

MINUTES OF THE TOWN Council  
Town Hall Council Chambers  
November 13, 2006

Present: Michael Smart, President  
Paul J. Leary, Vice-President  
Jack Carey  
Kenneth DiFazio  
Susan Kay  
T.J. Lacey  
Arthur Mathews  
Michael Molisse  
Patrick O'Connor  
Gregory Shanahan  
Kevin Whitaker

Also Present: Franklin Fryer, Town Clerk  
Jane Hackett, Chief of Staff  
George Lane, Town Solicitor  
Richard Swanson, Town Auditor  
James Wilson, Chief Financial Officer  
Mary Jo Livingstone, Assistant Superintendent of Schools  
Robert Leary, Chief, Weymouth Fire Department

Recording Secretary: Mary Briggs

President Smart called the Town Council Meeting to order at 7:30 pm. The Town Clerk called the roll; all members present.

## **ANNOUNCEMENTS**

Councilor Whitaker reported that the South Shore Hospital's request for a Special Permit for a cancer center and parking will be heard on November 15, 2006 by the Zoning Board of Appeals at 7 PM at the McCulloch Building.

Councilor Leary reported that the South Weymouth Neighborhood Association's next meeting will be November 14, 2006 at the Nazarene Church. There will be a special topic, Emergency Preparedness, by Civil Defense, WPD, WFD and medical personnel. Also, annual flu shot clinic for senior citizens will be on Saturday, November 18, 2006 from 9-11 AM at Weymouth High School.

Councilor Molisse reported the Lions Club is sponsoring a Harvest Dance at the Weymouth Elks hall on Friday November 17, 2006 from 7-11 PM. Tickets are \$25 and can be obtained by calling President Bill Donnellan at (781) 335-4590.

Councilor Lacey wanted to recognize the position that Police Chief Thomas took in not allowing businesses to open on Veterans' Day prior to 1 PM. There was an ovation for Chief Thomas.

Councilor Molisse reported that there were two traffic supervisors in attendance to be recognized for forty years of service to the town. Gladys Blanchard was presented a citation by Principal Jim Lucia and students from the Academy Avenue School. Ruth Fisher was presented with a citation by Principal Nancy Legan and students from the Lawrence Pingree School. Both received an ovation. Chairman Smart thanked both of them for their service.

Councilor Carey reported that the Thomas V. Nash, Jr. School was recently recognized for achievement in the last MCAS testing. The Nash School's grade three scored the highest in the state in both English Language Arts and Math. Principal Susan Nutting was recognized and presented with a citation from the Town Council. She thanked the Council and her staff, and received an ovation.

### **APPROVAL OF MINUTES**

**Ordinance Committee Meeting of 10/19/06**- Councilor Leary made a MOTION to approve the minutes from the 10/19/06 meeting, and was seconded by Councilor Kay. Councilor Leary then made a MOTION to amend the wording at the top of page 4 of the minutes- replace 'utility company' with 'Department of Telecommunications and Energy.' Further, in the 5<sup>th</sup> paragraph from the bottom, amend 'Chairman Thomas' to read 'Chief Thomas.' Councilor Kay seconded the MOTION to amend the minutes. UNANIMOUSLY VOTED.

**Budget/Management Committee Meeting of October 19, 2006**- Councilor Leary made a MOTION to approve the minutes of October 19, 2006 and was seconded by Councilor Kay. Councilor Leary noted a typo and made a MOTION to amend the minutes. On page 2, correct the spelling in Mr. Haley's name. Councilor Kay seconded the MOTION to amend the minutes. VOTED 9/0/1 with Councilor Whitaker abstaining. The MOTION carried.

### **CITIZEN'S CONCERN/COUNCIL RESPONSE**

#### **Citation Issuance** -

President Smart received an email from Cheryl Goldman to recognize the Weymouth High School Wildcat Marching Band and Color Guard. John Duff, Band Director, was invited to the table to report that the marching band won both state and New England Scholastic titles on November 5, 2006 in a competition hosted at Weymouth High School. Mr. Duff offered the thanks of the band to the Council, town and community for their support. President Smart congratulated the band, many of the members who were in attendance, and presented two citations, one from the State Senate and Senator Hedlund, and the second from the Town Council and Citizens of Weymouth. Many of the trophies won by the band were on display during the meeting. The band and its director received a standing ovation.

