

MINUTES OF THE TOWN COUNCIL
Town Hall Council Chambers
November 9, 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

Also Present: Franklin Fryer, Town Clerk
Maureen Duffy, Town Auditor
George Lane, Town Solicitor
Mayor Susan Kay
James Wilson, Chief Financial Officer
James Clarke, Director of Planning
Walter Flynn, Chair, Community Preservation Committee
Mary Jo Livingston, Superintendant of Weymouth Public Schools

Recording Secretary: Diane T. Hachey

President Smart called the Town Council Meeting to order at 7:30 PM. Town Clerk, Franklin Fryer, conducted the roll call with all Councilors present.

ANNOUNCEMENTS

Councilor Harrington announced that since 2008 he has attempted to resolve traffic issues at the intersection of Pine and Ralph Talbot, to no avail. As of late, South Shore Hospital (as part of its mitigation for expansion) has agreed to fund the set up of an Opticom light which would allow emergency vehicles to pass safely and quickly through the intersection. The cost will be approximately \$18k. Councilor Harrington expressed his gratitude to the Mayor, Planning Board, and Board of Zoning Appeals for their efforts in this mission.

Councilor DiFazio announced that the East Weymouth Neighborhood Association will host a "Winter Wonderland Ball" on Thursday, December 3 from 7-9:30 PM. Tickets are \$12 per person or \$10.00 per person if purchased in advance. Contact Theresa Clark at 781-331-0756 for further information.

Councilor Mathews announced that the annual Veterans' Day Parade will be held on November 11, 2009, commencing at 9:15 am at the Korean Memorial Wall and proceed to the Civic Center via Broad and Middle Streets.

MINUTES

Town Council Meeting Minutes of October 19, 2009

Councilor Mathews motioned for favorable action on the Town Council Meeting minutes of October 19, 2009, motion seconded by Councilor O'Connor and voted unanimously.

PUBLIC HEARINGS

7:35 PM- 09 112-Community Preservation Committee Purchase of Land at 4 Mutton Lane

Councilor Mathews motioned to open the public hearing, motion seconded by Councilor O'Connor and voted unanimously. Councilor Mathews noted that this was published on 30 October 2009.

Mr. Clarke and Mr. Flynn presented to the Council.

This land is located at the intersection of Pleasant Street and has frontage on Mutton Lane. It entails a 4 acre parcel inclusive of a home built in the 1770's. The property is adjacent to Brad Hawes Park and the town is looking to purchase the rear 2 acres. Mr. Clarke noted that acquisition of this land makes this a viable project due to expansion of recreation opportunities.

The Community Preservation Committee is proposing a measure totaling \$69,000-- acquiring the land in the amount of approximately \$63,000 which represents outstanding back real estate taxes-- with the remainder to be applied to attorney fees and associated closing costs.

The property has been appraised at \$100,000-which results in a substantial savings in purchase to the town.

Councilor DiFazio noted that this is a prime example of the town's efforts to curb development, as acquisition of said property would stop future development. He further requested that Mr. Clarke and Mr. Flynn consider the lack of parking in that area, should the town pursue extending Brad Hawes Park.

President Smart asked for comments from the public to which there was no response. Councilor Mathews motioned to close the public hearing on measure number 09 112, motion seconded by Councilor Molisse and voted unanimously.

OLD BUSINESS

Council President Smart noted that these utility petitions represent private roads which have been accepted as public-- and authorization is necessary in order that National Grid and Verizon are able to run their equipment.

09 114-Verizon/National Grid Utility Petition for Old Colony Drive

Councilor Mathews motioned for consideration under 2-9 (b), motion seconded by Councilor O'Connor and voted unanimously.

Councilor Mathews motioned for favorable action, motion seconded by Councilor O'Connor and voted unanimously.

09 115-Verizon/National Grid Utility Petition for Woodside Path

Councilor Mathews motioned for consideration under 2-9 (b), motion seconded by Councilor O'Connor and voted unanimously.

Councilor Mathews motioned for favorable action, motion seconded by Councilor O'Connor and voted unanimously.

09 116-Verizon/National Grid Utility Petition for Rindge Street

Councilor Mathews motioned for consideration under 2-9 (b), motion seconded by Councilor O'Connor and voted unanimously.

Councilor Mathews motioned for favorable action, motion seconded by Councilor Molisse and voted unanimously.

09 117-Verizon/National Grid Utility Petition for Rustic Drive

Councilor Mathews motioned for consideration under 2-9 (b), motion seconded by Councilor O'Connor and voted unanimously.

Councilor Mathews motioned for favorable action, motion seconded by Councilor O'Connor and voted unanimously.

