

MINUTES OF THE TOWN COUNCIL
Town Hall Council Chambers
October 1, 2007

Present: Michael Smart, President
Jack Carey
Kenneth J. DiFazio
Sue Kay
Thomas J. Lacey
Arthur E. Mathews
Michael Molisse
Patrick O'Connor
Gregory Shanahan
Kevin Whitaker

Not Present: Paul J. Leary

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

Recording Secretary: Janet Murray

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

ANNOUNCEMENTS

Councilor Molisse announced that the October newsletter for the Recreation Department has been published.

Councilor Shanahan announced that a road race will be held on November 3, 2007 to benefit the Veteran's Memorial Committee 781-727-7999 or email greg.shanahan@comcast.net

Councilor Mathews announced that the Community Preservation Committee will meet on Thursday October 4, 2007 at 7pm in the Whipple Center Conference Room at the McCullough Building in North Weymouth.

MINUTES

Public Works Committee-9/4/07

A MOTION was made by Councilor Kay to ACCEPT the minutes from 9/4/07 and was seconded by Councilor Molisse and UNANIMOUSLY VOTED.

Town Council-9/4/07

A MOTION was made by Councilor Kay to ACCEPT the minutes from 9/4/07 and was seconded by Councilor O'Connor and UNANIMOUSLY VOTED.

CITIZEN'S CONCERN/COUNCIL RESPONSE

Ken Murphy-Development Director/United Way of Massachusetts Bay-Fundraising Efforts

Mr. Murphy and Mr. Howard appeared before the Council on behalf of the United Way of Massachusetts Bay. They stated that the United Way is seeking Council endorsement.

Mr. Murphy stated that he wanted to get the message out about what the United Way is about. He thanked the Council. He noted that their focus is on children and families. He pointed out four areas as 1) 0-6 to allow children to be prepared for Kindergarten,, 2) youth 3) sustainable employment for high school graduates as well as job

training, and 4) affordable housing – with a goal of ending family homelessness. He also pointed out that the United Way also tries to meet individual's basic needs. He stated that if you dial 211 you can reach the United Way with requests for assistance.

COMMUNICATION FROM MAYOR, TOWN OFFICERS, AND TOWN BOARDS

07 132-Tax Classification

Mr. Wilson stated that the Mayor submits to the Council a tax classification of 1.60 shift for industrial, commercial, and residential property with no residential exemptions. This item requires a public hearing.

A MOTION was made by Councilor Kay to REFER item number 07 132 to the Budget/Management Committee and was seconded by Councilor Molisse and was UNANIMOUSLY VOTED.

NEW BUSINESS

07 131-Proposed Ordinance Amendment to Section 3-326-Community Preservation Committee -Councilor Arthur Mathews

Councilor Mathews stated that he has become concerned with the implementation of the Community Preservation Committee (CPC) ordinance. He pointed out that the ordinance does not cover several issues. He noted that there has been an impact regarding projects submitted by the public.

He stated that he would like to see two sections added in Subsection c:

- 6 - All projects are to be acted upon by the Mayor within 30 days of approval with an additional 30 days allowed if requested. If a project does not meet this requirement it will be forwarded directly to the Council.
- 7 – All open space offers which are voted by the Community Preservation Committee must be made to the owner of the property within 14 days of the vote. A negotiation team which will include the town solicitor, chair and vice chair of the CPC will be established to facilitate the negotiations with the owner of the property. The Mayor will provide staff to the negotiation team and the CPC may request additional administrative staff to assist in the negotiations.
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A MOTION was made by Councilor Mathews to REFER item number 07 131 to the Ordinance Committee and was seconded by Councilor Kay.

Solicitor Lane stated that this is an organization/reorganization change and as per the Charter (1-7k) it must be submitted by the Mayor. He stated that this item is out of order and this issue should be requested directly to the Mayor before being assigned a number and referred to committee. He also noted that the issue conflicts with the Code of Ordinances section 4-106.

Councilor Mathews disagreed with Solicitor Lane. He stated that a project was approved by the Committee on May 24, 2007 and has yet acted on the project.

Solicitor Lane stated that the rules of the Charter must be adhered to.

Councilor Lacey stated that as Councilor Mathews is the Council's representative on the CPC, his request should at least be referred to the committee, even if Solicitor Lane is correct.

Councilor Shanahan stated that he agrees with Councilor Lacey.

Councilor Kay stated that as Chairperson of the Ordinance Committee she welcomes the referral as well as discussion regarding this issue.

Councilor DiFazio stated that he supports the referral of this item.

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Councilor Carey stated that he will not support the referral as the Charter lays out the manner in which this issue should be handled. He agreed with the concerns but believes it should come from Administration.

Councilor Whitaker stated that he would support this referral because it is appropriate. The Council's committees have a right to listen and have conversations regarding any issue.

Council President Smart stated that he too agrees that the Council is able to refer any issue to Committee.

Solicitor Lane stated that he believes that the Council is in error because a measure number is assigned to this issue as it is not the process set forth in the Charter. He is not against discussion.

The MOTION PASSED 9-1.

ADJOURNMENT

At 7:55 there being no further business, Councilor Kay MOTIONED to adjourn and Councilor O'Connor seconded and was UNANIMOUSLY VOTED.

Approved by: _____
Michael Smart, President