

MINUTES OF THE TOWN COUNCIL

Town Hall Council Chambers

October 20, 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
Michael Gallagher, Director of Administrative & Community Svc.
George Lane, Town Solicitor
James Wilson, Chief Financial Officer
Kathy Deree, Assistant Town Clerk

Not Present: Franklin Fryer, Town Clerk

Recording Secretary: Janet Murray

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

ANNOUNCEMENTS

Council President Smart informed those present that Anna Sullivan, Mayor Kay's mother, passed away. There was a moment of silence in her honor.

Councilor Molisse announced that the Veteran's Day Parade will begin at 10am on 11/11/08.

Councilor Mathews announced that the Conservation Commission will meet on 10/22/08. The Trammel Crowe residential proposal at Alexan and Arbor Hill will be on the agenda.

Councilor Conlon commented on Question 1. He noted that how one votes on this question could potentially have an adverse impact on town budgets.

Citation Issuance to Mary Ficociello in Recognition of her Contribution to the "Relay for Life" and Overall Community Involvement - Councilor Ed Harrington

Council President Smart announced that the next Council meeting will be held on 11/10/08 due to national elections.

MINUTES

Budget/Management Committee Meeting Minutes of September 9, 2008-tabled on October 6

A MOTION was made by Councilor Mathews to REMOVE from the TABLE the minutes of 9/9/08 and was seconded by Councilor O'Connor and UNANIMOUSLY VOTED.

A MOTION was made by Councilor Mathews to ACCEPT the minutes from 9/9/08 as amended and was seconded by Councilor O'Connor and UNANIMOUSLY VOTED.

Budget/Management Committee Meeting Minutes of September 17, 2008-tabled on October 6

A MOTION was made by Councilor Mathews to REMOVE from the TABLE the minutes of 9/17/08 and was seconded by Councilor O'Connor and UNANIMOUSLY VOTED.

A MOTION was made by Councilor Mathews to ACCEPT the minutes from 9/17/08 as amended and was seconded by Councilor O'Connor and UNANIMOUSLY VOTED.

Ordinance Committee Meeting of October 6, 2008

A MOTION was made by Councilor Mathews to TABLE the minutes from 10/6/08 and was seconded by Councilor O'Connor and UNANIMOUSLY VOTED.

Town Council Meeting of October 6, 2008

A MOTION was made by Councilor Mathews to ACCEPT the minutes from 10/6/08 and was seconded by Councilor O'Connor and UNANIMOUSLY VOTED.

PUBLIC HEARINGS

08 103-General Government Supplemental FY 09 Appropriation

A MOTION was made by Councilor Mathews to OPEN the Public Hearing on item number 08 103 and was seconded by Councilor O'Connor and UNANIMOUSLY VOTED.

This item was published on 10/10/08. There was no public comment.

Mr. Wilson made a presentation regarding the supplemental FY 09 appropriations. He stated that there are three elements:

- Reductions, across the board, in every department's line item expenditure and an increase in health insurance
- Snow removal deficit
- Health insurance deficit

Mr. Wilson warned that there are two items of concern: Question 1 which seeks to eliminate the state income tax and the potential for 9C cuts in January 2009. These two items could potentially impact the amount of State aid; increased revenue is not anticipated

Council President Smart noted that this presentation was given and discussed at Budget/Management Committee several times.

A MOTION was made by Councilor Mathews to CLOSE the Public Hearing on item number 08 103 and was seconded by Councilor O'Connor and UNANIMOUSLY VOTED.

OLD BUSINESS

Request for a record of proceedings of the meetings of the Public Employee Committee (PEC) - Councilor Kenneth DiFazio

Councilor DiFazio stated that on 10/2/08 he forwarded a letter to President Smart requesting that this issue is included on the Town Council agenda. He noted on 6/16/08, the Town Council passed a resolution that requested that all town and school employee contracts currently under consideration by the Mayor and School Committee and the Mayor- not be finalized until the Town of Weymouth and its employees agree upon a long-term economical plan which addresses the current increasing costs to provide employee health insurance.