09 118-Verizon/National Grid Utility Petition for Danbury Road

Councilor Mathews motioned for consideration under 2-9 (b), motion seconded by Councilor O'Connor and voted unanimously.

Councilor Mathews motioned for favorable action, motion seconded by Councilor O'Connor and voted unanimously.

09 119- Verizon/National Grid Utility Petition for Chester Lane

Councilor Mathews motioned for consideration under 2-9 (b), motion seconded by Councilor Molisse and voted unanimously.

Councilor Mathews motioned for favorable action, motion seconded by Councilor O'Connor and voted unanimously.

09 120-Verizon/National Grid Utility Petition for Lane Avenue

Councilor Mathews motioned for consideration under 2-9 (b), motion seconded by Councilor O'Connor and voted unanimously.

Councilor Mathews motioned for favorable action, motion seconded by Councilor O'Connor and voted unanimously.

09 121-Verizon/National Grid Utility Petition for Springvale Circle

Councilor Mathews motioned for consideration under 2-9 (b), motion seconded by Councilor O'Connor and voted unanimously.

Councilor Mathews motioned for favorable action, motion seconded by Councilor O'Connor and voted unanimously.

09 122-Verizon/National Grid Utility Petition for Mary Rose Road

Councilor Mathews motioned for consideration under 2-9 (b), motion seconded by Councilor O'Connor and voted unanimously.

Councilor Mathews motioned for favorable action, motion seconded by Councilor O'Connor and voted unanimously.

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

09 123-Great Pond Water Treatment Plant Verizon Easement

Councilor Mathews motioned for consideration under 2-9 (b), motion seconded by Councilor O'Connor and voted unanimously.

Councilor Mathews motioned for favorable action as follows:

“That the Town of Weymouth, through Town Council, and with the approval of the Mayor, grant an easement to Verizon New England, Inc., for access and to erect, construct, dig up, dredge, reconstruct, connect, install, lay, operate, maintain, patrol, inspect, repair, replace, alter, extend or remove one or more lines for the transmission and/or distribution of intelligence and telecommunications including the necessary poles, wires, cables, conduits, conductors, manholes and associated surface closures, terminals, pedestals, fixtures, pads, foundation, electronic enclosures with equipment therein, auxiliary power supply, appurtenances and other apparatus and equipment deemed necessary for the New Great Pond Water Treatment facility and access along, upon, across, upon and over a portion of land known as 239 Pond Street, shown as Block 580,

Lot 1, on Map 52 of the Town of Weymouth Assessors Records.”

Motion was seconded by Councilor O’Connor. Councilor Lacey announced that he is recusing himself from the vote and left the Chambers. Solicitor Lane noted that same night action is being requested in order that the treatment plant be closed up for the winter months.

Voted 10-0-1 with Councilor Lacey recusing himself.

09 124-Designation of Commission Member as Special Employee

Councilor Mathews motioned for referral to the Ordinance Committee, motion seconded by Councilor Molisse, and voted unanimously.

09 125-Statement of Interest, Chapman

As a result of a recent vote of the School Committee, Ms. Livingstone is requesting renewal of the statement of interest, which must be refreshed on a yearly basis as a requirement of SBA.

Councilor Mathews motioned for consideration under 2-9(b), motion seconded by Councilor O’Connor and voted unanimously.

Councilor Mathews motioned for favorable action as follows:

“Resolved: Having convened in an open meeting on Monday, November 9, 2009, 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 November 13, 2009, 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 School 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.”

Motion was seconded by Councilor O’Connor and voted unanimously.

09 126-Fiscal Year 2009 Snow Removal Deficit

Mr. Wilson noted that the Mayor is requesting funds expended in the amount of \$373,798 from free cash for purposes of funding the 2009 snow removal deficit. Free cash was certified on Friday and again this morning.

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

Councilor Lacey asked of Mr. Wilson what the current balance is in free cash. To which Mr. Wilson answered \$3,162,000.

