

MINUTES OF THE TOWN COUNCIL

Town Hall Council Chambers

September 22, 2008

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

Also Present: Maureen Duffy, Town Auditor
Franklin Fryer, Town Clerk
George Lane, Town Solicitor
James Wilson, Chief Financial Officer

Recording Secretary: Janet Murray

Council President Smart called the Town Council Meeting to order at 7:30pm.

ANNOUNCEMENTS

Councilor DiFazio announced that the East Weymouth Neighborhood Association will hold a meeting on 9/25/08 at 7pm at the Elks Hall on Washington Street. The topic of discussion will be ballot question #1 regarding the proposed changes to the state income tax.

Councilor Pap announced that the North Weymouth Civic Association will begin hosting meat raffles on Saturdays from 1pm to 5pm at the Cathay Center starting on 10/11/08.

Citation Issuance to Pat Adams and Gael Sullivan of the Weymouth Food Pantry - Councilor-at Large Robert Conlon

Councilor Conlon read citations to Pat Adams and Gael Sullivan of the Weymouth Food Pantry recognizing and thanking them for their work at the food pantry.

Ms. Sullivan stated that there are four (4) events up-coming. First Whole Foods Market in Hingham is holding a 5% day this Wednesday. Second, this Saturday there will be a yard sale on Sea Street. Third, the annual Walk will be held on 10/4/08. Finally, the Rotary Club food drive at Shaw's on Middle Street will be held on 10/18/08.

MINUTES

Economic Development Committee Meeting of August 20, 2008 (tabled from September 2, 2008)

A MOTION was made by Councilor Mathews to take OFF the TABLE the minutes from 09/02/08 and was seconded by Councilor O'Connor and UNANIMOUSLY VOTED.

A MOTION was made by Councilor Mathews to ACCEPT the minutes from 09/02/08 as amended and was seconded by Councilor O'Connor and UNANIMOUSLY VOTED.

CITIZEN'S CONCERN/COUNCIL RESPONSE

Reconsideration of Section 8-500 of Code of Ordinances-Responsible Employer Ordinance Reconsideration of Section 8-409 of Code of Ordinances-Performance by Police Officers- Linda MacDonald of 58 Laurel Street

Ms. McDonald spoke regarding new regulations concerning road flaggers. She stated that the new regulations will be on a 3 tiered system: jobs that require a police detail, a flagger, or no detail. She pointed out that police officers would be able to apply for part time jobs as flaggers.

She stated that the police unions have encouraged their members to insert wording in their contracts regarding this issue so that, in effect, the new legislation would be negated.

Ms. McDonald requested that the Council reconsider Section 8-409 of the Code of Ordinances so that flaggers would be permitted.

Ms. McDonald also requested that the Council reconsider Section 8-500 of the Code of Ordinances. She stated that this section allows for much higher benefits than the average worker receives.

NEW AGENDA ITEMS

A MOTION was made by Councilor DiFazio to ADD three (3) agenda items, 08 098, 08 105 and 08 109 and was seconded by Councilor O'Connor and was UNANIMOUSLY VOTED.

A MOTION was made by Councilor DiFazio to WAIVE Town Council Rule 39 (Relieving the Committee from further consideration) for item number 08 105-Appointment of Joseph Connolly to the South Shore Tri-Town Development Corporation (SSTTDC), and was seconded by Councilor O'Connor and UNANIMOUSLY VOTED.

PUBLIC HEARINGS

08 094- Community Preservation Committee-Community Housing Request

A MOTION was made by Councilor Mathews to OPEN the Public Hearing on item number 08 094 and was seconded by Councilor O'Connor and UNANIMOUSLY VOTED.

This item was published on 7/4/08.

Norman Grenier of Neighborhood Housing Services (NHS) gave a brief overview of services provided by NHS. The proposed housing would target those who are homeless. Eight (8) of the units will be for families and four (4) of the units will be for individuals.

Mr. Grenier stated that recent numbers from the school department indicate that there are 70 children who are listed as homeless in the Weymouth school system.

Mr. Corley of NHS stated that this project includes rehabbing two existing buildings. One of which is a two family and the other is a four family. Additionally, two buildings with six units are to be built in the rear for a total of 12 units. The new buildings in the rear will have four townhouse units and two (2) flats.

Mr. Corley stated that 24 parking spots will be provided. He stated that there will be a center driveway between existing buildings with one curb cut. This will allow for better access to Main Street/Route 18.

