

MINUTES OF THE TOWN COUNCIL
Town Hall Council Chambers
September 20, 2010

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

Not Present: Thomas J.Lacey
 Michael Molisse

Also Present: Franklin Fryer, Town Clerk
 Kathy Deree, Assistant Town Clerk
 Susan Kay, Mayor
 Richard Swanson, Town Auditor
 George Lane, Town Solicitor
 Eric Kinsherf, Interim CFO
 Mary Jo Livingstone, Superintendant of Schools
 Sean Guilfoyle, Chair of the School Committee

Recording Secretary: Mary Briggs

President Mathews called the Town Council Meeting to order at 7:30 PM. Town Clerk Fryer called roll, with two members absent. President Mathews reported that both Councilors Lacey and Molisse were absent due to work commitments.

ANNOUNCEMENTS

Councilor Harrington reported that the WHS varsity football team, which is 2-0 for the current season, will play rival Milton High School and urged everyone to show support for the Wildcats at the home opener on Friday evening.

Councilor DiFazio reported that the East Weymouth Neighborhood Association will meet on September 30, 2010 at Weymouth High School at 7:30 PM. Both he and Council President Mathews will be present to discuss a number of relevant neighborhood issues.

Vice President O'Connor reported that the third annual Great Pumpkin Festival will take place on October 2, 2010 (rain date- October 9, 2010) at Libby Field and the

amphitheater at the Town Hall. He also acknowledged the members in attendance from Boy Scout Troop 2, the oldest organized troop in the Old Colony Council. They were present at the meeting to fulfill a community service badge requirement.

Councilor Smart reported that the Board of Health has issued a statement regarding the suspicious behavior of a fox located on Bradford Road in the Ralph Talbot School district. The animal was caught, quarantined and determined to be rabid. Two members of the police department are undergoing rabies treatment. School officials and abutters were notified and alerted to be vigilant to the possibility of other foxes in the neighborhood.

Councilor Conlon publicly acknowledged the many years of service by recently retired CFO James Wilson who has joined South Shore Tri-town Development as its CFO. He also noted that he is pleased to see repairs underway at the Veterans' Wall at Legion Field.

MINUTES

Executive Session Town Council Meeting, June 7, 2010 (tabled from July 26, 2010)

A MOTION was made by Vice President O'Connor to TAKE the Executive Session minutes of the June 7, 2010 Town Council meeting off the table and was seconded by Councilor Smart. UNANIMOUSLY VOTED, 7/0, with Councilors Pap and Whitaker abstaining.

A MOTION was made by Vice President O'Connor to ACCEPT the Executive Session minutes of the June 7, 2010 Town Council meeting and was seconded by Councilor Smart. UNANIMOUSLY VOTED, 6/0, with Councilors Harrington, Pap and Whitaker abstaining.

PUBLIC HEARING

10 094-National Grid Pole Removal – Pine Circle; action under 2-9(b)

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

Stephen Breton, engineer with National Grid, reviewed the request by a residents of 48 Pine Circle to remove a guy wire which goes through a tree in their front yard. In order to accomplish this, pole #6 needs to be secured. The best way to do this is with a push brace; to install a second pole approximately six feet to the north of pole #6 and leaning into it which will keep it secured. Councilor Whitaker asked if this double pole solution will be temporary. Mr. Breton responded that it will be a permanent fix. All abutters have been notified.

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

A MOTION was made by Vice President O'Connor to CONSIDER under 2-9(b) of the Town Charter and was seconded by Councilor Smart. UNANIMOUSLY VOTED.

A MOTION was made by Vice President O'Connor to APPROVE item 10 094 and was seconded by Councilor Smart. VOTE PASSED 8/1 (Councilor Whitaker – NO).