Supplemental Budget Presentation for Fiscal Year 2010

-Mayor Susan Kay and James Wilson

Mayor Kay distributed and delivered a power point presentation (attached to minutes) to the Council. The highlights of which are as follows:

- fiscal year 2010 revenue projections as of April 1, 2009 total \$127.9 million

- fiscal year 2010 revenue projections based on July 1, 2009 DOR release totals \$126.92-which is down by \$957k from June projections

- budgetary reductions to meet these new revenue projections are \$450k from the school department (planned for previously), \$357,457 for fy09 snow removal deficit, \$100,000 for Medicare insurance, \$50,000 for unemployment compensation and \$26,366 in the reserve fund—totaling \$983,823 in reductions

- other considerations are a decrease in Quinn Bill reimbursements, state’s PILOT payment, state aid to libraries, state aid to Charter Schools

- free cash has been certified at \$3,162,740 and will be applied to: fiscal years 2009 and 2010 snow removal deficits, police radio system, fiscal year 2009 health insurance tailings, and fiscal year 2010 Special Education tuition. The balance after these applications will total \$1,257,942

- CPA will experience a change in revenue (decreased tax based upon exemptions) and an increase in state reimbursement for a net change of an increase of \$20,248

Councilor Lacey extended his gratitude to both the Mayor and Mr. Wilson for this evening’s presentation. Councilor Lacey asked how the town arrived at in excess of 3M in free cash. Mr. Wilson attributes the balance to implementation of a hiring freeze and an exceptionally

high collection rate on property taxes, as main contributing factors.

Councilor O'Connor stated that he is reassured that free cash is substantially higher than in past years and he noted that he is in favor of cushioning the snow removal budget ahead of time.

Council President Smart asked if any of the free cash balance is slated to negotiate outstanding collective bargaining agreements. The Mayor confirmed that negotiations are ongoing and cautioned that fiscal 2011 could potentially be worse than 2010.

President Smart thanked Mayor Kay and Mr. Wilson for the supplemental budget presentation.

09 127-General Government Supplemental Fiscal Year 2010 Appropriation

Councilor Mathews motioned for referral to the Budget/Management Committee, motion seconded by Councilor O'Connor and voted unanimously.

09 128-Fiscal Year 2010 Tax Classification

Mr. Wilson requested that a tax classification rate shift of 1.55 for commercial, industrial, and personal property taxes (with not residential exemption) be approved by Council.

Councilor Mathews motioned for referral to the Budget/Management Committee, motion seconded by Councilor O'Connor and voted unanimously.

09 129-Free Cash Appropriation-Radio Equipment for the Police Department

Mr. Wilson requested that the town raise and appropriate \$106,000 for purchasing new hardware for radio equipment for the Police Department. It was noted that the current system is experiencing problems, and that expeditious approval of this measure would be appreciated.

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

09 130-Fiscal Year 2010 Additional Appropriation-Special Education

Mr. Wilson requests that the sum of \$550,000 is raised and appropriated from free cash in order to supplement the fiscal 2010 out-of-district expenses for special education. This is needed to make up a shortfall in anticipated cuts.

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

09131-Appropriation for a Sale of Tax Title

Mr. Wilson requests appropriation of \$7,500 from the "Sale of Town Owned Property" line item to fund the costs associated with an auction scheduled later this year.

Councilor Mathews motioned for referral to the Budget/Management Committee, motion

seconded by Councilor O'Connor and voted unanimously.

09 132- Fiscal Year 2010 Additional Appropriation for Snow Removal

Mr. Wilson submits this measure in the amount of \$500,000 in order to supplement the fiscal year 2010 snow removal budget.

Councilor Mathews motioned for referral to the Budget/Management Committee, motion seconded by Councilor O'Connor and voted unanimously.

09 133-Free Cash Appropriation for Health Insurance

Mr. Wilson requests appropriation in the sum of \$375,000 from free cash in order to pay for trailing health insurance claims, which expired on June 30, 2009.

Councilor Mathews motioned for referral to the Budget/Management Committee, motion seconded by Councilor O'Connor and voted unanimously.

09 134-Rescind Bond Authorizations-Town Form of Government

At the request of Bond Counsel, excess borrowing authorizations are to be rescinded for the high school building project in the amount of \$1,400,000, and water in the amount of \$604.

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

REPORTS OF COMMITTEES

Budget/Management Committee

-Chairman Kenneth DiFazio

09 112-Community Preservation Committee-Purchase of Land at 4 Mutton Lane

This measure was referred to the Budget/Management Committee on October 5, the committee met on November 9 and voted unanimous favorable action. The public hearing was held this evening. Councilor DiFazio motioned for favorable action, motion seconded by Councilor Molisse and voted unanimously.

09 111-External Audit Proposals for Fiscal Years 2010-2014

This measure was referred to the Budget/Management Committee on October 5, the committee met this evening and voted to table. The committee has no recommendation at this time.

ADJOURNMENT

With no further business to conduct, Councilor Mathews motioned to adjourn at 8:55 PM, seconded by Councilor O'Connor and voted unanimously.

Respectfully submitted by: Diane T. Hachey

Approved by:

Michael Smart-Town Council President

Attached: Power Point Presentation on the Supplemental Budget