist - From the Office of Congressman Delahunt-Councilor Smart

Councilor Smart presented Robert Lundquist a citation for his service to the Town of Weymouth from the Office of Congressman Delahunt.

Citation Presentation – Robert Lundquist - From the Office of Senator Hedlund

A representative from Senator Hedlund's office presented Mr. Lundquist with a citation for his service to the Town of Weymouth.

**PUBLIC HEARINGS**

05 098 - Massachusetts Electric/Verizon Petition-Essex Street

- continued from September 6, 2005
- petition withdrawn by Massachusetts Electric

Councilor Smart made a MOTION to OPEN the Public Hearing on Item #05 098 and was seconded by Councilor Mathews and UNANIMOUSLY VOTED.

This request has been withdrawn by Massachusetts Electric.

Councilor Lacey asked if there was anyone in the audience who may have come out this evening to discuss this matter. There was no response.

A MOTION was made by Councilor Smart to CLOSE the Public Hearing on Item #05 098 and was seconded by Councilor Hargadon and UNANIMOUSLY VOTED.

**OLD BUSINESS**

Community Preservation Act- Informational Forum

*-Dorrie Pizzella-Executive Director of the Community Preservation Coalition*

Ms. Pizzella gave an overview of the Community Preservation Act (CPA). She noted that the Town will vote on this act during the 11/8/05 elections.

She stated that the CPA would be overseen by a Board comprised of five (5) appointed members, and up to five (5) additional appointed "at-large" members.

Ms. Pizzella also stated that after five (5) years the CPA can be revoked by a vote of the Town Council and a vote at a Town election.

In discussing the funding for this Act, Ms. Pizzella stated that there is currently money in place through 2009 to fund the CPA at 100%.

Councilor Leary asked if the Town can save the money from year to year. Ms. Pizzella noted that this is acceptable.

Councilor Mathews asked about the availability of this information on the internet. Ms. Pizzella stated the website is [www.communitypreservation.org](http://www.communitypreservation.org).

Councilor Mathews requested a copy of tonight's presentation.

Councilor DiFazio noted that a home selling for \$319,000 would pay a fee of \$19.00. He noted that there are no exemptions on average home sales. However, the Chapter 59 exemptions stay in place, as well as a low income, and senior (+60) exemption.

Councilor Kay stated that the Weymouth Conservation Commission endorsed the CPA.

Councilor Hargadon stated that this is a tax increase with the benefit of matching funds from the State.

## **COMMUNICATION FROM MAYOR, TOWN OFFICERS, AND TOWN BOARDS**

Monitoring Requirements for Town Drinking Water -*Brad Hayes-Town of Weymouth Water and Sewer Superintendent*

Brad Hayes was called away and was not available to speak to this matter. It will be discussed at a future Council Meeting.

### **05 136 - School Non-Union 3% Raises for FY 06-Free Cash**

A MOTION was made by Councilor Smart to REFER Item #05 136 to the Budget/Management Committee and was seconded by Councilor Kay and UNANIMOUSLY VOTED.

### **05 137 - Appointment to the Youth Coalition-Patricia Henley**

A MOTION was made by Councilor Smart to REFER Item # 05 137 to the Budget/Management Committee and was seconded by Councilor Hargadon and UNANIMOUSLY VOTED.

### **05 138 - Appointment to the Youth Coalition-Sharon McManus**

A MOTION was made by Councilor Smart to REFER Item #05 138 to the Budget/Management Committee and was seconded by Councilor Hargadon and UNANIMOUSLY VOTED.

## **REPORTS OF COMMITTEES**

### **Budget/Management Committee-*Chairman DiFazio***

A MOTION was made by Councilor DiFazio to take Item # 05 129, 05 131, and 05 132 at the end of the Committee's agenda and was seconded by Councilor Kay and UNANIMOUSLY VOTED.

#### **05 129-Appointment-Board of Assessors - Jill Reddish**

This item was referred to Budget/Management on 9/6/05. A meeting was held on 9/15/05 which was continued to 9/19/05. Councilor DiFazio stated that the Committee voted UNANIMOUSLY to recommend NO ACTION.

Councilor DiFazio made a MOTION for NO ACTION on Item #05 129 and was seconded by Councilor Kay.

Councilor Hargadon questioned if a vote for no action requires a 2/3 vote. Councilor Lacey stated that a no action vote only requires a majority vote.

Councilor Hargadon made a SUBSTITUTE MOTION to APPROVE Item #05 129 and was seconded by Councilor Connolly.