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

10 102-Zoning Amendment for 203 Middle Street (Map 22, block 291, lot 9)

Mayor Kay and Bob Luongo, Economic Developer, requested the town consider a proposal to amend the zoning for the creation of a Smart Growth Overlay District (MGL Ch. 40R) for the parcel located at 203 Middle Street (the Clapp Memorial Building). Mayor Kay noted this measure did not originate from her office, requesting the Town apply for Smart Overlay Growth for the Clapp Memorial Building. Mr. Luongo noted that the proposal originates from the owner of the property which consists of 2.35 acres of land for a zoning amendment, which would be called the Clapp Memorial Smart Growth Overlay District (CMMSGOD) . An overlay district keeps the underlying zoning (in this case, R-1) and overlays over it a denser zoning development. It's part of an effort by the Commonwealth to create smart growth planning in areas that are close to either business districts or transportation nodes and the idea is to create a denser housing development which would normally be allowed under town zoning. The overlay district is mostly dictated by state law. This proposal would create 38 units of housing, of which 8 will be affordable. There will be a mix of rental and ownership as well as a maximum 7,000 square feet of commercial development (in the Clapp Memorial Building itself). Under 40R law, the town determines the design of the development. Developers are not free to do as they see fit for the project; they will have to follow strict guidelines in the proposed zoning. Specific design guidelines will be adopted in the zoning, which states that the Clapp Memorial Building will have to be restored to its original character, and for the design of the new development in the rear which will be 24 units of attached town housing. The developer is limited by the zoning; the town maintains control of the development. The proposed commercial space is likely to be medical office space and will not be retail space.

Mayor Kay noted that the process recommended by the Planning Board is that an eligibility application be submitted to DHCD. She has satisfied this and DHCD approved the application in June 2009. Before final approval can be granted to the town, it must adopt the Clapp Memorial Smart Growth Overlay District. This zoning must be approved by the Planning Board and the Town Council. If approved by the Council, following a public hearing by the Planning Board, the town will submit the final zoning plan for approval by DHCD. Once approved, the developer will submit an application for approval on the project to the Zoning Board. There are several steps that must be taken. Mayor Kay noted that there are many concerns regarding the Central Square area and improvements.

A MOTION was made by Vice President O'Connor to REFER item 10 102 to the

Ordinance Committee and was seconded by Councilor Smart.

Councilor Whitaker asked if the Council will see plans once this is voted. Mr. Luongo noted that the developer will be required to present plans within the process of the public hearings. The Council will have the opportunity to review said plans. At the request of Vice President O'Connor, Mr. Luongo highlighted the key difference between 40B and 40R development. In 40R, the town will be required to approve both the zoning amendment and the design of the development; the town controls the design of the development, and the affordable housing can be limited to 20%; it can go as high as 40% with 40B. The town will receive mitigation fees. Once approved, it will receive a single \$75,000 payment, and once permitted, the town will receive additional funding from the state. The state will also reimburse the town for the cost to educate each school student residing in the development. There is no state appeals process for the project. This is the first such zoning amendment request for the town.

Councilor Pap noted he will abstain from any vote, including referral to standing committee, to avoid any appearance of conflict of interest as a commissioner with the Weymouth Housing Authority. Councilor DiFazio noted time is of the essence and that there is significant interest by the residents in the East Weymouth neighborhood.

Councilor Smart noted he will coordinate a meeting for the Ordinance Committee and will provide details tomorrow. There was a brief discussion on the length of time that this type of funding has been available and whether it is subject to cuts by the Governor. Mr. Luongo will further research this issue. Based on the type of housing proposed, there doesn't look to be a significant increase in the school aged population.

Councilor Conlon asked what could currently be built on the parcel and Mr. Luongo responded that current zoning could support demolition of the Clapp Building and erecting four single family homes. Councilor Harrington asked what reasons the town has to pursue this at this time. The property is presently owned by a church and as such is not contributing taxes to the town. The property meets the required minimum ten percent threshold for affordable housing units based on the land set aside. Increasing the number of affordable units will help to stave off the prospect of a 40B developer from attempting a project that the town wouldn't support. If the town passes it, it gives total control to the Council. Mayor Kay noted it is also a start towards revitalizing the Central Square neighborhood. Councilor Conlon asked if the church is currently holding services in the building. They have built another church in Hanover, and if they are no longer using this as a house of worship, the question arose as to whether or not this property should be on the tax roll. Mayor Kay responded that she and Mr. Luongo will research this further.

