

MINUTES OF THE TOWN COUNCIL
Town Hall Council Chambers
October 5, 2009

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

Not Present: Franklin Fryer

Also Present: Maureen Duffy, Town Auditor
Kathy Deree, Assistant Town Clerk
James Wilson, Chief Financial Officer
Michael Gallagher, Director of Administrative Services
George Lane, Town Solicitor
James Clarke, Director of Planning and Community Development
Scott Bois, Coordinator of Financial Services
Robert Leary, Fire Chief

Recording Secretary: Diane T. Hachey

President Smart called the Town Council Meeting to order at 7:30 PM. Assistant Town Clerk, Kathy Deree conducted the roll call with all Councilors accounted for.

ANNOUNCEMENTS

Council President Smart announced the recent appointment by Mayor Kay of the new Police Chief-Richard Grimes. Due to scheduling conflicts Chief Grimes couldn't be here this evening, but will be in attendance at the October 19th Town Council Meeting. Council President Smart extends congratulations to Chief Grimes on behalf of the Council.

Additionally, President Smart announced that National Grid is performing work in Columbian Square from 7 PM to 3 AM, which commenced last evening and will continue for several weeks.

Councilor Harrington voiced caution to the public concerning the town's drug problem, as all communities are experiencing drug issues. This issue has been in the forefront as a result of recent publicity and Mayor Kay's proactive public awareness efforts. Councilor Harrington wants the public to be cognizant of the fact that all communities are experiencing drug usage, and Weymouth's use is no greater than its surrounding communities.

Councilor Molisse announced the second annual Weymouth/Braintree Senior Walk, to be held from 10-12 on October 14, 2009 at the Weymouth entrance to Pond Meadow Park. Three different walking trails will be provided, in addition, tee shirts, water and backpacks filled with healthy snacks will be distributed. Attendance is limited to 75, therefore participants are requested to register early through the Elder Services Department.

APPROVAL OF MINUTES

A MOTION was made by Councilor Mathews to ACCEPT the minutes of the Budget/Management Committee meeting of September 16, 2009 ,seconded by Councilor O'Connor. UNANIMOUSLY VOTED.

PUBLIC HEARING AT 7:35 PM

09 097-RESCIND BOND AUTHORIZATIONS-CITY FORM OF GOVERNMENT

Councilor Mathews motioned to open the public hearing, noting that it was advertised on September 25, 2009, motion seconded by Councilor O'Connor and unanimously voted.

Mr. Wilson presented an overview stating that this is a housekeeping matter for unexpended balances on bonds. This measure has no dollar value and is simply for purposes of clearing this issue from the books.

Council President Smart asked for comments from the public, to which there was no response.

Councilor Mathews motioned to close the public hearing, motion seconded by Councilor O'Connor and unanimously voted.

PUBLIC HEARING AT 7:36 PM

09 098-APPROVAL OF ENERGY EFFICIENCY COMMUNITY BLOCK GRANT (EEBG) FUNDS

Councilor Mathews motioned to open the public hearing, noting that it was advertised on September 25, 2009, motion seconded by Councilor O'Connor and unanimously voted.

Mr. Clarke presented to the Council and stated that this measure is requesting expending funds in the amount of \$485,800 from the US Department of Energy (stimulus money) for implementation of numerous cost effective programs for the Town of Weymouth. The proposal for implementation are for \$110,000 for upgrades to IT equipment; energy efficiency lighting for town buildings and schools in the amount of \$301,000; and L.E.D. signaling (traffic lights) installation for \$17,55 (which results in a savings of 97%).

There was the following comment from the public:

Linda MacDonald of 58 Laurel Street

Ms. MacDonald noted that this is a great project and asked if the bids go out as part of the Responsible Employer Ordinance (REO)-to which the response was that National Grid is completing all work, therefore bidding does not fall under the REO guidelines.

Councilor Mathews motioned to close the public hearing, seconded by Councilor O'Connor and unanimously voted.

PUBLIC HEARING AT 7:37 PM

09 099-NEW ENGINE FOR THE FIRE DEPARTMENT

Councilor Mathews motioned to open the public hearing, noting that it was advertised on September 25, 2009, motion seconded by Councilor O'Connor and unanimously voted.