Councilor DiFazio noted that the Public Employee Committee (PEC) has been meeting since March of 2008. He noted that he has not been able to obtain any findings, reports, or minutes.

Councilor DiFazio made a MOTION to send written correspondence to the Public Employee Committee (PEC) requesting the following information:

1. Meeting minutes
2. Written correspondence
3. Interim or final report(s)
4. Schedule of meetings held
5. Request that after this information is received, the chairperson of the committee appear before the Town Council

The MOTION was seconded by Councilor O'Connor and UNANIMOUSLY VOTED.

COMMUNICATION FROM MAYOR, TOWN OFFICERS, AND TOWN BOARDS

08 126-Statement of Interest-Chapman Middle School

Mr. Gallagher stated that this is a request to the Council for a vote to authorize the Superintendent of Schools to submit a Statement of Interest to the Massachusetts School Building Authority. This is not a formal request for funding but rather an initial phase to pursue the possibility of some funding relief from the Commonwealth for a major renovation project at the Maria Weston Chapman Middle School. The estimated cost for the project is approximately \$6,000,000 and has been put forward as a capital request.

The deadline for submission is November 15, 2008; therefore action under section 2-9(b) of the charter is requested. Mary Jo Livingstone, Superintendent of schools, was present to answer questions. She stated that this request is a priority 1 as it is a safety issue.

Councilor Lacey asked for more specifics on the project. Ms. Livingstone gave a brief overview of the situation.

Council President Smart asked how long the latex coating of paint will last. Ms. Livingstone stated that it would last for a couple of years and can be reapplied if deemed necessary. She noted that the DEP is reluctant to put anything in writing.

Councilor O'Connor asked what the impact would be on the students. Ms. Livingstone stated that the project was broken into two parts so that it could be done two summers, thus not interfering with the school year.

Council President Smart asked if there is a backup plan if SBA money is not available. Ms. Livingstone stated that the project remains on the Capital Improvement Plan.

Councilor Mathews made a MOTION to consider 08 126 under 2(9) b, same night action, and was seconded by Councilor O'Connor and UNANIMOUSLY VOTED.

Councilor Whitaker asked about the wording of the last sentence. He asked if the Council is accepting liability by making the statement that the project will correct a condition that "is" seriously jeopardizing the health and safety of school children.

Solicitor Lane stated that it is always possible that someone could allege that the town is liable but he believes that the measure should be approved as stated.

A MOTION was made by Councilor Mathews to APPROVE item number 08 126 which reads as follows:

"Resolved: Having convened in an open meeting on Monday, October 20, 2008, 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 October 30, 2008, 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:

In April 2007, the exterior paint covering of the building was found to contain asbestos during routine testing prior to a scheduled waterproofing project. At the recommendation of the Department of Environmental Protection temporary measures were taken to remove flaking paint and seal the exterior surfaces, however, the DEP has indicated that it is necessary to remove all exterior paint product from the building using an approved high-pressure water process under containment. Once the product is removed, any necessary masonry/concrete repairs can be conducted and the building can be recoated with a suitable latex product. The project is identified as Priority One as the renovation is being done to correct a condition that is seriously jeopardizing the health and safety of school children, where no alternative exists and hereby further specifically acknowledges that by submitting this Statement of Interest, the Massachusetts Small Building Authority in no way guarantees the acceptance or the 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 School Building Authority.

The MOTION was seconded by Councilor O'Connor and was UNANIMOUSLY VOTED as follows:

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

Councilor Lacey asked if the School Committee has voted on this yet. Ms. Livingstone stated that the School Committee will meet and vote on this item on Thursday of this week.

08 127-Ratification of Order # 06 142-Sale of Town Owned Land

Mr. Gallagher stated that the Mayor requests action under 2(9) b.

Solicitor Lane stated that this is requested under 2(9) b because the title insurers want to certify that the prior vote under a different administration was carried over to the new administration. The Council has previously voted on this and the sale took place on 9/25/08, and the money has passed. This vote will conclude the transaction.