Councilor McDonald noted that the outcome of several prior hearings with the East Weymouth neighborhood was that the concerns raised by those most affected by the development can be mitigated by the developer. Councilor DiFazio noted that approval will require input from the neighbors and residents who have been vocal and urged the public to continue their involvement. The zoning change will require a two thirds vote of the Council and action taken within forty-five days.

VOTED UNANIMOUSLY, with one abstention by Councilor Pap.

10 103-General Government Supplemental Fiscal Year 2011

Mayor Kay introduced interim CFO, Eric Kinsherf, who will be assisting her while the town is conducting a search for a replacement to Jim Wilson. Reporting is presently on target. She requested 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 fiscal year 2011 by re-appropriating the following line items in the following amounts:

<u>Line Item</u>	<u>Description</u>	<u>Original Appropriation</u>	<u>Requested Amount</u>	<u>Variance</u>
<u>State Assessments</u>				
19,100,450.569501	Air Pollution Districts	\$14,524.00	\$14,497.00	(27.00)
19,100,450.569507	MA Area Planning Council	\$16,082.00	\$16,058.00	(24.00)
19,100,450.569508	Special Ed	\$55,080.00	\$52,923.00	(2,157.00)
19,100,450.569510	Mosquito Control	\$91,837.00	\$89,070.00	(2,767.00)
19,100,450.569513	Charter School	\$552,878.00	\$547,482.00	(5,396.00)
11,325,201.573100	Reserve Fund	\$528,646.00	\$539,017.00	10,371.00

Funding source is attached to the measure and incorporated as Exhibit A. Furthermore, that the sum of \$40,000 is appropriated from the Waterways Fund to meet some of the costs of the Harbormaster's Program. It was noted that the bottom line has not changed.

A MOTION was made by Vice President O'Connor to REFER item 10 103 to the Budget/Management Committee and was seconded by Councilor Smart.
UNANIMOUSLY VOTED.

10 104-Reappropriation for Waterways Fund

The Mayor requested an appropriation of \$20,000 from Fund 4901, the Waterways fund. The balance in the waterways fund at the time of this request is \$136,161. Funds were not budgeted, but are for a necessary overhaul of the engine on the vessel Seawatch. This measure requires a public hearing and legal advertisement.

A MOTION was made by Vice President O'Connor to REFER item 10 104 to the Budget/Management Committee and was seconded by Councilor Smart.
UNANIMOUSLY VOTED.

10 105-Reappropriation for Computer Hardware

Mayor Kay requested the Town of Weymouth re-appropriate the sum of \$27,421.86 which represents the balance of several orders to a new line item in Fund 0002 for the specific purpose of purchasing computer hardware/software:

The balance of 02155610 A26 STM 11/99 in the amount of \$22,410.98

The balance of 02155611 A12 STM 11/98 in the amount of \$1,015.88

The balance of 02155753 ORD 05-149 in the amount of \$3,995.00

Each of these balances is from IT orders, the dates of which have expired, and are being requested to be re-appropriated and consolidated into one line item. This does not require a public hearing.

A MOTION was made by Vice President O'Connor to REFER item 10 105 to the Budget/Management Committee and was seconded by Councilor Smart.
UNANIMOUSLY VOTED.

10 106-Statement of Interest-William Seach Primary School; Action requested under 2-9(b)

Mayor Kay noted the next three measures will be presented by the Superintendent and Chair of the School Committee. The school department is requesting an application be submitted to the Massachusetts SBA under the "Green Repair" program. The types of work are restrictive. It requires a vote of the School Committee and Town Council in order for the Superintendent to submit an application, and the entire measure is required to be read into the record. It is not known how the SBA will choose which applications will be selected or when a decision will be known; however a needs assessment review has been completed in the Weymouth Schools and the SBA has a significant amount of information already. The School Committee has previously affirmatively voted the three projects.

A MOTION was made by Vice President O'Connor to CONSIDER item 10 106 under 2-9(b) of the Town Charter and was seconded by Councilor Smart. UNANIMOUSLY VOTED.