The two family home has been renovated, the four family will be gutted, and the units in the rear will be new construction.

Mr. Grenier stated that the projects funding is as follows: \$900,000 from federal sources, \$1.6 million from state sources, and \$600,000 from private loans. He stated that NHS requested \$250,000 from Weymouth's Community Preservation Committee (CPC) but the amount approved by the CPC was reduced to \$125,000.

Councilor Harrington expressed concern that this organization has not been able to maintain properties currently existing in town. He stated that he would like assurances that maintenance and landscaping services will improve.

Mr. Grenier stated that the state will monitor the project and due to the size of this project, noted that a professional landscaper would be hired.

Councilor Harrington asked if the units will house Weymouth residents. Mr. Grenier stated that the maximum guaranteed would be 70%. As the project is state funded, more than 70% cannot be absolutely guaranteed. Weymouth residents would be given preference.

Councilor Harrington asked if NHS pays taxes. Mr. Grenier stated that taxes are paid on all NHS properties.

Mr. Grenier stated that case management is provided for those living in the residences. He stated emphatically that groups of unrelated individuals are not allowed.

Councilor Molisse expressed concern regarding the condition of other properties under the control of NHS. He did note that work was done to improve the properties when the matter was brought to NHS's attention.

Councilor Molisse stated that he is not against the project but he would like to see the CPC money used on existing Weymouth housing properties, and possibly granted to the Weymouth Housing Authority. He does not think there is enough preference given to Weymouth residents.

Councilor Conlon asked if background checks are conducted. Mr. Grenier noted that documentation must be presented indicating Weymouth residency. A driver's license is required.

Councilor Conlon pointed out that there are two types of homeless people. Those who have fallen on hard times and those who are hardcore homeless because of criminal activities. Mr. Grenier stated that there is a screening process which would weed out those not qualified.

Mr. Grenier also stated that residents must remain a part of the program or they would be required to leave.

Councilor O'Connor stated that he had originally had misgivings about this project but has become more informed about what the program is about. He stated that he has confidence that NHS will implement and maintain the programs.

Councilor Whitaker asked how NHS defines success. Mr. Grenier stated that success means the resident has stabilized their situation and are able to move on and re-join the community.

Councilor McDonald asked if this housing is for transitional or long term habitation. Mr. Grenier stated that the funding source is specifically earmarked for getting people on their feet and moving out of the housing.

Councilor Lacey asked if it is possible for an illegal immigrant to obtain housing. Mr. Grenier stated that the housing is meant for legal US citizens. He pointed out that Father Bill's is responsible for the placement and must meet housing subsidy requirements.

Councilor DiFazio asked what would happen if an illegal immigrant applied for the housing using forged social security numbers. Mr. Grenier stated that he is hesitant to give a legal reply but he did reiterate that there is a screening process in place.

Councilor Lacey stated that he is even more concerned about the answer to the question regarding illegal immigrants. He stated that he needs a more direct answer regarding this issue before he can vote. He suggested the possibility of continuing the hearing in order to obtain that answer.

Mr. Corley reiterated that there are fair housing laws that must be adhered to.

Mr. Corley stated that the Board of Zoning Appeals has approved this project and the initial permitting process has begun.

Mr. Grenier stated that there is no connection between NHS and the Weymouth Housing Authority (WHA) on this project

There was the following public comment.

Anne Hilbert, North Weymouth, suggested that the Weymouth Housing Authority could use this money. She asked about the Community re-investment Act (CRA).

Mr. Grenier stated that the federal funding source is the HOME program.

Linda MacDonald, the Mayor's appointment to the Quincy Community Action Program (QCAP) stated that there are as many as 420 homeless families housed in hotels/motels at a rate of \$100 or more per night. She stated that this project provides housing that is a much better resource for families in need of services. It would also save on taxpayers funding by housing these individuals versus setting them up in expensive hotels.

Councilor Harrington asked what money is being used for this project, 2007 or 2008 funds.

Mr. Flynn, Chairman of the Community Preservation Committee, stated that the Committee is waiting for the Department of Revenue to certify the town's tax rate. He stated that there is currently \$141,000 in community housing set aside.

Mr. Flynn stated that the WHA will be coming before the CPC to rehabilitate the Grange building on Main Street.

A MOTION was made by Councilor Mathews to CLOSE the Public Hearing on item number 08 094 and was seconded by Councilor Pap and UNANIMOUSLY VOTED.