Councilor Mathews made a MOTION to consider 08 127 under 2(9) b, same night action, and was seconded by Councilor O'Connor and UNANIMOUSLY VOTED.

Councilor Mathews made a MOTION to APPROVE item 08 127 and was seconded by Councilor O'Connor and UNANIMOUSLY VOTED as follows:

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

REPORTS OF COMMITTEES

Budget Management Committee – Chairman DiFazio

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

This item was referred on 9/22/08. The Committee met on 10/15/08 and voted unanimously to recommend favorable action.

Ms. Rennie appeared before the Council to express her desire to serve on the Community Events Committee.

Councilor DiFazio stated that the position is vacant due to the resignation of Sharon Morgan.

A MOTION was made by Councilor DiFazio to recommend favorable action on item number 08 118 and was seconded by Councilor O'Connor and was UNANIMOUSLY VOTED.

08 119- Appointment to the Redevelopment Authority-Arnold Goldie

This item was referred on 9/22/08. The Committee met on 10/15/08 and voted unanimously to recommend favorable action.

Mr. Goldie appeared before the Council to express his interest to serve on the Redevelopment Authority.

A MOTION was made by Councilor DiFazio to recommend favorable action on item number 08 119 and was seconded by Councilor O'Connor and was UNANIMOUSLY VOTED.

08 121- Appointment to the WETC Board of Directors-Rosemary Nolan

This item was referred on 10/06/08. The Committee met on 10/15/08 and voted unanimously to recommend favorable action.

Ms. Nolan was unable to attend this evening.

A MOTION was made by Councilor DiFazio to recommend favorable action on item number 08 121 and was seconded by Councilor O'Connor and was UNANIMOUSLY VOTED.

08 122- Reappointment to the WETC Board of Directors-Glenn Heath

This item was referred on 10/06/08. The Committee met on 10/15/08 and voted unanimously to recommend favorable action.

Mr. Heath appeared before the Council to express his interest to serve on the WETC Board of Directors.

A MOTION was made by Councilor DiFazio to recommend favorable action on item number 08 122 and was seconded by Councilor O'Connor and was UNANIMOUSLY VOTED.

08 123- Appointment to the Recreation Commission-Arthur DelRosso

This item was referred on 10/06/08. The Committee met on 10/15/08 and voted unanimously to recommend favorable action. This vacancy is due to the resignation of Gloria Pegurri.

Mr. DelRosso appeared before the Council to express his interest in serving on the Recreation Commission.

A MOTION was made by Councilor DiFazio to recommend favorable action on item number 08 123 and was seconded by Councilor O'Connor and was UNANIMOUSLY VOTED.

08 124- Appointment to the Memorial Committee-Frank Burke

This item was referred on 10/06/08. The Committee met on 10/15/08 and voted unanimously to recommend favorable action. The vacancy was created by the passing of Fran Tucci.

Mr. Burke appeared before the Council to express his interest to serve on the Memorial Committee.

A MOTION was made by Councilor DiFazio to recommend favorable action on item number 08 124 and was seconded by Councilor O'Connor and was UNANIMOUSLY VOTED.

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

This item was referred on 9/22/08. The Committee met on 10/15/08 and voted unanimously to recommend favorable action.

A MOTION was made by Councilor DiFazio to recommend favorable action on item number 08 116 and was seconded by Councilor O'Connor and was UNANIMOUSLY VOTED.

Supplemental Fiscal Year 2009 Budget Appropriation

08 103A -Town Council

This item was referred on 9/2/08. This item was published on 10/10/08 and the Budget/Management Committee met on 9/9, 9/17, and 10/15/08. The Committee voted unanimously to recommend favorable action. A Public Hearing was held on 10/20/08.

A MOTION was made by Councilor DiFazio to recommend favorable action on item number 08 103A and was seconded by Councilor Mathews and was UNANIMOUSLY VOTED.

08 103B-Mayor's Office

Councilor Lacey stated that he would be opposed to a total of five measures as they did not conform to the across the board 3% cuts as initially spelled out by Mayor Kay.

