

**MINUTES OF THE TOWN COUNCIL**  
**Town Hall Council Chambers**  
**November 14, 2005**

Present:	Thomas J. Lacey, President Michael Smart, Vice-President Greg Shanahan Paul J. Leary Kenneth DiFazio Susan Kay Michael Molisse Arthur Mathews Kevin Whitaker (new Councilor At Large)	Voted amendments to pages 13 and 14 at 4/3/06 meeting
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Also Present:	George Lane, Town Solicitor Franklin Fryer, Town Clerk Richard Swanson, Town Auditor Jane Hackett, Chief of Staff
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Recording Secretary:	Susan DeChristoforo
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President Lacey called the November 14th, 2005 Special Town Council Meeting to order at 7:30 PM.

**ANNOUNCEMENTS**

President Lacey began the meeting by welcoming newly elected Councilor At Large Kevin Whitaker.

Councilor Whitaker wanted to take a moment to thank ex-Councilor Colin McPherson as well as family, friends and voters who supported his election. He also wanted to address any questions with regard to him having a 'conflict of interest' in this position, because he and CFO Jim Wilson are partners in a law firm. He said he brought this question to the attention of the State Ethics Commission and he has received their decision, which confirmed that they found "no" conflict of interest. Additionally, he wanted it noted that he and Mr. Jim Wilson own a piece of real estate together, adding he is also a coach in youth sports in the Town. He pointed out that Councilor DiFazio was also an attorney and that he didn't expect there was any conflict about this. He wanted to address this issue publicly and for the record. In closing he thanked the Town Council and said he was eager to get started.

President Lacey noted that Councilor Whitaker was replacing the vacancy left by Colin McPherson, acknowledging that Kevin Whitaker was the top vote getter. He welcomed him to the Council and offered the Council's assistance.

At this point Councilor Kay took a moment to recognize Mr. Gallagher who recently received a "Lifetime Achievement Award" from the Superintendent and the School Committee (a member for 13 years).

Councilor Kay went on to report that the Weymouth High School Soccer Team beat Attleboro and will be in the state finals, which will be taking place in Weymouth.

**APPROVAL OF MINUTES**

**Budget/Management Committee - 10/03/05**

A MOTION was made by Councilor Smart to approve the minutes of the October 3rd, 2005 Budget/Management Meeting as submitted and was seconded by Councilor Kay and UNANIMOUSLY VOTED (Councilor Whitaker abstained).

**Town Council - 10/03/05**

A MOTION was made by Councilor Smart to approve the minutes of the October 3<sup>rd</sup>, 2005 Town Council Meeting as submitted and was seconded by Councilor Kay and UNANIMOUSLY VOTED (Councilor Whitaker abstained).

**Budget/Management Committee - 10/03/05**

A MOTION was made by Councilor Smart to approve the minutes of the October 27th, 2005 Budget/Management Meeting as submitted and was seconded by Councilor Mathews and UNANIMOUSLY VOTED (Councilor Whitaker and Councilor Kay abstained).

**CITIZEN'S CONCERNS/COUNCIL RESPONSE****Wilma Delmonico - Yard Sale Ordinance**

Mrs. Delmonico came before the Council to voice her concern with regard to the Yard Sale Ordinance and her recent fine. She said she had a problem with the wording of the Ordinance and spoke about her charitable yard sale verses that of a charitable organization. She stated that she recently had placed a call to President Lacey and had not received a call back. She went on to say that she felt the ordinance wasn't being applied fairly and that it was prejudicial. She asked if there were limits on the number of charitable yard sales you could hold.

President Lacey responded that there was a limit of yard sales you could have at your home per year, which is the same number for those defined as charitable yard sales.

Mrs. Delmonico pointed out that the ordinance didn't include a limit for those that are 'charitable'.

President Lacey wanted to clarify for the record that he received her voice mail message on his Town Council line with regard to holding a yard sale for the Red Cross, adding that he did not have the ability to grant her approval to do that. He pointed out that in the past he returned many calls to Ms. Delmonico, noting that her last call came 'after' she held the yard sale. He emphasized that the Town Council is not the enforcement body.