COMMUNICATION FROM MAYOR, TOWN OFFICERS, AND TOWN BOARDS

Jeanne Savoy presented the following for referral on behalf of the Mayor's Office:

08 116-Donation Accounts-Establishment of the Substance Abuse Prevention Donation Account

On behalf of Mayor Kay, the following measure is submitted to Town Council:

That the Town of Weymouth authorize the creation of the Substance abuse Prevention Donation Account and that the Health Department Director be permitted to accept donations on annual basis in an amount not to exceed \$25,000 for the purpose of developing programs which support Weymouth's drug abuse prevention policy.

In addition, that the Health Director with the consent of the Mayor be authorized to expend those funds to the \$25,000 limit for that purpose.

A MOTION was made by Councilor Mathews to REFER item number 08 116 to the Budget/Management Committee and was seconded by Councilor O'Connor and was UNANIMOUSLY VOTED.

08 117-Authorization of a Yield Sign at the Intersection of Biscayne Ave and Piedmont Street

On behalf of Mayor Kay, the following measure is submitted to the Town Council for consideration:

That the Town Council, in accordance with Chapter 13, Section 13-103, authorizes the placement of a Yield Sign at the intersection of Biscayne Avenue and Piedmont Street.

Councilor Mathews asked if this item requires referral to the Ordinance Committee. Councilor DiFazio stated that this is not necessary.

A MOTION was made by Councilor Mathews to REFER item number 08 117 to the Public Safety Committee and was seconded by Councilor O'Connor and was UNANIMOUSLY VOTED.

08 118-Appointment to the Community Events Committee-Ginger Rennie

In accordance with Section 2-10 of the Town Charter, the Mayor submits the name of Ginger Rennie of 72 Ralph Talbot Street, Weymouth, MA 02190 for appointment to the Community Events Committee. Her term will expire June 30, 2010.

This appointment is to fill the vacancy created by the resignation of Sharon Morgan.

A MOTION was made by Councilor Mathews to REFER item number 08 118 to the Budget/Management Committee and was seconded by Councilor O'Connor and was UNANIMOUSLY VOTED.

08 119-Appointment to the Redevelopment Authority-Arnold Goldie

In accordance with Section 2-10 of the Town Charter, the Mayor submits the name of Arnold E. Goldie, 70 Welland Road, Weymouth, MA 02188 for appointment to the Redevelopment Authority. His term will expire June 30, 2012.

A MOTION was made by Councilor Mathews to REFER item number 08 119 to the Budget/Management Committee and was seconded by Councilor O'Connor and was UNANIMOUSLY VOTED.

REPORTS OF COMMITTEES

Education Committee-Chairman Thomas J. Lacey

Update from School Administration on Current School Year Progress and Budgetary Impacts

Councilor Lacey reported that the Committee had good dialogue with School Administration regarding the opening of the school year and the organizational restructuring that has occurred. School administration gave an overview in regards to the recent budget cuts and their effects on the school system.

Referral of “Abstinence Program” to School Administration to Consider for Implementation

Councilor Lacey reported that this referral was submitted by Councilor Pap and is a suggestion of a curriculum source on abstinence.

Public Safety Committee-Chairman Patrick O’Connor

Discussion with Police and Fire Regarding Staffing Levels

Councilor O’Connor stated that the committee had discussions regarding drastic cuts made in the Police and Fire Department budgets. He noted that staffing is lower compared to five years ago. He stated that the goal of the Safety Committee is to be a voice for the Police and Fire Department to express concerns regarding cuts.

08 099-Adoption of South Shore Pre-Disaster Mitigation Plan

This item was referred on 7/14/08. The Committee met on 9/22/08 and voted unanimously to recommend favorable action.

Mr. Mulveyhill (Emergency Management) appeared before the Council and gave a brief overview of the plan.

A MOTION was made by Councilor O’Connor to recommend favorable action on item number 08 099 and was seconded by Councilor Lacey and was UNANIMOUSLY VOTED.

Budget Management Committee – Chairman DiFazio

08 098 – Recommendation to the South Shore Tri-Town Development – Jeffrey Wall

A MOTION was made by Councilor DiFazio to make a favorable RECOMMENDATION on item number 08 098 and was seconded by Councilor Mathews.

Councilor DiFazio stated that the Budget/Management Committee met on 9/9/08 on this matter and voted 4-0 to recommend Mr. Wall for appointment to the South Shore Tri-Town Development Corporation.

