

MINUTES OF THE TOWN COUNCIL
Town Hall Council Chambers
October 3, 2005

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

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

Recording Secretary: Janet Murray

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

ANNOUNCEMENTS

Councilor McPherson announced that the Mayor has appointed him to the South Shore Tri-Town Development Corporation's Board of Directors. He therefore will resign from the Town Council. Councilor Lacey acknowledged Councilor McPherson's contributions to the Council. A number of Councilors expressed appreciation to Councilor McPherson. Mr. McPherson left the Chambers.

Councilor Leary noted that Mr. McPherson would not be replaced.

Councilor Smart stated that the Department of Public Health has issued a health advisory regarding Eastern Equine Encephalitis. He noted that the most dangerous times are early in the AM and late in the PM. He also noted that the recommendations are to wear long pants and long sleeve shirts and use mosquito repellant with DET.

Councilor Kay stated that the Health Department will hold an influenza/pneumonia clinic at Weymouth High School from 9am – 11am on 11/5/05. This is for Weymouth residents age 65 and older, and also for those residents with severe chronic illness. Then, from 11am – 1pm, the clinic will be open for Weymouth residents over the age of 18. Proof of residency is required. A voluntary donation is requested.

Councilor Kay also noted that the Weymouth Health Department will hold these clinics during the month of October at the senior housing complexes in the town.

Councilor Mathews stated that the Whitman's Pond Clean-up will be held on 10/8/05 beginning at 9am.

Councilor Mathews also stated that the Whitman's Pond Association will host a Candidates Night which will be held at the Weymouth Elks beginning at 6pm- with a meet and greet with the candidates. There will then be a question and answer period beginning at 7pm. He also announced that the installation of the traffic signal at Water and Pleasant Streets will begin this week.

Councilor Hargadon apologized for raising his voice at the 10/19/05 Council Meeting.

Councilor Molisse thanked all who were involved with making Weymouth Day a good time.

MINUTES

Town Council 9/6/05

Councilor Mathews made a correction on page 6. It should read "Great Pond", not Whitman's Pond.

A MOTION was made by Councilor Smart to APPROVE, as amended, the minutes from the 9/6/05 Town Council Meeting and was seconded by Councilor Hargadon and UNANIMOUSLY VOTED.

PUBLIC HEARINGS

05 090 – Precious Metal Ordinance

A MOTION was made by Councilor Smart to OPEN the Public Hearing on Item #05 090 and was seconded by Councilor Leary and UNANIMOUSLY VOTED.

Councilor Leary stated that there is an existing ordinance on precious metals- Section 9-601. The Police Department has proposed amending two (2) of the paragraphs. The proposal will increase the number of days that precious metals sold to a dealer, are held, from 15 to 30 days.

Paragraph six is a new paragraph. It directs licensees to complete an approved form from the Police Department and submit this form to the Police Chief or his designee. The paragraph notes all information required to be submitted to the Police. An addition to this paragraph would be to include the price paid for the item.

Councilor Smart stated that this is a well thought out ordinance as it gives the Police more time to review items to verify that the items are not stolen property.

Councilor Kay stated that a letter has been received from Schneider's Jewelers.

Public Comment was as follows:

Mark Schneider of Schneider's Jewelers in Columbian Square appeared before the Council. He stated that he had submitted a letter regarding his concerns with this amendment. He questioned whether all of these changes are necessary. Mr. Schneider stated that his biggest concern is with customers who are looking to trade items. He stated that in order to hold the item for 30 days would result in a lower amount to the person trading in an item.

Bruce Wyman and Robert Swanson of Del Greco Jewelers appeared before the Council. They stated that they deal with scrap. They expressed the desire to meet with those involved with this amendment as some of the details are too restrictive.

Councilor Leary suggested that a meeting be arranged between the Police and those who are concerned with this ordinance.

A MOTION was made by Councilor Smart to CONTINUE the Public Hearing on Item #05 090 and was seconded by Councilor Mathews and UNANIMOUSLY VOTED.

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 addressed the non-compliance with Department of Environmental Protection quality parameters. He stated that in 2004, at the Great Pond Treatment Plant, there were two (2) months in which 0.00 was reported for the turbidity (clarity) of the water.

Mr. Hayes stated that there are 12 filters with turbidity meters. The limit for turbidity is .5. At the .3 level a warning signal is given. The information remains for 30 days, and is then dumped. He stated that at no time was there a signal of exceeding of the .3 limit.

The numbers are printed monthly on a DEP form. In the months of January and February, the information in 3 of the filters, recorded 0.00 rather than a numeric number. The total turbidity number leaving the plant never exceeded the limit. The problem arose due to the recording of 0.00 on the report. The information had already been dumped and could not be retrieved.

This incident occurred prior to the replacement of recording equipment at the facility. Until the new system was up and running, information was printed every 29 days.

Councilor Leary asked for clarification on some of the acronyms that Mr. Hayes referred to. CCR refers to Consumer Confidence Report. PLC refers to Programmable Logic Control Panel (small mini computer). Each filter has one, and the main cabinet has one.

Councilor Kay asked for a definition of perchlorate. Mr. Hayes stated that perchlorate is a by-product of ammunitions. Councilor Kay stated that the notice to the public was made prior to the Town's ability to explain the circumstances to DEP and she asked if this was correct. Mr. Hayes stated that this was in fact correct.

Councilor Smart asked for clarification on the skater system. It was noted that this is a communication loop that runs from all of the filters. This is a data line.

Councilor Lacey asked Mr. Hayes to give a brief overview of water testing in regards to water quality and clarity. Mr. Hayes stated that 30 sites are monitored throughout the town. He stated that many improvements have been made and testing has been going well.

