

TOWN COUNCIL MEETING  
TOWN COUNCIL CHAMBERS  
NOVEMBER 10, 2008

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

Absent: Thomas J. Lacey  
Maureen Duffy, Town Auditor  
Frank Fryer, Town Clerk

Also Present: Kathy Deree, Assistant Town Clerk  
George Lane, Town Solicitor  
James Wilson, Chief Financial Officer

Recording Secretary: Diane Hachey

Council President Smart called the Town Council Meeting of November 10, 2008 to order at 7:35 PM.

Councilor Lacey contacted President Smart to inform him that he would not be in attendance due to a prior commitment.

**ANNOUNCEMENTS**

Councilor Molisse announced that the Weymouth Elks is hosting a "Hoop Shoot" at Weymouth High School on November 15 at 8:30 AM -for ages 8-13. The contact number for additional information is 781-792-0029.

Councilor DiFazio announced that the Budget/Management Committee has scheduled a meeting for November 13 at 6:45 PM.

Councilor McDonald announced that it is the 233<sup>rd</sup> birthday of the Marine Corps and wished them a "Happy Birthday".

**MINUTES**

**Budget/Management Committee Meeting Minutes of May 8, 2008-tabled from June 2, 2008**

Councilor Mathews motioned to remove these minutes from the table, seconded by Councilor O'Connor and unanimously voted. Councilor Mathews motioned to approve minutes as amended, seconded by Councilor O'Connor and unanimously voted.

**Ordinance Committee Meeting Minutes of October 6, 2008-tabled from October 20, 2008**

Councilor Mathews motioned to remove these minutes from the table, seconded by Councilor O'Connor and unanimously voted. Councilor Mathews motioned to approve minutes as amended, seconded by Councilor O'Connor and unanimously voted.

**Budget/Management Committee Meeting Minutes of October 15, 2008**

Councilor Mathews motioned to approve these minutes, seconded by Councilor Molisse and unanimously voted.

**Town Council Meeting Minutes of October 20, 2008**

Councilor Mathews motioned to approve these minutes, seconded by Councilor Molisse and unanimously voted.

**PUBLIC HEARINGS**

**08 128-National Grid Utility Petition-Pole Relocation on Broad Street**

Councilor Mathews motioned to open the public hearing on measure number 08 128 and noted that the abutters were notified on October 30, 2008. Councilor Molisse seconded the motion, unanimously voted.

Ms. Aileen Darois and Fire Chief Robert Leary approached the Council. It was noted that this request was initiated by the Fire Chief in order to provide sufficient access to the fire station. The Fire Chief noted his concerns with public safety issues and as a result, removed shrubbery which was blocking the view for fire trucks backing out.

Council President Smart noted that this is a public hearing and asked if there was anyone from the public who wished to speak, to which he received no response.

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

Councilor Mathews motioned to consider this measure under 2-9b-same night action, seconded by Councilor Molisse and unanimously voted.

Councilor Mathews motioned for favorable action on measure number 08 128-seconded by Councilor Molisse and unanimously voted.

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

Mr. Wilson presented the following measures for the Town Council's consideration:

**08 129-Reserve Fund Transfer-Parking Ticket Administration**

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

**08 130-Unpaid Bills**

Mr. Wilson noted that this measure is representative of unpaid bills for fiscal year 2008 in the amount of \$1, 382.95.

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

**08 131-Fulton School Close-Out Costs**

Mr. Wilson noted that this measure would raise and appropriate \$6,120.04 for the closing costs for the Fulton School.

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

**08 132-Abigail Adams Close-Out Costs**

Mr. Wilson noted that this measure is a reserve fund transfer for phase 4 project close-out –representative of a 1987 Abigail Adams leak.

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

**08 133-Community Preservation Committee-Fogg Library Request**

Mr. Wilson noted that this measure is for \$1.32 million for exterior renovations to the Fogg Library.

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

**08 134-Community Preservation Committee-Annual Appropriation**

Mr. Wilson noted that this measure is representative of a supplemental appropriation to the Community Preservation Committee's budget allocation for a reduction in state aid by \$55,357.

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

**08 135-Fiscal Year 2009 Tax Classification**

Mr. Wilson noted a shift of tax rate to 1.60 for commercial, industrial and personal property taxes, with no residential exemptions.

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

**08 136-Community Preservation Committee-Reilly Playing Fields Request**

Mr. Wilson noted that this measure is to study the Reilly playing fields in the amount of \$18,125.

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

**08 137-Acceptance of Granting an Easement—Roman Catholic Archbishop of Boston Weymouth Landing**

Mr. Wilson noted that the address for the easement is 80 Commercial Street.

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

**08 138-Transfer Health Insurance Coverage**

Mr. Wilson noted that this is a request for a late agenda item and seeks approval for the town to adopt MGL Chapter 32B, Section 19(e) and authorizes the Mayor to bargain with the Public Employee Committee in order to transfer the town's current insurance to the GIC plan.

Councilor DiFazio asked if Mr. Wilson foresees a measure which will indicate the financials for entering the Town into the GIC plan. Mr. Wilson does not foresee this and explained that the town would vote to adopt the statute to enter into contract negotiations. Mr. Wilson further noted that he is prepared to discuss this issue in more detail at the Budget/Management Committee Meeting on Thursday.

A discussion ensued on whether to refer this measure to the Budget/Management Committee or the Ordinance Committee. It was agreed upon that the most expedient manner to handle this measure would be a Budget/Management referral at this time.

**REPORTS OF COMMITTEES**

**Ordinance Committee-Chairman Kevin Whitaker**

**07 131-Proposed Ordinance Change to Section 3-326- Community Preservation Committee**

This measure was withdrawn, at the sponsor's request. The Committee unanimously voted the measure be withdrawn and no further action taken. Councilor Whitaker motioned for withdrawal, seconded by Councilor Mathews, and unanimously voted.

**Gasoline Prices-Buyer Beware**

The Ordinance Committee investigated this matter on the sale of gasoline and the advertising of different prices for cash versus credit transactions. Testimony was heard from several sources including Jeff Richards, on behalf of the Department of Weights and Measures, which inspects gas stations on a regular basis to ensure compliance. The Committee is awaiting a further report from the state with respect to its interpretations of standards and advertising requirements.

**Notice from Utility Companies Prior to Work Commencement**

This issue was referred to the Ordinance Committee based on a resident's concern surrounding notice of utility work in addition to potential issues of liability. The Ordinance Committee communicated with the Department of Public Works Director and were informed of existing ordinances and regulations which are currently in place which address these concerns. The committee was also made aware of informal reciprocity agreements and customs which apply in certain circumstances. Councilor Whitaker noted that the committee invites comments from all Councilors, most specifically District Councilors. He is looking for their experiences and the effectiveness of enforcement changes in the first year. Councilor Whitaker originally intended to forward a letter to all Councilors, but open meeting issues suggest it better to make the request on the record of an open meeting. He also welcomes public comments as well. The Ordinance Committee will review the comments received and discuss these with the Department of Public Works and Town Administration.

With no further business to conduct, Councilor Mathews motioned to adjourn at 7:55 PM, seconded by Councilor Molisse and unanimously voted.

Respectfully Submitted by: Diane T. Hachey

Approved by: Council President Michael Smart