Councilor Lacey asked if there were any questions posed regarding the fact that Mr. Wall is a town employee. Councilor DiFazio stated that there was no discussion regarding this subject.

Solicitor Lane stated that he will discuss this matter with Mr. Wall and report back to the Council.

Councilor Lacey stated that it is important that Mr. Wall is cognizant of his dual role as a SSTTDC member of the Board of Directors and a member of the town's fire department.

The MOTION was UNANIMOUSLY VOTED.

08 104- Reappointment to the Board of Assessors-Jill Reddish

This item was referred on 9/2/08. The Committee met on 9/9/08 and 9/17/08 and voted unanimously to recommend favorable action.

Councilor Pap stated that he will not vote in favor of this appointment. He stated that it has nothing to do with Ms. Reddish's character or ability. He will vote against the appointment out of concern regarding the process that resulted in disproportionate property tax increases for North Weymouth residents by the Board of Assessors.

Councilor Lacey stated that he will support the appointment of Ms. Reddish as she has been a valuable asset to this board.

A MOTION was made by Councilor DiFazio to recommend favorable action on item number 08 104 and was seconded by Councilor Mathews and PASSED on a 10-1 vote (Councilor Pap-Nay).

08 105 – Recommendation to the South Shore Tri-Town Development – Joseph Connolly

A MOTION was made by Councilor DiFazio to make a favorable RECOMMENDATION item number 08 105 and was seconded by Councilor Mathews.

Councilor DiFazio stated that this item was referred to Budget/Management on 9/2/08. The committee met on 9/9/08 and this measure was continued to 9/17/08 and continued again to 9/22/08.

Mr. Connolly appeared before the Council. He apologized for not being able to meet with the Budget/Management Committee due to schedule conflicts.

Councilor Mathews expressed concern regarding the amount of time spent by Weymouth employees on SSTTDC issues. He recommended considering increasing payment of salaries.

Mr. Connolly stated that he agrees and that any Town employee working on SSTTDC issues should be paid the going rate for their work.

Councilor Conlon expressed concern regarding the on-going clean up at Southfield from when the site was a naval air station.

Mr. Connolly stated that this is likely the number one issue concerning the redevelopment of the former naval air station. He agreed that this is something which needs to be monitored closely.

A MOTION was made by Councilor DiFazio to make a favorable RECOMMENDATION on item number 08 104 and was seconded by Councilor Mathews and PASSED on a 10-0-1 vote with Councilor DiFazio abstaining.

08 106- Appointment to the Commission on Disabilities-Ron Evans

This item was referred on 9/2/08. The Committee met on 9/9/08 and voted to continue the discussion.

Mr. Evans appeared before the Council.

A MOTION was made by Councilor DiFazio to recommend favorable action on item number 08 106 and was seconded by Councilor O'Connor and was UNANIMOUSLY VOTED.

08 107- Appointment to the Commission on Disabilities-Matthew Ciavattieri

This item was referred on 9/2/08. The Committee met on 9/9/08 and voted unanimously to recommend favorable action.

A MOTION was made by Councilor DiFazio to recommend favorable action on item number 08 107 and was seconded by Councilor O'Connor and was UNANIMOUSLY VOTED.

08 108- Appointment to the Historical Commission-Joan Rotondo

This item was referred on 9/2/08. The Committee met on 9/9/08 and voted unanimously to recommend favorable action.

Ms. Rotondo appeared before the Council.

A MOTION was made by Councilor DiFazio to recommend favorable action on item number 08 108 and was seconded by Councilor O'Connor and was UNANIMOUSLY VOTED.

08 109- Appointment to the Recreation Commission-David Chandler

This item was referred on 9/2/08. The Committee met on 9/9/08 and voted unanimously to recommend favorable action.

A MOTION was made by Councilor DiFazio to recommend favorable action on item number 08 109 and was seconded by Councilor O'Connor and was UNANIMOUSLY VOTED.

08 110- Appointment to the Recreation Commission-Steve Reilly

This item was referred on 9/2/08. The Committee met on 9/9/08 and voted unanimously to recommend favorable action.

A MOTION was made by Councilor DiFazio to recommend favorable action on item number 08 110 and was seconded by Councilor O'Connor and was UNANIMOUSLY VOTED.

08 111- Appointment to the Scholarship Committee-Hank Goldman

This item was referred on 9/2/08. The Committee met on 9/9/08 and voted unanimously to recommend favorable action.