This item was referred on 9/2/08. This item was published on 10/10/08 and the Budget/Management Committee met on 9/9, 9/17, and 10/15/08. The Committee voted unanimously to recommend favorable action. A Public Hearing was held on 10/20/08.

A MOTION was made by Councilor DiFazio to recommend favorable action on item number 08 103B and was seconded by Councilor Mathews and PASSED on a 9-2 vote with Councilors Lacey and Pap opposed.

08 103C- Reserve Fund

This item was referred on 9/2/08. This item was published on 10/10/08 and the Budget/Management Committee met on 9/9, 9/17, and 10/15/08. The Committee voted unanimously to recommend favorable action. A Public Hearing was held on 10/20/08.

A MOTION was made by Councilor DiFazio to recommend favorable action on item number 08 103C and was seconded by Councilor O'Connor and was UNANIMOUSLY VOTED.

08 103D-Municipal Finance

This item was referred on 9/2/08. This item was published on 10/10/08 and the Budget/Management Committee met on 9/9, 9/17, and 10/15/08. The Committee voted unanimously to recommend favorable action. A Public Hearing was held on 10/20/08.

A MOTION was made by Councilor DiFazio to recommend favorable action on item number 08 103D and was seconded by Councilor Mathews and PASSED on an 8-2-1 vote with Councilors Lacey and Pap opposed and Councilor Whitaker having left the room.

08 103E- Town Solicitor

This item was referred on 9/2/08. This item was published on 10/10/08 and the Budget/Management Committee met on 9/9, 9/17, and 10/15/08. The Committee voted unanimously to recommend favorable action. A Public Hearing was held on 10/20/08.

A MOTION was made by Councilor DiFazio to recommend favorable action on item number 08 103E and was seconded by Councilor Mathews and was UNANIMOUSLY VOTED.

08 103F-Information Services

This item was referred on 9/2/08. This item was published on 10/10/08 and the Budget/Management Committee met on 9/9, 9/17, and 10/15/08. The Committee voted unanimously to recommend favorable action. A Public Hearing was held on 10/20/08.

A MOTION was made by Councilor DiFazio to recommend favorable action on item number 08 103F and was seconded by Councilor Mathews and PASSED on a 9-2 vote with Councilors Lacey and Pap opposed.

08 103G-Town Clerk

This item was referred on 9/2/08. This item was published on 10/10/08 and the Budget/Management Committee met on 9/9, 9/17, and 10/15/08. The Committee voted unanimously to recommend favorable action. A Public Hearing was held on 10/20/08.

A MOTION was made by Councilor DiFazio to recommend favorable action on item number 08 103G and was seconded by Councilor Mathews and was UNANIMOUSLY VOTED.

08 103H-Planning and Development

This item was referred on 9/2/08. This item was published on 10/10/08 and the Budget/Management Committee met on 9/9, 9/17, and 10/15/08. The Committee voted unanimously to recommend favorable action. A Public Hearing was held on 10/20/08.

A MOTION was made by Councilor DiFazio to recommend favorable action on item number 08 103H and was seconded by Councilor Mathews and was UNANIMOUSLY VOTED.

08 103I- Town Hall Maintenance

This item was referred on 9/2/08. This item was published on 10/10/08 and the Budget/Management Committee met on 9/9, 9/17, and 10/15/08. The Committee voted unanimously to recommend favorable action. A Public Hearing was held on 10/20/08.

A MOTION was made by Councilor DiFazio to recommend favorable action on item number 08 103I and was seconded by Councilor Mathews and was UNANIMOUSLY VOTED.

08 103J-Administrative Services

This item was referred on 9/2/08. This item was published on 10/10/08 and the Budget/Management Committee met on 9/9, 9/17, and 10/15/08. The Committee voted unanimously to recommend favorable action. A Public Hearing was held on 10/20/08.

A MOTION was made by Councilor DiFazio to recommend favorable action on item number 08 103J and was seconded by Councilor Mathews and PASSED on a 9-2 vote with Councilors Lacey and Pap opposed.