Mr. Wilson and Chief Leary presented to the Council. This measure is requesting that funds are appropriated in the amount of \$455,000 in order to purchase a replacement fire engine for engine #5, of which it was noted was provided for in the March 2009 Capital Improvement Plan (CIP). The request is two-fold: approval of a 5 year capital lease; and an initial payment of \$103,588 which would be derived from proceeds from the sale of the Fulton School.

The Chief was asked to talk to the need for this new engine. He explained that Engine 5 is a 1993 model and as such has needed many repairs. If he was able to replace Engine 5 with this new model, he could utilize Engine 5 as a back-up which would result in less usage, which results in less maintenance costs.

There was the following comment from the public:

Linda MacDonald of 58 Laurel Street

Ms. MacDonald voiced her concern with the purchase of a new engine during difficult

budget times; in addition to utilizing funds from the proceeds of the sale of the Fulton School. She additionally feels that due to a significant decline in the number of fires-this new engine may not be necessary. A discussion ensued concerning staffing of fire trucks and it was noted by the Chief that the town is staffed at a ratio of 4/1. Ms. MacDonald is concerned as to what defines sufficient staffing levels. Ms. MacDonald asked about maintenance/repairs on the trucks, and it was noted that regularly scheduled maintenance/repairs are performed on the apparatus.

She additionally mentioned that the Broad Street station has been closed since July 2008 and questions why there is no level of concern, as there was in the past. Additionally, Ms. MacDonald noted concerns around overtime expenditures and costly station renovations.

Council President Smart directed Ms. MacDonald to limit her comments to this evening's public hearing-- regarding purchase of a new fire engine. He noted that some issues she is raising would have been appropriate to address at previous public hearings.

In closing, Ms. MacDonald believes that it is prudent to delay this purchase to next year, versus utilizing one time funding sources.

Councilor Mathews motioned to close the public hearing, seconded by Councilor O'Connor and unanimously voted.

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

09 112-COMMUNITY PRESERVATION COMMITTEE-PURCHASE OF LAND

Mr. Wilson presented on behalf of the Mayor and requests the sum of \$69,000 for purchase of the rear two acres of property located at 4 Mutton Lane. This has been previously voted favorably by the Community Preservation Committee.

Councilor Mathews motioned for referral to the Budget/Management Committee, motion seconded by Councilor Molisse, and voted favorably.

REPORTS OF COMMITTEES-BUDGET/MANAGEMENT

COUNCILOR DIFAZIO

09 097-RESCIND BOND AUTHORIZATIONS-CITY FORM OF GOVERNMENT

Chairman DiFazio noted that this measure was referred on September 8, the committee met on September 16 and voted unanimous favorable action. A public hearing was held earlier this evening.

Chairman DiFazio motioned favorable action on the following measure, which includes rescinding of excess borrowing authorizations as follows:

Order number 02 051 to be rescinded in the amount of \$17,767

Order number 02 047 to be rescinded in the amount of \$203,731

Order number 05 010 to be rescinded in the amount of \$1,243,400

Motion seconded by Councilor O'Connor and unanimously voted.

09 098-APPROVAL OF ENERGY EFFICIENCY COMMUNITY BLOCK GRANT (EEBG) FUNDS

Chairman DiFazio noted that this measure was referred on September 8, the committee met on September 16 and voted unanimous favorable action. A public hearing was held earlier this evening.

Chairman DiFazio motioned for favorable action by Town Council on the following measure: That the Town of Weymouth accepts the Energy Efficiency Community Block Grant (EEBG) in the amount of \$485,800 from the United States Department of Energy. Further, that the Director of Planning and Community Development, under the direction of the Mayor, is permitted to expend grants in their entirety in accordance with a proposed budget.

Motion seconded by Councilor Mathews and voted unanimously.

09 099-NEW ENGINE FOR THE FIRE DEPARTMENT

Chairman DiFazio noted that this measure was referred on September 8, the committee met on September 16 and voted unanimous favorable action. A public hearing was held earlier this evening.