Mrs. Delmonico acknowledged this as well as the fact that President Lacey had returned all her calls in the past.

President Lacey reiterated that her calls to Town Council would not result in her obtaining their approval for a yard sale because this is not within their jurisdiction.

Mrs. Delmonico told the Council that what the ordinance says is not enforceable. She commented that she didn't mean to infer that Mr. Lacey did not return her call. She spoke about a charitable organization having the ability to have a yard sale on someone else's property. She said the Red Cross should have called to get permission for the yard sale. She then enumerated the violations and her perspective of the circumstances. She told members that some of her yard sales were for charity. She told the Council that she felt they could revise the order for charity.

President Lacey, in his response, stated that the maximum of yard sales per year that were permitted were four (4). He told Mrs. Delmonico that they do not grant variances for charitable organizations, adding that her efforts on behalf of charitable organizations were applauded. He told her that the present ordinance was under review and the members would take her comments under advisement.

Mrs. Delmonico said she was recently fined \$200 for running her last yard sale, commenting that she would rather give her money to the Red Cross.

President Lacey said he would make this note to the Ordinance Committee.

Councilor DiFazio told Mrs. Delmonico that he served on this committee and wanted her to know that the Ordinance Committee's review of the 'Yard Sale' Ordinance was not 'content' based - and based on that he suggested that she speak to himself or one of the committee members about her specific concerns - or return with a proposed ordinance.

Lastly, Councilor Shanahan explained that the members are there to listen, but with regard to changes, the Ordinance Review Committee does not have the ability to make substantive changes.

#### **Pete Scannell - South Weymouth Naval Air Base**

Mr. Peter Scannell appeared before the Council. He wanted to address his strong concerns about the development of the South Weymouth Air Base by LNR and their intent to change the plan that was approved by the Town. He began his presentation by commenting on LNR/Cerberus Capital Management proposed changes in their reuse plans for the Base - the same plan that was touted by the Mayor and proponents of the Council as the only alternative to the Base's development, concerned that the US Navy would arbitrarily sell the land without any consideration given to the buyers intention and use for the Air Base. In his 4-page presentation he stated that he felt Weymouth Town officials have tried to evoke fear in the residents that the USN would let the Base be sold to 'unscrupulous' developers to do whatever they wish. He then referred to a Wall Street article about LNR and its abundant outstanding debt, commenting that Cerberus (one of the fastest growing hedge funds in the US) is the parent company of LNR. He added that Cerberus has been accused on numerous occasions of using tough tactics and last minute cuts in it's investment obligations via what they believe are loopholes that afford them and their investors that right.

One of his prime concerns was the grand waiver that releases LNR from providing the planned 300 units of affordable senior housing in the first phase of their plan for the Base. Mr. Scannell stated when he asked the Mayor and other Town Officials about this and 'they simply shrugged and suggested it could be revisited in a future phase. He wanted his town to respond to this and not representatives of LNR; i. e., Bill Ryan or Terry Fancher.

Mr. Scannell also asked about the 4-lane East/West Parkway and why it is now referred to as a 2-lane parkway. Next he questioned the expenses which were taken into consideration to arrive at the annual surplus revenue of \$370,564 - to be divided between Weymouth, Rockland and Abington. He vocalized his mistrust of LNR/Cerberus and urged the Town to require full disclosure. In closing he commented that it was the electoral duty of the Town Council to make sure that all they have promised to its Town's constituents comes to fruition - and urged those thousands of residents who signed the petition to overturn the Town Council's vote on the LNR plan to email or contact your Town Councilor on the reasons for their vote.

#### **Dominic Galluzzo - So. Shore Tri-Town Development Corporation**

Mr. Galluzzo read from his letter to the Town Council asking a number of questions regarding the status of the Air Base. The questions to the Council were as follows:

1. Based on the small percentage of voter participation, will the Council support an effort to make a Charter change?

2. Is the Council or Administration presently in possession of the promised additional \$1.3 M over and above the mitigation monies negotiated that is the genesis of budget addendums currently being reviewed by the Council's Budget Committee?
3. Why hasn't the Council advised all of its constituents that 37 days after their July vote, proponents were addressing the CAC with an unprecedented Draft Notice Change of Plan?
4. Why are so many changes necessary for a plan that was promoted as Smart Growth - so right and beneficial to the citizens of Weymouth?
5. Mr. Galluzzo then commented "isn't it curious that the extensive review period conditions are now being attacked to compromise the process by those who made that condition a reason for support of their Village Plan?"
6. Why did the Council object to wind farms?
7. Will the Council's pro-active efforts to minimize taxes and maximize revenues be accomplished by taking full advantage of the benefits re. the last 1400-acre land parcel that are within Weymouth's borders.
8. Will the Council demand that LNR fund and immediately erect a wind measuring instrument to collect data that will end speculation that NAS is a moderate wind location capable of supporting a profitable wind farm element?
9. Is the Council aware of a recent proclamation stated by LNR regarding the State's consent orders to improve Weymouth's water and sewage systems?

In closing, Mr. Galluzzo questioned a number of broken promises by LNR; such as,

- the upgrading of Route 18, which has been given a newly delayed startup date of mid-2006
- the promise to build 300 senior citizen housing units
- the delay in LNR to initiate the first step of the filing process with MEPA

Lastly his letter closed with 'We await your responses and continued to dialog with concerns citizens'.

#### **Katie Turner - Unleashed Dogs**

Ms. Katie Turner of 201 Idlewell Boulevard came before the Town Council to address the issue of unleashed dogs in her neighborhood, which included the Pleasantview area. She told members that packs of loose dogs roam the area at all hours of the day/night and some of them were vicious. She said she has tried to file formal complaints with the Dog Officer, but the problem still exists and at this point she was asking for the Town Council's help.

President Lacey told Ms. Turner that he would work with her and the Administration on this problem. He asked about her conversation with the Animal Control Officer and Ms. Turner responded that he told her he could only go and check out the area when she calls, but the Town did not have the manpower to put in place regular patrols of the area.

Ms. Turner asked if they could have signs posted that reminded the people/dog owners of the Town's Leash Law.

President Lacey told her he would meet with her this week on trying to resolve the problem.

#### **PUBLIC HEARINGS:**

##### **7:35 PM - 05 140-Massachusetts Electric/Verizon Petition-Manzanetta Avenue**

A MOTION was made by Councilor Smart to open the public hearing on Measure 05 140 and that the legal notice was published with abutters notified on 11/1/05 and was seconded by Councilor Molisse and UNANIMOUSLY VOTED.

A representative from Massachusetts Electric came before the Council and addressed the petition submitted by Roger Cox of Ma. Electric and Penny Kane of Verizon N.E. for a joint pole relocation 26 ft. north of the existing location on Manzanetta Avenue. This is being done at the request of the MBTA.

President Lacey asked why they were moving the pole and the applicant told him it was to accommodate a new road layout by the MBTA.

Town Councilor Leary noted that a resident by the name of Ms. Piper was concerned because the pole would be located by her front door and the applicant responded that they were aware of this concern and were moving the pole 2-3 ft. farther away from her front door.

Councilor Kay wanted to make sure that the petitioners abided by the request of the Town's engineer to make sure that the pole be installed within the town roadway layout, unless an easement has been granted to the proposer by the private property owner - and this was agreed to by the petitioner.

Town Councilor Leary asked if the old pole was being removed and the answer was 'yes'.

The hearing was opened to the public. No one spoke.

A MOTION was made by Councilor Smart to close the public hearing on Measure 05 140 and was seconded by Councilor Molisse and UNANIMOUSLY VOTED

**7:36 PM - 05 141-Massachusetts Electric/Verizon Petition-Idlewell Street**

A MOTION was made by Councilor Smart to open the public hearing on Measure 05 141, noting that the legal notice was published with abutters notified on 11/1/05 and was seconded by Councilor Kay and UNANIMOUSLY VOTED.

A representative from Massachusetts Electric came before the Council and addressed the petition submitted by Roger Cox of Ma. Electric and Penny Kane of Verizon N.E. which was for a joint pole relocation of Pole #10, 20 ft. south of the existing location on Idlewell Blvd. The relocation was proposed by the MBTA.

President Lacey asked why they were moving the pole and the applicant told him it was similar to the last request as it was to accommodate a new road layout by the MBTA.