Councilor Carey congratulated the band, and noted that in other sports, the dance team is heading

to Florida for competition; cheerleaders did well in their league meets, and the girls cross country track team qualified for the all-states. Both girls and boys soccer teams advanced to post-season play-offs, and the football team is also going into play-offs. He reported to the Council that great things are happening with the young people at Weymouth High School. The Thanksgiving football game is coming up, and a play-off game on Tuesday, November 28, 2006.

Councilor Kay reported that they would be remiss if they didn't also recognize the parents of the band members, who have been relentless in their support of the band and fundraising efforts. She congratulated the parents also.

## **PUBLIC HEARINGS:**

### **7:35 PM 06-148 - Unpaid Bills Free Cash**

A MOTION was made by Councilor Leary to open the public hearing, which was published November 3, 2006. The MOTION was seconded by Councilor Kay and UNANIMOUSLY VOTED. James Wilson, Chief Financial Officer, came to the table. He reported that the Mayor requests the sum of \$5,072.44 from free cash for unpaid FY06 bills. Bills are for legal costs for special counsel, insurance and mobile telephone service. Free cash was certified in the amount of \$1.4M. President Smart asked how many cell phones the town has. Mr. Wilson estimated there are 40 phones on the town side. President Smart asked if anyone from the public would like to speak, to which there was no reply. Councilor Leary made a MOTION to close the public hearing on 06-148 and was seconded by Councilor Kay. UNANIMOUSLY VOTED.

### **7:36 PM 06-149 - Order to Create, Expend and Receive Funds in Certain Revolving Accounts for the School Department**

A MOTION was made by Councilor Leary to open the public hearing, which was published November 3, 2006. The MOTION was seconded by Councilor Kay and UNANIMOUSLY VOTED. Mr. Wilson requested that Mary Jo Livingstone, Assistant Superintendent come to the table. She requested that the town create a revolving fund for the purpose of receiving and expending funds for the parking fees at Weymouth High School. Funds are currently deposited to the Student Activities account. Creating a revolving for parking fees would create a better access and a more appropriate place to put the fees. Councilor Kay asked what the parking fees are and Ms. Livingstone responded that it is \$25 per year, for about 300 spaces. At Councilor Carey's request, Ms. Livingstone reviewed how ticket sales from school activities are deposited and how they can be expended based on the type of account. Money deposited into a student activity account cannot be used to offset stipends for paraprofessional security personnel. President Smart asked if anyone from the public would like to speak, to which he received no reply. Councilor Leary made a MOTION to close the public hearing on 06-148 and was seconded by Councilor Kay. UNANIMOUSLY VOTED.

### **7:37 PM 06-150 - Free Cash Appropriation-Six Month Payment for High School Bond**

A MOTION was made by Councilor Leary to open the public hearing, which was published November 3, 2006. The MOTION was seconded by Councilor Kay and UNANIMOUSLY

VOTED. Mr. Wilson reported that the Mayor is requesting an appropriation in the amount of \$322,987 from Free Cash for paying the first of interest only payment in long term borrowing for the High School project. In spring when the budget came forward, it was uncertain whether the bond for the high school project would be temporarily or permanently financed, since the request for reimbursement had not yet been submitted to SBA fund. The audit was completed over the summer and funding went out to bond. The borrowing required a 6-month payment. That is what is now before the Council. President Smart asked if anyone from the public wished to comment, to which he received no response. Councilor Leary made a MOTION to close the public hearing on 06-150 and was seconded by Councilor Kay. UNANIMOUSLY VOTED.

### **7:38 PM 06-151 - Community Preservation Committee-Fiscal Year 2007 Budget**

A MOTION was made by Councilor Leary to open the public hearing, which was published November 3, 2006. The MOTION was seconded by Councilor Kay and UNANIMOUSLY VOTED. Mr. Wilson invited Walter Flynn, Chairman of the Community Preservation Committee to address the Council briefly. He congratulated the committee on their work, which was accomplished by meeting weekly. By the end of the month, he anticipates a complete application form to be available along with a complete set of criteria to establish the needs assessment. Mr. Wilson reviewed the budget process. A 1% tax surcharge for FY07 generated \$476,693, which is 2.5% increase over FY06 revenues. In addition the state match is \$470,100. Estimated receipts and basis for the budget for FY07 is \$946,973. There are seven areas for expenditures: administrative costs, open space, historic resources, community housing, recreation, debt service, and general reserve. Under general law 5% maximum of the receipts can be spent on administrative costs, or \$47,300 broken into three categories: \$7,000 for recording secretary, \$5,340 for miscellaneous, which includes legal notices and supplies, and \$35,000 salary allocations (paying the general fund for services rendered the CPC). Accounting/Municipal Finance, Board of Assessors and Planning and Community Development have all contributed to the CPC. Requested in the supplemental budget in June for this was \$30,000; however the CPC has voted to increase it to \$35,000.