A MOTION was made by Vice President O'Connor to APPROVE item 10 106: That having convened in an open meeting on Monday, September 20, 2010, the Town Council of Weymouth, in accordance with its charter, by-laws and ordinances, has voted to authorize the Superintendent to submit to the Massachusetts School Building Authority the Statement of Interest dated September 22, 2010, for the William Seach Primary School located at 770 Middle Street, which describes and explains the following deficiencies and the priority category(s) for which Weymouth may be invited to apply to the Massachusetts School Building Authority in the future:

The district is seeking funding to replace the boilers which are forty-two years old. Replacement would improve efficiency, reduce utility costs, insure non-interrupted service and extend the useful life of the building. The project is identified as Priority

Five, categorized by the School Building Authority as any replacement, renovation or modernization of school facility systems, such as roofs, windows, boilers, heating and ventilation systems, to increase energy conservation and decrease energy related costs in a school facility. It is hereby further specifically acknowledged that by submitting this Statement of Interest, the Massachusetts School Building Authority in no way guarantees the acceptance or approval of an application, the awarding of a grant or any other funding commitment from the Massachusetts School Building Authority, or commits the Town of Weymouth to filing an application for funding with the Massachusetts Building Authority.

The MOTION was seconded by Councilor Smart. Councilor McDonald applauded the department for pursuing energy savings options and asked if legislators should weigh in and requested it be included in the motion. President Mathews noted that the language of the motion needs to be specific and that any amendments to it be considered in a separate motion. A ROLL CALL vote was taken: Councilor Conlon-YES, Councilor DiFazio-Yes, Councilor Harrington-YES, Councilor McDonald-YES, Councilor Pap-YES, Councilor Smart-YES, Councilor Whitaker-YES, Vice President O'Connor-YES, President Mathews-YES. UNANIMOUSLY VOTED.

10 107-Statement of Interest-Maria Weston Chapman Middle School; Action requested under 2-9(b)

A MOTION was made by Vice President O'Connor to CONSIDER item 10 107 under 2-9(b) of the Town Charter and was seconded by Councilor Smart. UNANIMOUSLY VOTED.

A MOTION was made by Vice President O'Connor to APPROVE item 10 107: That having convened in an open meeting on Monday, September 20, 2010, the Town Council of Weymouth, in accordance with its charter, by-laws and ordinances, has voted to authorize the Superintendent to submit to the Massachusetts School Building Authority the Statement of Interest dated September 22, 2010, for the Maria Weston Chapman Middle School located at 1051 Commercial Street, which describes and explains the following deficiencies and the priority category(s) for which Weymouth may be invited to apply to the Massachusetts School Building Authority in the future:

The district is seeking funding to replace sections of the roof. The replacement would include some original tar and gravel sections over corridor areas as well as the rubber roofing over the former vocational wing. Replacement would include additional insulation, improve efficiency, reduce utility costs, and extend the useful life of the building. The project is identified as Priority Five, categorized by the School Building Authority as any replacement, renovation or modernization of school facility systems, such as roofs, windows, boilers, heating and ventilation systems, to increase energy conservation and decrease energy related costs in a school facility. It is hereby further specifically acknowledged that by submitting this Statement of Interest, the Massachusetts School Building Authority in no way guarantees the acceptance or approval of an application, the awarding of a grant or any other funding commitment

from the Massachusetts School Building Authority, or commits the Town of Weymouth to filing an application for funding with the Massachusetts Building Authority.

The MOTION was seconded by Councilor Smart. A ROLL CALL vote was taken: Councilor Conlon-YES, Councilor DiFazio-Yes, Councilor Harrington-YES, Councilor McDonald-YES, Councilor Pap-YES, Councilor Smart-YES, Councilor Whitaker-YES, Vice President O'Connor-YES, President Mathews-YES. UNANIMOUSLY VOTED.

10 108-Statement of Interest-Abigail Adams Middle School; Action requested under 2-9(b)

A MOTION was made by Vice President O'Connor to CONSIDER item 10 108 under 2-9(b) of the Town Charter and was seconded by Councilor Smart. UNANIMOUSLY VOTED.