08 103K-Human Resources

This item was referred on 9/2/08. This item was published on 10/10/08 and the Budget/Management Committee met on 9/9, 9/17, and 10/15/08. The Committee voted unanimously to recommend favorable action. A Public Hearing was held on 10/20/08.

A MOTION was made by Councilor DiFazio to recommend favorable action on item number 08 103K and was seconded by Councilor Mathews and was UNANIMOUSLY VOTED.

08 103L-Police Department

This item was referred on 9/2/08. This item was published on 10/10/08 and the Budget/Management Committee met on 9/9, 9/17, and 10/15/08. The Committee voted unanimously to recommend favorable action. A Public Hearing was held on 10/20/08.

A MOTION was made by Councilor DiFazio to recommend favorable action on item number 08 103L and was seconded by Councilor Mathews and was on 10-0-1 vote with Councilor Molisse abstaining.

08 103M-Fire Department

This item was referred on 9/2/08. This item was published on 10/10/08 and the Budget/Management Committee met on 9/9, 9/17, and 10/15/08. The Committee voted unanimously to recommend favorable action. A Public Hearing was held on 10/20/08.

A MOTION was made by Councilor DiFazio to recommend favorable action on item number 08 103M and was seconded by Councilor Mathews and was UNANIMOUSLY VOTED.

08 103N-Licensing and Inspections

This item was referred on 9/2/08. This item was published on 10/10/08 and the Budget/Management Committee met on 9/9, 9/17, and 10/15/08. The Committee voted unanimously to recommend favorable action. A Public Hearing was held on 10/20/08.

A MOTION was made by Councilor DiFazio to recommend favorable action on item number 08 103N, and was seconded by Councilor Mathews and was UNANIMOUSLY VOTED.

08 103O- Department of Public Works

This item was referred on 9/2/08. This item was published on 10/10/08 and the Budget/Management Committee met on 9/9, 9/17, and 10/15/08. The Committee voted unanimously to recommend favorable action. A Public Hearing was held on 10/20/08.

A MOTION was made by Councilor DiFazio to recommend favorable action on item number 08 103O and was seconded by Councilor Mathews and was UNANIMOUSLY VOTED.

08 103P- Health

This item was referred on 9/2/08. This item was published on 10/10/08 and the Budget/Management Committee met on 9/9, 9/17, and 10/15/08. The Committee voted unanimously to recommend favorable action. A Public Hearing was held on 10/20/08.

A MOTION was made by Councilor DiFazio to recommend favorable action on item number 08 103P and was seconded by Councilor Mathews and was UNANIMOUSLY VOTED.

08 103Q- Library

This item was referred on 9/2/08. This item was published on 10/10/08 and the Budget/Management Committee met on 9/9, 9/17, and 10/15/08. The Committee voted unanimously to recommend favorable action. A Public Hearing was held on 10/20/08.

A MOTION was made by Councilor DiFazio to recommend favorable action on item number 08 103Q and was seconded by Councilor Mathews and was UNANIMOUSLY VOTED.

08 103R-Veterans' Services

This item was referred on 9/2/08. This item was published on 10/10/08 and the Budget/Management Committee met on 9/9, 9/17, and 10/15/08. The Committee voted unanimously to recommend favorable action. A Public Hearing was held on 10/20/08.

A MOTION was made by Councilor DiFazio to recommend favorable action on item number 08 103R and was seconded by Councilor Mathews and was UNANIMOUSLY VOTED.

08 103S-Parks and Recreation

This item was referred on 9/2/08. This item was published on 10/10/08 and the Budget/Management Committee met on 9/9, 9/17, and 10/15/08. The Committee voted unanimously to recommend favorable action. A Public Hearing was held on 10/20/08.

A MOTION was made by Councilor DiFazio to recommend favorable action on item number 08 103S and was seconded by Councilor Mathews and was UNANIMOUSLY VOTED.

08 103T-Elder Services

This item was referred on 9/2/08. This item was published on 10/10/08 and the Budget/Management Committee met on 9/9, 9/17, and 10/15/08. The Committee voted unanimously to recommend favorable action. A Public Hearing was held on 10/20/08.