Chairman DiFazio motioned for favorable action by the Town Council on the following measure: That the Town of Weymouth raise and appropriate funds in the amount of \$455,000 for the purchase of a new engine for the Fire Department. To meet this appropriation, the CFO, under the direction of the Mayor, is authorized to borrow this sum in accordance with MGL Chapter 44 and to sign a capital lease for a period of time not to exceed five years. In order to meet the initial debt payment, the town appropriates funding in the amount of \$103,588 from fund 4903. Motion seconded by Councilor Mathews.

Chairman DiFazio notes that Ms. MacDonald's points raised at the public hearing are well taken, and he would rather that this measure was before them next year and would prefer not use funding from the sale of town owned property, but Chief Leary substantiated the department need for this apparatus. He commended the administration for their analysis and is in favor of this purchase.

Councilor Molisse stated that this truck is needed for the safety of our fire department and residents alike, and thanked the administration for putting forth this measure.

Councilor McDonald stated that he is in agreement with his fellow Councilors and feels that staff and the public are at risk if using outdated apparatus.

Councilor Lacey supports this measure, with some hesitation due to use of one time funds. He defers to the Chief as he noted the need for this equipment, as safety is of the utmost priority. Councilor Lacey suggested manning of engines with 3 firefighters, versus 4, but unfortunately the CBA mandates manning with 4 personnel. Councilor Lacey feels that decreasing by one fireman would have a positive effect on overtime. We are one in a few communities who maintain staffing levels with 4/1.

Councilor Whitaker notes that he favors using one time revenue for capital assets such as a new fire engine.

Motion voted unanimously.

09 105-APPOINTMENT TO THE CONSERVATION COMMISSION-STEVE DEGABRIELE

Chairman DiFazio noted that this measure was referred on September 8, the committee met on September 16 and voted 4-0 to table due to potential conflict of interest as a result of Mr. DeGabriel's employment with the DEP. The committee was awaiting a written opinion from the State Ethics Commission. The committee reconvened this evening and voted 4-1 favorable action. Mr. Lane assured the Budget/Management Committee that the written opinion from the State Ethics Commission will be submitted to Council once it is received.

Mr. DeGabriele stated his interest in serving the town and is currently the Director of the Business Compliance division of the DEP.

Chairman DiFazio motioned for favorable action, motion seconded by Councilor O'Connor.

Councilor Mathews stated that he will not be supporting this measure. He realizes that Mr. DeGabriele has spoken with the State Ethics Commission, but Councilor Mathews would like an opinion in writing. Earlier this evening, Councilor Mathews recommended that administration withdraw the measure and resubmit once the correspondence has been

received, but administration had no appetite for this request.

Councilor Lacey is in support of this appointment, and feels that Mr. DeGabriele brings a wealth of knowledge and appreciates his research on his own with the State Ethics Commission.

Councilor McDonald is comfortable with Solicitor Lane's research and feels confident that Mr. DeGabriele will recuse himself when necessary.

Councilor Molisse will support this appointment.

Councilor Harrington asked that Mr. DeGabriele is cognizant of the public needs when presenting at meetings and to please be patient in explaining the process to laypeople.

Council President Smart noted that Mr. DeGabriele has never received an appeal from the town in his tenure with the DEP.

Motion passes on 4-1 vote (Councilor Mathews dissenting vote).

09 110-RESERVE FUND TRANSFER-WEIGHTS AND MEASURES EQUIPMENT

Chairman DiFazio noted that this measure was referred to the Budget/Management Committee on September 21 and the committee met on October 5. He motioned on behalf of the committee for favorable action. Purchase of class F cast iron weighing system and a class 4 troemner apothecary/metric kit would result in savings of \$15,000 to the town by moving this function in house, motion seconded by Councilor Mathews and voted unanimously.

NEW BUSINESS

09 111-External Audit Contracts for Fiscal Years 2010-2014 -Council President Smart

Council President Smart recommends referral to the Budget/Management Committee. He requested proposals be submitted for audit work ending in June. Councilor Mathews motioned for referral to the Budget/Management Committee, motion seconded by Councilor Molisse and voted unanimously.

ADJOURNMENT

At 8:32 PM, there being no further business to conduct, a MOTION was made by Councilor Mathews to ADJOURN, seconded by Councilor O'Connor and UNANIMOUSLY VOTED.

Respectfully submitted by: Diane T. Hachey

Approved by:

Michael Smart-Town Council President