REPORTS OF COMMITTEES

Budget/Management Committee – *Chairman DiFazio*

05 136 - School Non-Union 3% Raises for Fiscal Year 2006-Free Cash

This item was referred to the Budget/Management Committee on 9/19/05. A meeting was held on 9/27/05. The Committee voted unanimously to recommend favorable action, subject to a future public hearing.

A MOTION was made by Councilor DiFazio to APPROVE Item #05 136 and was seconded by Councilor Molisse.

Councilor Mathews asked if the public hearing has been held. Councilor DiFazio stated that the hearing has not been held.

The MOTION was WITHDRAWN.

05 137 - Appointment-Youth Coalition-Patricia Henley

This item was referred to the Budget/Management Committee on 9/19/05. A meeting was held on 9/27/05. The Committee voted unanimously to recommend favorable action. This term will expire on 6/30/08.

A MOTION was made by Councilor DiFazio to APPROVE Item #05 137 and was seconded by Councilor Kay and UNANIMOUSLY VOTED.

05 138 - Appointment-Youth Coalition-Sharon McManus

This item was referred to the Budget/Management Committee on 9/19/05. A meeting was held on 9/27/05. The Committee voted unanimously to recommend favorable action. This term will expire on 6/30/08.

A MOTION was made by Councilor DiFazio to APPROVE Item #05 138 and was seconded by Councilor Kay and UNANIMOUSLY VOTED.

Report on Supplemental Budget

Councilor DiFazio stated that the Budget/Management Committee met on 9/27/05 and discussed supplementing the budget as opposed to rescinding it. The Committee is working on this on an ongoing basis and will report back on each supplement.

A MOTION was made by Councilor Smart to ACCEPT the Report on the Supplemental Budget and was seconded by Councilor Connolly and UNANIMOUSLY VOTED.

Ordinance Committee-Chairman Leary

05 090 - Precious Metal Ordinance

Councilor Leary stated that a meeting will be arranged between the Police and the jewelers to discuss this issue in more detail. He noted that the Public Hearing held this evening was continued.

A MOTION was made by Councilor Smart to ACCEPT the report and was seconded by Councilor Hargadon and was UNANIMOUSLY VOTED.

Ordinance Review Committee-Councilor Shanahan

Update of Committee Progress

Councilor Shanahan stated that the Committee has been working diligently and is about half way through this review.

New Business

05 139-Review of Section 3-102 (Term of Office) of Town Ordinances- Councilor DiFazio

Councilor DiFazio stated that this item is in response to concerns from the 9/19/05 meeting. The concern is about the procedure for when an individual wants to be reappointed to a position but is not reappointed.

Solicitor Lane stated that he has a concern regarding the last sentence: “*Members shall be provided 60 days notice of expiration or reappointment.*” Solicitor Lane expressed concern about this language as he believes that this adds an additional duty on the appointing authority. As a result this effects the organization and changes it because of the way the municipal service is performed. He noted that any change in the organization must come from the Mayor. He stated that this Item is out of order.

Councilors DiFazio and Kay each stated that this should be referred and discussed at the Committee level.

Councilor Mathews asked if this was being reviewed as part of the Ordinance Review Committee. Solicitor Lane stated that the Ordinance Review Committee process does not allow for substantive change, so it could not be done as part of this Committee.

A MOTION was made by Councilor DiFazio to REFER Item #05 139 to the Ordinance Committee and was seconded by councilor Kay and was APPROVED on an 8-2 vote as follows:

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

Fire Department Overtime Analysis Request-Councilor DiFazio

The FY 06 fire department overtime worksheet was handed out to each Councilor. The current fiscal year overtime budgeted amount is \$365,750. On August 8, 2005, James Wilson, the Town's Chief Financial Officer, issued a letter to the Mayor that Chief Leary has informed him that the 1st quarter FY 06 overtime allotment will be exceeded by \$119,000. Mr. Wilson recommended to the Mayor that no waiver of this 1st quarter allotment be allowed. On August 12, 2005, the Mayor granted the quarterly overtime waiver and instructed the Chief of the Fire Department to reduce subsequent allotments of overtime.

On August 19, 2005, the Chief issued a letter to the CFO indicating that the following updated quarterly allotment of overtime based upon a total overtime funding of \$365,750 was in place. The 1st quarter is \$140,000, 2nd quarter is \$100,000, 3rd quarter is \$65,750, and 4th quarter is \$60,000. Further, the Chief indicated the need to hire one new additional firefighter and make a promotion to Lieutenant. On September 16, 2005, Mr. Swanson reported that the fire department 1st quarter overtime expended was \$172,864 which is approximately 47% of the annual fire department overtime for FY 06.

On September 28, 2005, the CFO reported that the Chief had informed him that the revised overtime allocation for the 1st quarter will be exceeded by an additional \$30,000. On September 28, 2005, the Mayor granted a second quarterly overtime waiver. He instructed the Chief to reduce subsequent allotments of overtime.

Councilor DiFazio stated that he would recommend that Mr. Swanson provide an audit of the fire department overtime and report back to the Council the triggers for this increase in overtime during this 1st quarter. He noted that the amount budgeted for FY 06 overtime would appear to be unrealistic in that almost 50% of the budgeted amount has already been expended.

Councilor Kay expressed concern that the overtime budget is grossly under funded and there appears to be no supplementation planned. She believes that this audit is a good idea.

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Councilor DiFazio made a MOTION to RECOMMEND an audit be performed to determine the triggers for the increase in the Fire Department FY 06 overtime budget and was seconded by Councilor Kay and UNANIMOUSLY VOTED.

ADJOURNMENT

At 8:50pm there being no further business, Councilor Leary MOTIONED to adjourn and Councilor Molisse seconded and was UNANIMOUSLY VOTED.

Approved by: _____
Thomas J. Lacey, President