Town Councilor Leary asked if they were referring to Ms. Piper's pole and the answer was 'yes'.

President Lacey asked if the work could be done as quickly as possible - including the cleanup and the response was 'yes'.

The hearing was opened to the public. No one spoke.

A MOTION was made by Councilor Smart to close the public hearing on Measure 05 140 and was seconded by Councilor Leary and UNANIMOUSLY VOTED

A MOTION was made by Councilor Leary to approve both pole relocation changes under 2-9B and to take up both applications Measure 05 140 for the pole relocation on Manzanetta Avenue and Measure 05 141 for the relocation of the pole on Idlewell Boulevard and was seconded by Councilor Kay and UNANIMOUSLY VOTED.

A MOTION was made by Councilor Smart to approve Measure 05 140 and 05 141 and was seconded by Town Councilor Leary.

Discussion: The applicant was asked if the immediate abutters could be given 24 hours notice before the poles were removed/relocated and was told that this was not usual policy, but would make that request.

UNANIMOUSLY VOTED

**7:37 PM - 05 112-Free Cash Appropriation FY05-Snow Removal Deficit (\$828,487)**

A MOTION was made by Councilor Smart to open the public hearing and take up Measure 05 112, noting that legal notice was published on 11/5/05 and was seconded by Councilor Kay and UNANIMOUSLY VOTED.

Ms. Hackett came before the Council. She told members that Free Cash was certified in the amount of \$4,283,585 and if all is approved, the new balance in Free Cash would be \$2,855,467. This request is for \$828,487 for snow removal with reimbursement received in the amount of \$2,227,000.

Town Councilor Leary stated that he belongs to the Mass. Municipal Assn. and the disposition of the funding for snow removal is brought up every month at their meetings, as the money from the state has not been forthcoming.

Councilor Kay questioned the amount of the deficit and Ms. Hackett told her it was \$1.1 M.

The hearing was opened to the public. No one spoke.

A MOTION was made by Councilor Smart to close the public hearing re: 05 112 and was seconded by Councilor Kay and UNANIMOUSLY VOTED.

**7:38 PM - 05 113-Payroll for 53<sup>rd</sup> Week-Free Cash Appropriation (\$498,918)**

A MOTION was made by Councilor Smart to open the public hearing on Measure 05 113, with legal notice published on 11/5/05 and was seconded by Councilor Kay and UNANIMOUSLY VOTED.

Ms. Hackett announced that the amount needed for the payroll for the 53<sup>rd</sup> week due for FY06 was \$498,918 and would come from Free Cash, adding the COL (Cost of Living) increase was not included in this figure (was in 05 110).

Councilor Kay commented that the 53<sup>rd</sup> week for the School Dept. was surprisingly low, only \$75,000 explaining this was because they have a shorter pay cycle.

Town Councilor Leary explained that all budget and management measures are to come to the full Town Council by recommendation of the Budget/Management Committee only.

The hearing was opened to the public. No one spoke.

A MOTION was made by Councilor Smart to close the public hearing re. 05 113 and was seconded by Councilor Kay and UNANIMOUSLY VOTED.

**7:39 PM - 05 114-Free Cash Appropriation-Collectors' Mailbox (\$2,000)**

A MOTION was made by Councilor Smart to open the public hearing on Measure 05 114, with legal notice published on 11/5/05 and was seconded by Councilor Mathews and UNANIMOUSLY VOTED.

Ms. Hackett explained that the \$2,000 would come from Free Cash and this was for an outside mailbox for the resident's use/convenience when Town Hall is closed. She told members that the exterior mailbox/drop box has

proved to be a great asset to the Town and very successful. She said when it was out of service, the office received many calls to replace it and it was replaced right away with funds from the Treasurer's office. Now they are reimbursing this Expenditure.

The hearing was opened to the public. No one spoke.

A MOTION was made by Councilor Smart to close the public hearing re. 05 114 and was seconded by Councilor Kay and UNANIMOUSLY VOTED.