Councilor DiFazio stated that Item #05 129, 05 131, and 05 132 noted that each of these items involves the appointment to Boards to replace existing members who are presently on the Board and would like to remain on the Board. He also noted that testimony was received from the individuals who would like to continue to serve.

Councilor DiFazio questioned Solicitor Lane if the existing member would continue to serve if the new member's appointment is not approved. Solicitor Lane stated that the existing member would continue to serve until a successor is named.

Also, Councilor DiFazio noted that Section 3-102 of the Charter states that the Appointing Authority shall annually evaluate all persons subject to reappointment. At the Budget/Management Committee, no written evaluations were provided.

Councilor DiFazio stated that he has concerns with regards to this vote. Irrespective of the qualifications of Ms. Reddish, as she appears to be qualified for this position, Councilor DiFazio stated that a process has taken place by Administration that does not indicate fundamental fairness to Mr. Wight and even more egregiously, Mr. Peters, which he will discuss later in the evening. He noted that another individual, this evening, was, deservedly, presented with proclamations and thanks for a job well done serving the town. Yet, here we have an instance where, for no disclosed reason, a long time Board member is not being reappointed.

Councilor DiFazio stated that he believed that the Council should ask the Mayor why Mr. Wight was not reappointed.

Councilor Kay expressed concern regarding the process that has taken place on this matter. She reminded the Council that on 5/29/02, Item # 02 075 came to Council from the Mayor for the reappointment of Mr. Wight. On 6/3/02 the Council approved that reappointment. She noted that she had heard nothing to the detriment of that appointment. She questioned why there is a vacancy being created. She noted that there is check and balance between the Mayor's appointment and the Council's appointment. She stated that she believes that the Mayor should reevaluate this process, as it was handled for this appointment.

Councilor Hargadon stated that he agrees that this process is flawed. He stated that he had conversations with the Mayor this weekend. He asked the Mayor if the Council does not appoint the new members, would he reappoint Mr. Wight. The Mayor replied that he would not, that he would submit two new names. Councilor Hargadon stated that he disagrees with the Mayor. However, he stated that he thinks it is time to move on.

Councilor Connolly agreed that the process is flawed. He noted that two fine candidates have been caught in the cross-fire. He stated that in his conversations with the Mayor this weekend, he believes that this situation will not happen again. He agreed that this situation should not have happened, but it is the Mayor's privilege to appoint members. He stated that the process that allowed what happened this past week should be corrected. Ultimately, he noted, the Council needs to move forward.

Councilor Smart stated that he believes that the reason why the positions are open is because the process is flawed. He thinks that this sends a wrong message to other residents of the Town who serve on these Boards, that at any time they could not be reappointed with a form letter or no notice at all. He believes that if the Council votes this item, it indicates that the Council agrees with the process.

Councilor Leary stated that he had recommended the No Action vote. He stated that the Charter does give the Council the right to approve the Mayor's appointments and that the Council does not just vote for whomever the Mayor submits. He noted that he would abstain from voting.

Councilor Shanahan stated that he intends to abstain from voting also. He stated that his reason is not in opposition to the Mayor's appointees or in dispute of the Mayor's right to appoint. Due to procedural circumstances this vote would seem to pit the new appointees against the former appointees who would like to remain on their respective Boards.

Councilor DiFazio stated that a vote of No Action or to Abstain, is in essence a yes vote, as eight (8) votes are needed to decline an appointment. He noted that the Council will meet again on 10/3/05, which is prior to the 30 day period- at which time the appointment is automatically approved. He believes that this two week period should be used to give the Mayor time commend these people for their service, and also, to come before the Council and explain why the individuals were not reappointed.

Councilor Lacey reminded the Council that a vote of No Action is automatically approved in 30 days, if no further action is taken. He also reminded the Council that in order to decline an

appointment a 2/3 vote is required. He stated that there is clearly a communication issue with people who are serving the Town.

The SUBSTITUTE MOTION to APPROVE Item #05 129 was APPROVED on a 5-5.

Councilor Connolly – Yes  
Councilor Hargadon – Yes  
Councilor Leary – No  
Councilor Molisse – Yes  
Councilor Smart – No  
Councilor McPherson – Absent

Councilor DiFazio – No  
Councilor Kay – No  
Councilor Mathews – Yes  
Councilor Shanahan – No  
Councilor Lacey – Yes

It was noted that in order to decline an appointment, a 2/3 vote is required.

**05 130-Appointment-Board of Elder Services - Jeanette Rose**

Ms. Rose appeared before the Council.