A MOTION was made by Councilor DiFazio to recommend favorable action on item number 08 103T and was seconded by Councilor Mathews and was UNANIMOUSLY VOTED.

08 103U-Civil Defense

This item was referred on 9/2/08. This item was published on 10/10/08 and the Budget/Management Committee met on 9/9, 9/17, and 10/15/08. The Committee voted unanimously to recommend favorable action. A Public Hearing was held on 10/20/08.

A MOTION was made by Councilor DiFazio to recommend favorable action on item number 08 103U and was seconded by Councilor Mathews and was UNANIMOUSLY VOTED.

08 103V- Commission on Disabilities

This item was referred on 9/2/08. This item was published on 10/10/08 and the Budget/Management Committee met on 9/9, 9/17, and 10/15/08. The Committee voted unanimously to recommend favorable action. A Public Hearing was held on 10/20/08.

A MOTION was made by Councilor DiFazio to recommend favorable action on item number 08 103V and was seconded by Councilor Mathews and was UNANIMOUSLY VOTED.

08 103W-Youth and Family Services

This item was referred on 9/2/08. This item was published on 10/10/08 and the Budget/Management Committee met on 9/9, 9/17, and 10/15/08. The Committee voted unanimously to recommend favorable action. A Public Hearing was held on 10/20/08.

A MOTION was made by Councilor DiFazio to recommend favorable action on item number 08 103W and was seconded by Councilor Mathews and was UNANIMOUSLY VOTED.

08 103X-Debt

This item was referred on 9/2/08. This item was published on 10/10/08 and the Budget/Management Committee met on 9/9, 9/17, and 10/15/08. The Committee voted unanimously to recommend favorable action. A Public Hearing was held on 10/20/08.

A MOTION was made by Councilor DiFazio to recommend favorable action on item number 08 103X and was seconded by Councilor Mathews and was UNANIMOUSLY VOTED.

08 103Y-Pensions and Benefits

This item was referred on 9/2/08. This item was published on 10/10/08 and the Budget/Management Committee met on 9/9, 9/17, and 10/15/08. The Committee voted unanimously to recommend favorable action. A Public Hearing was held on 10/20/08.

A MOTION was made by Councilor DiFazio to recommend favorable action on item number 08 103Y and was seconded by Councilor Mathews and was UNANIMOUSLY VOTED.

08 103Z-Schools

This item was referred on 9/2/08. This item was published on 10/10/08 and the Budget/Management Committee met on 9/9, 9/17, and 10/15/08. The Committee voted unanimously to recommend favorable action. A Public Hearing was held on 10/20/08.

Councilor Whitaker disclosed that his brother is a teacher in the public schools. He noted that he has received advice that it is appropriate for him to vote on this measure.

A MOTION was made by Councilor DiFazio to recommend favorable action on item number 08 103Z and was seconded by Councilor Mathews and was UNANIMOUSLY VOTED.

08 103AA-State and County Assessments

This item was referred on 9/2/08. This item was published on 10/10/08 and the Budget/Management Committee met on 9/9, 9/17, and 10/15/08. The Committee voted unanimously to recommend favorable action. A Public Hearing was held on 10/20/08.

A MOTION was made by Councilor DiFazio to recommend favorable action on item number 08 103AA and was seconded by Councilor Mathews and was UNANIMOUSLY VOTED.

08 103BB- Overlay to Abatements

This item was referred on 9/2/08. This item was published on 10/10/08 and the Budget/Management Committee met on 9/9, 9/17, and 10/15/08. The Committee voted unanimously to recommend favorable action. A Public Hearing was held on 10/20/08.

A MOTION was made by Councilor DiFazio to recommend favorable action on item number 08 103BB and was seconded by Councilor Mathews and was UNANIMOUSLY VOTED.

08 103CC- Health Insurance

This item was referred on 9/2/08. This item was published on 10/10/08 and the Budget/Management Committee met on 9/9, 9/17, and 10/15/08. The Committee voted unanimously to recommend favorable action. A Public Hearing was held on 10/20/08.