**7:40 PM - 05 115-Free Cash-Street Acceptance (\$11,000)**

A MOTION was made by Councilor Smart to open the public hearing on Measure 05 115, with legal notice published on 11/5/05 and was seconded by Councilor Leary and UNANIMOUSLY VOTED.

Ms. Hackett informed the members that the amount was \$11,000 and would come from Free Cash for Street Acceptance; i. e., \$2,775 for Performance Drive in Libbey Park and \$7,175 for Elmer's & Lester's Circle (which need easements).

Councilor DiFazio said the cost re. Performance Drive has two benefits; i.e., no work is required to accept this street and the work will bring back more money to the Town.

Ms. Hackett agreed, adding all that is needed is the paperwork. She told members that the more acceptable roads, the more money for the Town.

The hearing was opened to the public. No one spoke.

A MOTION was made by Councilor Smart to close the public hearing re. 05 115 and was seconded by Councilor Kay and UNANIMOUSLY VOTED.

**7:41 PM - 05 116-Waterways Fund Appropriation-Filtration System (\$2,000)**

A MOTION was made by Councilor Smart to open the public hearing on Measure 05 116, with legal notice published on 11/5/05 and was seconded by Councilor Mathews and UNANIMOUSLY VOTED.

Ms. Hackett reported that the request was for \$2,000 for a new clean-air filter system in the Harbormaster's boat. Presently there is a balance of \$4,542. She said these funds could only be used for the purpose of waterways.

The hearing was opened to the public. No one spoke.

A MOTION was made by Councilor Smart to close the public hearing re. 05 116 and was seconded by Councilor Mathews and UNANIMOUSLY VOTED.

**7:42 PM - 05 117-Free Cash Appropriation-Abigail Adams Remediation Plan (\$145,843)**

A MOTION was made by Councilor Smart to open the public hearing on Measure 05 117, with legal notice published on 11/5/05 and was seconded by Councilor Mathews and UNANIMOUSLY VOTED.

Ms. Hackett was requesting \$145,843 from Free Cash to complete Phase 5 of the Abigail Adams Remediation Plan/fuel tank, adding that Phases 1 through 4 have been completed during FY05. They are now starting Phase 5, which will cost \$206,000; adding this is the first year of the Remediation Program.

Councilor Smart asked if the situation was similar to the Air Base and Ms. Hackett responded 'yes'.

The hearing was opened to the public. No one spoke.

A MOTION was made by Councilor Smart to close the public hearing re. 05 117 and was seconded by Councilor Mathews and UNANIMOUSLY VOTED.

**7:43 PM - 05 118- Free Cash Appropriation -Warranty on Ladder #1 (\$2,150)**

A MOTION was made by Councilor Smart to open the public hearing on Measure 05 118, with legal notice published on 11/5/05 and was seconded by Councilor Kay and UNANIMOUSLY VOTED.

Ms. Hackett announced the cost for the 300,000-mile warranty for the Fire Department's Ladder 1 was \$2,150 and would come from Free Cash.

The hearing was opened to the public. No one spoke.

A MOTION was made by Councilor Smart to close the public hearing re. 05 118 and was seconded by Councilor Kay and UNANIMOUSLY VOTED.

**7:44 PM - 05 119-Repair Police Station HVAC (6,400)**

A MOTION was made by Councilor Smart to open the public hearing on Measure 05 119, with legal notice published on 11/5/05 and was seconded by Councilor Leary and UNANIMOUSLY VOTED.

Ms. Hackett told members she was requesting \$6,400 for the maintenance building repairs re. the pumping station/electrical system at the Police Station. She said the problem came about on 8/14/05 due to a thunder storm/lightning strike. She commented that the cost may exceed the deductible and they are still assessing the damage.

The hearing was opened to the public. No one spoke.

A MOTION was made by Councilor Smart to close the public hearing re. 05 119 and was seconded by Councilor Mathews and UNANIMOUSLY VOTED.

**7:45 PM - 05 120- Free Cash Appropriation-Unpaid Bills FY05 (\$51,728.66)**

A MOTION was made by Councilor Smart to open the public hearing on Measure 05 120, with legal notice published on 11/5/05 and was seconded by Councilor Kay and UNANIMOUSLY VOTED.