Mr. Goldman appeared before the Council.

A MOTION was made by Councilor DiFazio to recommend favorable action on item number 08 111 and was seconded by Councilor O'Connor and was UNANIMOUSLY VOTED.

08 112- Appointment to the Zoning Board of Appeals (Alternate Member)-George Berg

This item was referred on 9/2/08. The Committee met on 9/9/08 and voted unanimously to recommend favorable action.

Mr. Berg appeared before the Council. Councilor Lacey spoke in support of Mr. Berg's appointment.

A MOTION was made by Councilor DiFazio to recommend favorable action on item number 08 112 and was seconded by Councilor O'Connor and was UNANIMOUSLY VOTED.

08 113- Appointment to the Community Preservation Committee-Daniel Condon

This item was referred on 9/2/08. The Committee met on 9/9/08 and voted unanimously to recommend favorable action.

Mr. Condon appeared before the Council.

A MOTION was made by Councilor DiFazio to recommend favorable action on item number 08 113 and was seconded by Councilor O'Connor and was UNANIMOUSLY VOTED.

08 114- Appointment to the Community Preservation Committee-Laura Harbottle

This item was referred on 9/2/08. The Committee met on 9/9/08 and voted unanimously to recommend favorable action.

Ms. Harbottle appeared before the Council.

A MOTION was made by Councilor DiFazio to recommend favorable action on item number 08 114 and was seconded by Councilor O'Connor and was UNANIMOUSLY VOTED.

08 115- Appointment to the Board of Elder Services-Judy MacDonald

This item was referred on 9/2/08. The Committee met on 9/9/08 and voted unanimously to recommend favorable action.

Ms. MacDonald appeared before the Council.

A MOTION was made by Councilor DiFazio to recommend favorable action on item number 08 115 and was seconded by Councilor O'Connor and was UNANIMOUSLY VOTED.

08 094- Community Preservation Committee-Community Housing Request

This item was referred on 6/16/08. The Committee met on 7/14/08 and voted to postpone the public hearing by a vote of 3-2 to 9/22/08. The Budget/Management Committee met on 9/9/08 and again on 9/17/08 and voted 4-1 favorable action.

A MOTION was made by Councilor DiFazio to recommend favorable action on item number 08 094 and was seconded by Councilor O'Connor.

Councilor Molisse stated that he is opposed to using the \$125,000 in Weymouth taxpayer money for this program as there is no guarantee that Weymouth resident's will be given 100% preference. He reiterated that this has nothing to do with Neighborhood Housing Services (NHS). He would rather see this money used by the Weymouth Housing Authority.

Councilor Mathews stated that he supports this project. He noted that he has requested WHA to come before the CPC on a number of occasions; this has yet to occur.

Councilor Conlon stated that he is opposed to this project. He agrees with Councilor Molisse in that that the money should be used specifically for Weymouth residents.

Councilor Pap stated that he will recuse himself from this vote as he is a member of the Weymouth Housing Authority. He stated that he had spoken to Solicitor Lane who suggested this action.

Councilor DiFazio expressed his support for this project. He stated that this project has been scrutinized and he believes that the housing is needed and will benefit the town of Weymouth.

Councilor Whitaker noted that he supports this project.

Town Council – September 22, 2008

Councilor Lacey stated that he is opposed to this project, although he acknowledges the need for services for the homeless.

Councilor McDonald said that he supports this project and it is sorely needed.

Councilor O'Connor stated that he supports this project. He believes that NHS knows what they are doing and will use the funds appropriately.

Council President Smart stated that he supports this project as there is a need in our town for it. He stated that when you personally receive a phone call from someone you know who is down and out and there is absolutely no housing options available, you realize the severity of this problem.

Councilor DiFazio suggested that during the budget review each year that projects are reviewed for profitability at the Community Preservation level.

The MOTION PASSED on a 7-3-1 vote as follows.

Councilor Conlon – N	Councilor DiFazio – Y	Councilor Harrington Y
Councilor Lacey – N	Councilor McDonald – Y	Councilor Mathews – Y
Councilor Molisse – N	Councilor O'Connor – Y	Councilor Pap, III – recused
Councilor Whitaker – Y	Council President Smart – Y	

ADJOURNMENT

At 10:00 pm there being no further business, Councilor Mathews MOTIONED to adjourn and Councilor O'Connor seconded and was UNANIMOUSLY VOTED.

Approved by: _____
Michael Smart, President