Mr. Wilson then outlined reserve accounting, by which this budget was prepared. Three areas of the budget - open space, historic resources and community housing have mandatory 10% set-asides. These funds may be expended in FY07 or may be set aside for future use. These funds must remain segregated. He reviewed the set asides for each of the three areas. The exception to the set aside is the recreation, which is permissive. If not expended, it goes into an unspecified fund. He summarized the amounts in each of the areas.

In addition, the CPC has available funds which were collected in FY06, and which was certified by the DOR - \$325,546 in unreserved fund balance and \$46,506 in each of the three mandatory

set aside areas. The total amount available for appropriation is \$1.4M.

There was a brief discussion with the Council. Councilor Leary clarified for the public that the administrative costs will not increase existing salaries. It is an allocation only. Councilor DiFazio asked for clarification on the mandatory set aside for recreation; Councilor Mathews noted as the Town Council member on the CPC, he knows the work that has gone into this committee. The next meeting of the CPC is on November 30, 2006 at McCulloch, and there is a public comment period. Councilor Lacey asked for clarification of the administrative costs. Councilor Mathews reported that funds not spent on administrative costs are returned at the end of the year to the general fund. Councilor Kay noted that reserves in funds is common in several towns.

President Smart asked if there were any public comments, to which the following transpired: Ann Hilbert, of 45 Doris Drive, asked if the CPC anticipated having a debt. Mr. Wilson noted that debt service is a mandatory category; it must be reported on an annual basis to the DOR. Mr. Flynn noted there may at some point be an occasion to bond. At the present time, there is nothing nor is it expected in the immediate future.

Ms. Hilbert noted that when the committee expires in five years, any debt accumulated will need to be addressed.

Councilor Mathews reminded the Council and the public, that any need for bonding would be required to be brought before Town Council. The committee cannot take bonding action on its own; however, Mr. Wilson then reminded that the committee does have the authority to make a recommendation.

Councilor DiFazio noted that any bonding brought out beyond the existence of the committee would be subject to tight scrutiny.

Councilor Lacey noted that bonding would provide some flexibility.

Councilor O'Connor asked where the funds would be. Mr. Wilson responded that it is in a segregated balance sheet.

Councilor Kay asked if the Chairman of the CPC could outline the proposal procedure for the public. Mr. Flynn responded that any member of the public may attend their meetings, provide input during a public comment period, and complete a form obtainable through the office of Planning and Community Development. He further stated that any resident of this town may make a request to the CPC, on any type of format, and expect it to be given consideration.

Councilor Kay followed up with a request for guidelines- and questioned if there is a standard form for a proposal. Mr. Flynn responded that the committee will assist any constituent to be sure a proposal is given consideration.

Councilor Leary made a MOTION to close the public hearing on 06-151 and was seconded by Councilor Kay. UNANIMOUSLY VOTED.

**7:39 PM 06-152 - Fiscal Year 2007 Supplemental Appropriation**

A MOTION was made by Councilor Leary to open the public hearing, which was published November 3, 2006. The MOTION was seconded by Councilor Kay and UNANIMOUSLY VOTED. Mr. Wilson reported that the Mayor requests \$187,361 increase to the FY07 budget which was passed by Council in June-- to a total of \$121,863,587, in order to balance the budget to revenues. Expenditures include the following nonrecurring costs: an FY06 snow removal deficit of \$31,059, FY06 health insurance deficit of \$40,212, increase to the Mayor's budget of \$907 for costs associated with increased publishing costs for the Scholarship Committee, an increase in town hall maintenance salaries of \$6,500, a decrease to the reserve fund of \$58,766, an increase of \$100,000 to the DPW equipment line for renovations to the office structure of the DPW, an increase of \$15,000 to the Health Department for the flu clinic, which formerly was reimbursed by Medicare to the general fund, and an increase in state assessments of \$9,449.

President Smart reminded the Council that this measure had been reviewed by the Budget/Management Committee. There was a brief discussion with the members concerning rate relief to be available to MWRA communities, but which will not impact this supplemental appropriation request.

President Smart asked if there were any public comments, to which he received no reply. Councilor Leary made a MOTION to close the public hearing on 06-152 and was seconded by Councilor Kay. UNANIMOUSLY VOTED.