A MOTION was made by Vice President O'Connor to APPROVE item 10 108; that having convened in an open meeting on Monday, September 20, 2010, the Town Council of Weymouth, in accordance with its charter, by-laws and ordinances, has voted to authorize the Superintendent to submit to the Massachusetts School Building Authority the Statement of Interest dated September 22, 2010, for the Abigail Adams Middle School located at 89 Middle Street, which describes and explains the following deficiencies and the priority category(s) for which Weymouth may be invited to apply to the Massachusetts School Building Authority in the future:

The district is seeking funding to replace three roof sections that are original tar and gravel. Replacement would include additional insulation, improve efficiency, reduce utility costs, and extend the useful life of the building. The project is identified as Priority Five, categorized by the School Building Authority as any replacement, renovation or modernization of school facility systems, such as roofs, windows, boilers, heating and ventilation systems, to increase energy conservation and decrease energy related costs in a school facility. It is hereby further specifically acknowledged that by submitting this Statement of Interest, the Massachusetts School Building Authority in no way guarantees the acceptance or approval of an application, the awarding of a grant or any other funding commitment from the Massachusetts School Building Authority, or commits the Town of Weymouth to filing an application for funding with the Massachusetts Building Authority.

The MOTION was seconded by Councilor Smart. A ROLL CALL vote was taken: Councilor Conlon-YES, Councilor DiFazio-Yes, Councilor Harrington-YES, Councilor McDonald-YES, Councilor Pap-YES, Councilor Smart-YES, Councilor Whitaker-YES, Vice President O'Connor-YES, President Mathews-YES. UNANIMOUSLY VOTED.

A MOTION was made by Councilor McDonald that the Town Council of Weymouth request the assistance of the state delegation: Senate Minority Whip Hedlund, Assistant Majority Leader Ron Mariano and State Representative Murphy in supporting the town's efforts relative to items 10 106, 10 107 and 10 108 and was seconded by Councilor Pap.

An amendment to the MOTION was made by Councilor Whitaker; that the correspondence includes the language of the previous request from the application to the SBA for the asbestos abatement project at the Chapman Middle School, the motion was seconded by Councilor Smart. President Mathews will draft and send out the letters. UNANIMOUSLY VOTED.

REPORTS OF COMMITTEES

10 095-Acceptance of G.L. C32S 101 Contributory Retirement Board

Chairman DiFazio reported that this item was referred to the Budget/Management Committee on September 7, 2010. The committee met on September 20, 2010, and voted unanimous favorable action.

Councilor DiFazio requested that the town accepts a local option under G.L. Ch. 32, §101 presented by the Weymouth Contributory Retirement Board. Acceptance of this option would increase the benefits paid to surviving spouses of accidentally disabled retirees who don't die from a cause not related to the disability for which they were retired. Upon acceptance, this allowance would be increased from \$6,000 to \$9,000 annually, effective January 1, 2011.

10 096-Appointment of Health Director – Daniel McCormack

Chairman DiFazio reported that this item was referred to the Budget/Management Committee on September 7, 2010. The committee met on September 20, 2010, and voted unanimous favorable action.

On behalf of the Budget/Management Committee, and under Section 2-10 of the Town Charter, a MOTION was made by Councilor DiFazio to appoint Daniel McCormack to the position of Health Director for the Town of Weymouth, and was seconded by Vice President O'Connor. President Mathews invited Mr. McCormack to introduce himself and provide some background. Mr. McCormack has been employed by the town for ten years, and has extensive experience working with the former director. He is looking forward to contributing to the town. Councilors Smart, McDonald and Conlon congratulated him. Mr. McCormack expressed his gratitude to the Mayor for recommending him for the position. UNANIMOUSLY VOTED.

10 097-Reappointment to the Redevelopment Authority – Thomas Vincent

Chairman DiFazio reported that this item was referred to the Budget/Management Committee on September 7, 2010. The committee met on September 20, 2010, and voted unanimous favorable action.