A MOTION was made by Councilor DiFazio to recommend favorable action on item number 08 103CC and was seconded by Councilor Mathews and was UNANIMOUSLY VOTED.

08 103DD- Snow Removal

This item was referred on 9/2/08. This item was published on 10/10/08 and the Budget/Management Committee met on 9/9, 9/17, and 10/15/08. The Committee voted unanimously to recommend favorable action. A Public Hearing was held on 10/20/08.

A MOTION was made by Councilor DiFazio to recommend favorable action on item number 08 103DD and was seconded by Councilor Mathews and was UNANIMOUSLY VOTED.

08 103- General Government Supplemental Fiscal Year 2009 Appropriation

This item was referred on 9/2/08. This item was published on 10/10/08 and the Budget/Management Committee met on 9/9, 9/17, and 10/15/08. The Committee voted unanimously to recommend favorable action. A Public Hearing was held on 10/20/08.

A MOTION was made by Councilor DiFazio to recommend favorable action on item number 08 103 and was seconded by Councilor Mathews and was UNANIMOUSLY VOTED.

NEW BUSINESS

Transitional Audit Report -Councilor Thomas J. Lacey

Councilor Lacey stated that in an October 6, 2008 a memo from the Town Auditor outlined a delay in the external audit from O'Connor and Drew due to cash reconciliation issues for fiscal year 08. Councilor Lacey stated that he responded by asking for further review and explanation of such delay as well as some of the reasons.

Councilor Lacey stated that per his request, Council President Smart authorized Maureen Duffy to conduct a status report of the transitional audit which was approved by the Council earlier this year. Transitional audits are common practice upon a change in administration.

Councilor Lacey stated that upon review of the town auditor's status report of the transitional audit he had noted several issues which raise concerns. He stated that he has outlined his concerns with this report in a letter submitted to Council President Smart and included in the packets delivered to all Councilors.

Councilor Lacey noted that a report has not been received of the transitional audit work conducted by the Abrahams Group. He noted that there was an over expenditure of the transitional audit funds which were approved by the Council, without approval by the Council. He noted that there was a delay in cash reconciliation and this delay puts the audit approved by the Council at risk as the longer the delay the less actionable the issues become. Councilor Lacey stated that there has been discussion in the past regarding the timeliness of the external audit.

Councilor Lacey stated that there is an Lennar Consulting Account that some of these expenditures are applied to and he would like detail as to what the account is, its balance, and what the intent of the Administration is for its use. He stated that he is also had questions regarding accounting practices in Municipal Finance.

A MOTION was made by Councilor Lacey to REFER this matter to the Budget/Management Committee for further review and was seconded by Councilor Mathews.

Council President Smart stated that he had spoken with Administration regarding this issue and it was determined and after discussion with Councilor Lacey that it would be best to discuss the matter in detail at the Committee level.

The MOTION WAS UNANIMOUSLY VOTED.

MOTIONS, ORDERS AND RESOLUTIONS

Motion for appointing Maureen Duffy as Administrative Authority for validation of recording secretary invoices on behalf of the Town Council-Councilor Arthur Mathews

Councilor Mathews made a MOTION to CONSIDER this matter under 2(9) b and was seconded by Councilor O'Connor and UNANIMOUSLY VOTED.

Ms. Duffy stated that a policy was implemented in 2005 whereby a vote was required from a committee to approve recording secretary invoices before payment was made; however there is no record that this was put into practice. The internal auditor has historically been approving recording secretary invoices for the past eight years.

A MOTION was made by Councilor Mathews to APPOINT Maureen Duffy, internal auditor, as the administrative authority for validation of recording secretary invoices on behalf of the Town Council and was seconded by O'Connor and PASSED on a 10-1 vote with Councilor Whitaker opposed.

ADJOURNMENT

At 8:55pm there being no further business, Councilor Mathews MOTIONED to adjourn and Councilor O'Connor seconded and was UNANIMOUSLY VOTED.

Approved by: _____
Michael Smart, President