**7:40 PM 06-153 - Tax Classification**

A MOTION was made by Councilor Leary to open the public hearing, which was published November 3, 2006. The MOTION was seconded by Councilor Kay and UNANIMOUSLY VOTED. Mr. Wilson reported that the Mayor is requesting a 1.75 shift in the tax rate from commercial, industrial and personal property taxes with no residential exemptions. He invited principal assessor, Pamela Pantermoller and Chairman of the Board of Assessors, Paul Haley to the table. The other members of the Board of Assessors were in attendance also. Mr. Haley reported that without changing the total tax levy, the town may elect to shift the tax burden among the major property classes within certain limits as established by law. The share of the levy increase by the commercial, industrial and personal property classes may be increased as long as

the residential and open space classed are raised a certain portion as prescribed by law, in comparison to what would have been raised without the shift. The minimum residential factor established by the Commission of Revenue is used to make certain that the shift of the tax burden complies with the Classification Act. An analysis was provided by the Board of Assessors to the Council earlier in the month. He specifically referred the Council to page three of the analysis and recommended the shift. Last year, the Mayor and Council approved a 77% shift; without it this year, the tax levy burden borne by residents would be at 87%. The board recommends once again that the Council adopt a 75% shift. The end result is the burden of the resident class will be at 77.3%. The residential tax rate this year was \$8.93 per \$1,000 of assessed value. He anticipates that once the Department of Revenue approves the recapitulation, the rate for residents will go up by 15¢ to \$9.08. Commercial rate will then be set at \$17.61 and recommending it be increased to \$17.88. It will not be a significant change for residents for the next year. He reviewed the remainder of the document for the Council.

Councilor Whitaker asked if the town was taking the maximum shift under the law. Mr. Haley responded that he did not recommend it as it would need to be addressed in the following year. Councilor Whitaker referred to a letter from the South Shore Chamber of Commerce recommending the town not take the maximum shift.

President Smart opened the floor to public comment, of which the following transpired: Ann Hilbert of 45 Doris Drive requested the new growth figure. Mr. Haley responded it is \$775,000.

Councilor Leary made a MOTION to close the public hearing on 06-148 and was seconded by Councilor Kay. UNANIMOUSLY VOTED.

## **COMMUNICATION FROM MAYOR, TOWN OFFICERS, AND TOWN BOARDS**

Councilor Leary made a MOTION to add a late agenda item and was seconded by Councilor Kay. UNANIMOUSLY VOTED.

### **06-157 - Request for re-appropriation from the Town Solicitor, Damages and Judgment account to the Town Solicitor Salary Line Account**

Request to re-appropriate the amount of \$16,000 for the purpose of funding a paralegal position at approximately 15 hours per week. A MOTION was made by Councilor Leary to refer this item to the Budget/Management Committee and was seconded by Councilor DiFazio. Councilor Kay asked if this is a new position would it be required to go to the Ordinance Committee as well. Ms. Hackett did not think the establishment of new positions needed to but it could be brought up with

Solicitor Lane. She noted that not all positions in every department are listed in the municipal code. President Smart requested Solicitor Lane review this issue when it is discussed at Budget/Management. UNANIMOUSLY VOTED.

## **REPORTS OF COMMITTEES**

### **Budget/Management Committee - Chairperson DiFazio**

Councilor DiFazio reported out on the following measures which were addressed in Budget/Management Committee meetings:

**06 145**-Councilor Whitaker noted that during the hearings on measure 06-145, additional information came to light which presents alternatives and/or other lines of investigation which relate to this measure. As the sponsor of the measure, he is requesting withdrawal from the Council's consideration. The Town Clerk and the Clerk of the Council agree with the request. Councilor Whitaker made a MOTION to relieve the Budget/Management Committee of measure 06-145 and that measure 06-145 is withdrawn without action from the Town Council. The MOTION was seconded by Councilor Shanahan. UNANIMOUSLY VOTED.

### **06-147 – Re-appropriation of Fire Department Clothing Allowance -**

This was referred from the Town Council Meeting of October 2, 2006, reviewed at the Budget/Management Committee meeting of October 19, 2006, and recommended for favorable action by the committee. A MOTION was made by Councilor DiFazio to re-appropriate the sum of \$6,125 from line item Fire Suppression and Rescue to Fire Suppression and Rescue/Clothing Allowance and was seconded by Councilor Kay. UNANIMOUSLY VOTED.

### **06-148 - Unpaid Bills Free Cash -**

This was referred from the Town Council Meeting of October 2, 2006, reviewed at the Budget/Management Committee meeting of October 19, 2006, and recommended for favorable action by the committee. The public hearing was held this evening, November 13, 2006. A MOTION was made by Councilor DiFazio to raise and appropriate the sum of \$5,072.44 from free cash to pay unpaid bills and was seconded by Councilor Leary. UNANIMOUSLY VOTED.