This item was referred to Budget/Management on 9/6/05. A meeting was held on 09/15/05. It was noted that her term expires 6/30/08.

A MOTION was made by Councilor DiFazio for FAVORABLE ACTION on Item #05 130 and was seconded by Councilor Leary and UNANIMOUSLY VOTED.

**05 131 - Appointment-Board of Health - Clare LaMorte**

This item was referred to Budget/Management on 9/6/05. A meeting was held on 9/15/05 which was continued to 9/19/05. The term will expire on 6/30/08.

Councilor DiFazio stated that the Committee voted UNANIMOUSLY to recommend NO ACTION.

Councilor DiFazio made a MOTION for NO ACTION on Item #05 131 and was seconded by Councilor Leary.

A SUBSTITUTE MOTION was made by Councilor Kay to TABLE Item #05 131 until 10/3/05 and was seconded by Councilor DiFazio

Councilor Smart stated that he believed this Item was referred on 8/31/05. The appointment would be approved automatically before that date.

The MOTION failed on a 5-5 vote. (A tie vote fails.)

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

Councilor Hargadon made a SUBSTITUTE MOTION to APPROVE Item #05 131 and was seconded by Councilor Connolly and PASSED on a 7-2 vote with 1 abstention.

Councilor Connolly – Yes	Councilor DiFazio - No
Councilor Hargadon – Yes	Councilor Kay - No
Councilor Leary – Abstain	Councilor Mathews - Yes
Councilor Molisse - Yes	Councilor Shanahan - Yes
Councilor Smart – Yes	Councilor Lacey - Yes
Councilor McPherson - Absent	

**05 132 - Appointment-Board of Health - Bill Rennie**

This item was referred to Budget/Management on 9/6/05. A meeting was held on 9/15/05 which was continued to 9/19/05. The term will expire on 6/30/08.

Councilor DiFazio stated that the Committee voted UNANIMOUSLY to recommend NO ACTION.

A MOTION was made by Councilor DiFazio for NO ACTION on Item #05 132 and was seconded by Councilor Leary.

A SUBSTITUTE MOTION was made by Councilor Connolly to APPROVE Item #05 132 and was seconded by Councilor Hargadon.

Councilor Kay stated that this appointment is to replace an opening created by a resignation. For this reason, she will support this appointment.

Councilor Shanahan stated that he favored tabling the items in order to give the Mayor time to correct the process- but will support the current substitute motion.

Councilor DiFazio stated that he will not vote in favor of this substitute motion for the same reasons that he has previously voted no. He stated that he has provided the Council with a procedure in which it could assert its integrity and give the Administration a week and a half to



correct the process. He believes that members of this Council have chosen not to commend the former appointments.

Councilor Lacey stated that members of this Council have taken this matter seriously and have spoken their opinions. He does not believe that questioning members' integrity is appropriate.

Councilor Connolly questioned Councilor DiFazio, through the Chair, if he was saying that the Council has the opportunity to assert their integrity, meaning that the Council didn't take this issue seriously.

Councilor DiFazio responded that Councilors have said that they want to do something about this and that the process is wrong. He stated that he has given the Council a procedure by which to correct it. He told Councilors that if you say you want to do it, then assert your integrity, and do what you say you want to do and continue it to 10/3/05 or to a Special Meeting. Have the Mayor come and award these people for their service, as well as giving the Council the opportunity to award these people.

Councilor Connolly stated that this is about a difference of opinions and does not involve a person's integrity.

Councilor Hargadon stated that he does not want his integrity questioned. Councilor Lacey stated that this has been addressed.

Councilor Leary stated that he has chosen to abstain because of the flawed procedures and it has nothing to do with the appointees. He stated that to say that it is integrity or hypocrisy, and he believes that there is a little of each, is beside the point.

The Motion PASSED on a 7-1 vote with 2 abstentions.

Councilor Connolly – Yes	Councilor DiFazio - No
Councilor Hargadon – Yes	Councilor Kay - Yes
Councilor Leary – Abstain	Councilor Mathews - Yes
Councilor Molisse - Yes	Councilor Shanahan - Yes
Councilor Smart – Abstain	Councilor Lacey - Yes
Councilor McPherson - Absent	

**05 133 - Appointment-Scholarship Committee - Carol Karlberg**

Ms. Karlberg was not able to be present this evening.

This item was referred to Budget/Management on 9/6/05. A meeting was held on 09/15/05. It was noted that her term expires 6/30/08.