On behalf of the Budget/Management Committee, a MOTION was made by Councilor DiFazio to appoint Thomas Vincent of 105 Trefton Avenue to the Redevelopment Authority, and was seconded by Vice President O'Connor. His term will expire June 30, 2013. UNANIMOUSLY VOTED.

10 098-Appointment to the Redevelopment Authority – George Berg

Chairman DiFazio reported that this item was referred to the Budget/Management Committee on September 7, 2010. The committee met on September 20, 2010, and voted unanimous favorable action.

On behalf of the Budget/Management Committee, a MOTION was made by Councilor DiFazio to appoint George Berg of 74 Summer Street to the Redevelopment Authority, and was seconded by Vice President O'Connor. His term will expire June 30, 2011. This is to fill the vacancy of Michael Mulvaney. Mr. Berg was invited to address the Council. He noted that he is a lifelong resident with a business in Weymouth Landing. He has been on the MBTA Mitigation Committee as well as an alternate member on the Zoning Board of Appeals. Councilor O'Connor noted Mr. Berg's long service to the town. UNANIMOUSLY VOTED.

10 099-Appointment to the Board of Zoning Appeals – Kemal Denizkurt

Chairman DiFazio reported that this item was referred to the Budget/Management Committee on September 7, 2010. The committee met on September 20, 2010, and voted unanimous favorable action.

On behalf of the Budget/Management Committee, a MOTION was made by Councilor DiFazio to appoint Kemal Denizkurt of 33 Circuit Road to the Board of Zoning Appeals, and was seconded by Vice President O'Connor. This is to fill the vacancy of Mary McElroy; Mr. Denizkurt currently holds the position of alternate member on the Zoning Board of Appeals. His term will expire June 30, 2011. Mr. Denizkurt was invited to introduce himself to the Council. He is a lifelong resident and has been active on the Zoning Board of Appeals since 2001, and is currently employed by a bank with a presence in town. UNANIMOUSLY VOTED.

10 100-Appointment to the Historical Commission – Cathy Torrey

Chairman DiFazio reported that this item was referred to the Budget/Management Committee on September 7, 2010. The committee met on September 20, 2010, and voted unanimous favorable action.

On behalf of the Budget/Management Committee, a MOTION was made by Councilor DiFazio to appoint Cathy Torrey of 14 Riverbank Road to the Historical Commission, and was seconded by Vice President O'Connor. This is to fill the vacancy of Joan Rotondo. Her term will expire June 30, 2013. Cathy was invited to address the Council. She has just completed her term as president of the Abigail Adams Historical Society and she looks forward to participation in the town and hopes to increase tourism and drawing visibility to the area. Councilor Pap congratulated her on her willingness to serve. Vice President O'Connor congratulated her, specifically with the reenactment of the wedding of Abigail Adams. UNANIMOUSLY VOTED.

10 101-Appointment to the Memorial Committee – Keith Spain

Chairman DiFazio reported that this item was referred to the Budget/Management Committee on September 7, 2010. The committee met on September 20, 2010, and voted

unanimous favorable action.

On behalf of the Budget/Management Committee, a MOTION was made by Councilor DiFazio to appoint Keith Spain of 15 Georgia Road to the Memorial Committee, and was seconded by Vice President O'Connor. This is to fill the vacancy of Tom Curtis. His term will expire June 30, 2012. Mr. Spain is a lifelong resident and a member of various committees in town. Vice President O'Connor thanked him for his willingness to participate. UNANIMOUSLY VOTED.

Issue: Tax Incremental Financing between the Town of Weymouth and Sithe Energy

Councilor DiFazio reported that this issue was brought forward by a constituent, Irving Murstein. It was and will continue to be deliberated and will be reported out at a future meeting.

ADJOURNMENT

The next Town Council meeting will be held on Monday, October 4, 2010, at 7:30 PM.

At 8:40 PM, there being no further business, a MOTION to ADJOURN was made by Vice President O'Connor and seconded by Councilor Smart. UNANIMOUSLY VOTED.

Respectfully Submitted by Mary Briggs as Recording Secretary

Approved By:

Arthur Mathews, Town Council President