### **06-149 - Order to Create, Expend and Receive Funds in Certain Revolving Accounts for the School Department -**

This was referred from the Town Council Meeting of October 2, 2006, reviewed at the Budget/Management Committee meeting of October 19, 2006, and recommended for favorable action by the committee. The public hearing was held this evening, November 13, 2006. A

MOTION was made by Councilor DiFazio to authorize the creation of the following revolving accounts in accordance with Massachusetts General Law, Chapter 71, Section 71E for Fiscal Year 2007 and furthermore that this account be permitted to accept funds in the aggregate, through the limits set forth below in the and expend those funds for the limit herein expressed with the consent of the School Committee- Weymouth High School Parking Fund - limit to accept- none; limit to expend- \$100,000. This was seconded by Councilor Kay. UNANIMOUSLY VOTED.

**06-150 - Free Cash Appropriation-Six Month Payment for High School Bond -**

This was referred from the Town Council Meeting of October 2, 2006, reviewed at the Budget/Management Committee meeting of October 19, 2006, and recommended for favorable action by the committee. The public hearing was held this evening, November 13, 2006. A MOTION was made by Councilor DiFazio that the town raise and appropriate the sum of \$322,987 from Free Cash for Long Term Debt Interest for the purpose of funding the first payment of the financing of the High School Project and was seconded by Councilor Kay. UNANIMOUSLY VOTED.

**06-151 - Community Preservation Committee-Fiscal Year 2007 Budget -**

This was referred from the Town Council Meeting of October 2, 2006, reviewed at the Budget/Management Committee meeting of October 19, 2006, and recommended for favorable action by the committee. The public hearing was held this evening, November 13, 2006. A MOTION was made by Councilor DiFazio to adopt the report of the Community Preservation Committee on the Fiscal Year 2007 Community Preservation Budget. Further to appropriate or reserve for later appropriation, monies from the Community Preservation Fund annual revenues for the administrative expenses of the Community Preservation Committee, for payment of debt service, the undertaking of Community Preservation projects and all other necessary and proper expenses for the year as identified on the attached exhibit-- and was seconded by Councilor Kay. UNANIMOUSLY VOTED.

**06-152 - Fiscal Year 2007 Supplemental Appropriation -**

This was referred from the Town Council Meeting of October 2, 2006, reviewed at the Budget/Management Committee meeting of October 19, 2006, and recommended for favorable action by the committee. The public hearing was held this evening, November 13, 2006. A MOTION was made by Councilor DiFazio that order 06-120, the Fiscal Year 07 Appropriation Order for General Government be increased by the sum of \$187,361 from \$121,676, 226 to \$121,863,587 to provide for all expenses, maintenance and operations of the town's several departments and activities for the fiscal year 2007; that the \$187,361 be raised and appropriated from tax levy and available funds; said \$187,361 is to be applied to the items outlined. The MOTION was seconded by Councilor Kay. UNANIMOUSLY VOTED.

**06-153 - Tax Classification -**

This was referred from the Town Council Meeting of October 2, 2006, reviewed at the Budget/Management Committee meeting of October 19, 2006, and recommended for favorable action by the committee. The public hearing was held this evening, November 13, 2006. A MOTION was made by Councilor DiFazio that the Town of Weymouth approve a classification tax rate shift of 1.75 for commercial, industrial and personal property taxes with no residential exemption and was seconded by Councilor Kay. UNANIMOUSLY VOTED.

**Ordinance Committee - Chairperson Kay**

Councilor Kay reported out on the following measures which were addressed in Ordinance Committee:

**06-125 - Utility Applications/Petitions Proposed Changes -**

The committee met this evening to further review this measure. As late as today the committee received additional information which may impact the proposed changes. The committee voted to continue the discussion and will report back to full Council at a future meeting.

**06-143 - Yard Sale Ordinance Review -**

More information has also been received on this measure, which will require further review by the committee. The committee voted unanimously to continue the discussion and will report back to full Council at a future meeting.

NEW BUSINESS

**06-156 Reappointment of the Clerk of the Council -**

A MOTION was made by Councilor Leary to refer this item to the Budget/Management Committee and was seconded by Councilor O'Connor. UNANIMOUSLY VOTED.

**ADJOURNMENT**

At 8:59PM, there being no further business, a MOTION to adjourn was made by Councilor O'Connor and was seconded by Councilor Kay. UNANIMOUSLY VOTED.