A MOTION was made by Councilor DiFazio for FAVORABLE ACTION on Item #05 133 and was seconded by Councilor Kay and UNANIMOUSLY VOTED.

**05 134 - Appointment-Scholarship Committee - Ginny Snell**

Ms. Snell appeared before the Council.

This item was referred to Budget/Management on 9/6/05. A meeting was held on 09/15/05. It was noted that her term expires 6/30/08.

A MOTION was made by Councilor DiFazio for FAVORABLE ACTION on Item #05 134 and was seconded by Councilor Leary and UNANIMOUSLY VOTED.

**05 135 - Appointment-Veteran's Council - Paul Shinney**

Mr. Shinney was not able to be present this evening.

This item was referred to Budget/Management on 9/6/05. A meeting was held on 09/15/05. It was noted that his term expires 6/30/08.

A MOTION was made by Councilor DiFazio for FAVORABLE ACTION on Item #05 135 and was seconded by Councilor Leary and UNANIMOUSLY VOTED.

**Capital Improvement Plan for Fiscal Year 2006**

The Capital Improvement Plan was referred to the Budget/Management Committee in March of 2005. The Committee met on 9/15/05.

Councilor DiFazio stated that the Budget/Management Committee voted UNANIMOUSLY to ACCEPT the Capital Improvement Plan for Fiscal Year 2006. A Council vote is not required.

**Recission/Supplementation – '06 Budget**

A MOTION was made by Councilor DiFazio to ADD a Late Agenda Item and was seconded by Councilor Kay and UNANIMOUSLY VOTED.

Councilor DiFazio stated that a discussion was held this evening with Administration. This discussion involved whether to rescind or supplement the '06 Budget in order to make changes to the budget. A vote was taken at the end of the discussion, which indicated that the Budget/Management Committee recommends supplementation of the Fiscal Year '06 Budget rather than rescission of the '06 Budget.

***Ordinance Committee-Chairman Leary***

**05 026-Proposed Amendment to Responsible Employer Ordinance (REO)**

Councilor Leary informed the Council that this item was discussed at this evening's Ordinance Committee meeting. He stated that the Committee heard from the proponent of this measure,

Bob Casimiro, and the Town's Solicitor, George Lane. However, the item was continued as there is more information to be gathered.

**05 090-Precious Metal Ordinance**

Councilor Leary stated that this matter was discussed at this evening's Ordinance Committee meeting. Solicitor Lane, Licensing Officer King, and Police Chief Thomas, all had input on this matter. He stated that the Committee voted UNANIMOUSLY to recommend FAVORABLE ACTION, following a favorable Public Hearing. He noted that all changes to ordinances require a Public Hearing.

A MOTION was made by Councilor Leary for FAVORABLE ACTION after a successful Public Hearing on Item #05 090 and was seconded by Councilor Smart

Councilor Lacey asked for clarification on the motion. He questioned if the vote was for Favorable Action prior to a Public Hearing. Councilor Leary stated that the vote is for Favorable Action predicated on a favorable Public Hearing.

Councilor Kay stated that in the past, the Motion has been to come out of Committee referring it to the Council. Then the Public Hearing is held, and the vote on the measure is held after the Public Hearing.

The Motion was amended to reflect Councilor Kay's comment that the vote is not on the approval of the measure.

The Motion was UNANIMOUSLY VOTED.

**05 095-Review of Charter-Timeline for Budget**

Councilor Leary stated that the Ordinance Committee reviewed the timeline for the budget. He noted that Solicitor Lane stated that it could be done, but it may require an act of the Legislature. Solicitor Lane stated that he will gather further information. The Committee voted to continue this item.

Councilor Smart made a MOTION to ACCEPT the report of the Ordinance Committee and was seconded by Councilor Kay and UNANIMOUSLY VOTED.

**New Business**

Councilor Lacey stated that based on Councilor DiFazio's Late Agenda Item, discussed earlier, the following three items require no discussion.

Rescinding of Fiscal Year 2006 Budget:

- Opinion from O'Connor and Drew-Independent Auditors  
*Richard Swanson, Town Auditor*

·Letter from the Department of Revenue (Director of Accounts)

·Letter from Mayor David Madden in Response to the Letter from the Department of Revenue

## **ADJOURNMENT**

At 10:00pm there being no further business, Councilor Leary MOTIONED to adjourn and Councilor Molisse seconded and was UNANIMOUSLY VOTED.

Approved by: \_\_\_\_\_  
Thomas J. Lacey, President