Ms. Hackett informed members that the cost for the unpaid bills totals \$51,728.66, adding that these bills originated between FY00 and FY05. All have been certified by the CFO.

The hearing was opened to the public. No one spoke.

A MOTION was made by Councilor Smart to close the public hearing re. 05 120 and was seconded by Councilor Mathews and UNANIMOUSLY VOTED.

**7:46 PM - 05 124- Appropriation from Water Retained Earnings-Capital Items (\$178,000)**

A MOTION was made by Councilor Smart to open the public hearing on Measure 05 124, with legal notice published on 11/5/05 and was seconded by Councilor Kay and UNANIMOUSLY VOTED.



Ms. Hackett stated that the Water Retained Earnings amounted to \$178,000 - currently they have \$971,292 certified. If all of tonight's funding requests pass the new balance will be \$787,792.

The monies for this measure include:

- The demolition of Water Street Tower \$9,300 (bid and hazardous materials)
- Completion of Hollis Street Phase 2 & 3 \$108,000 (currently being funded is \$145,000, this work will be a continuation of the work on Hollis St.)
- The last amount is \$40,000

The hearing was opened to the public. No one spoke.

A MOTION was made by Councilor Smart to close the public hearing re. 05 124 and was seconded by Councilor Mathews and UNANIMOUSLY VOTED.

**7:47 PM - 05 125- Retained Earnings Expenditure-Water & Sewer Telephone System**

A MOTION was made by Councilor Smart to open the public hearing on Measure 05 125, with legal notice published on 11/5/05 and was seconded by Councilor Kay and UNANIMOUSLY VOTED.

Ms. Hackett explained that the amount needed totals \$11,000 - \$5,500 from Water Retained Earnings and \$5,500 from Sewer Retained Earnings, with the Reimbursement amount being \$1,657,604 from the Dept of Revenue FY06. She reported at this point, if all measures pass the new balance would be \$907,104.

The hearing was opened to the public. No one spoke.

A MOTION was made by Councilor Smart to close the public hearing re. 05 125 and was seconded by Councilor Mathews and UNANIMOUSLY VOTED.

**7:48 PM - 05 126- Re-appropriation from Water Capital Funds-Capital Items (\$50,000)**

A MOTION was made by Councilor Smart to open the public hearing on Measure 05 126, with legal notice published on 11/5/05 and was seconded by Councilor Mathews and UNANIMOUSLY VOTED.

Ms. Hackett requested a reappropriation of \$50,000 from 04 068. She told members that the cost turned out to be much less than anticipated. The balance at this point is \$200,750, which is the result of a survey from January 2005. They have identified a refurbish cost of \$5,000. They plan on replacing the valve system with an overflow pipe.

The hearing was opened to the public. No one spoke.

A MOTION was made by Councilor Smart to close the public hearing re. 05 126 and was seconded by Councilor Mathews and UNANIMOUSLY VOTED.

**7:49 PM - 05 127- Appropriation from Sewer Retained Earnings-Capital Items (\$745,000)**

A MOTION was made by Councilor Smart to open the public hearing on Measure 05 127, with legal notice published on 11/5/05 and was seconded by Councilor Kay and UNANIMOUSLY VOTED.

Ms. Hackett addressed the source of the \$745,000, which consisted of:

- \$360,000 ejector station
- \$50,000 oil & grease redirect. Prog.
- \$35,000 pick-up truck

- \$300,000 for unforeseen/Rt. 3 sewer line

Ms. Hackett noted that there is only \$235,000 in this account, but commented that she would be more comfortable having the funds available.

Town Councilor Leary stated that the proposed ordinance re. oil and grease is forthcoming, but at this point they were still meeting with Richard Marino/Health Director and Mr. McCormick/Haz Mat. Coordinator.

The hearing was opened to the public. No one spoke.

A MOTION was made by Councilor Smart to close the public hearing re. 05 127 and was seconded by Councilor Mathews and UNANIMOUSLY VOTED.

#### **7:50 PM - 05 090- Precious Metals Ordinance**

A MOTION was made by Councilor Smart to open the continued public hearing on Measure 05 090, noting that the legal notice was published on 9/24/05 and that the first public hearing took place on 10/03/05 was continued to 10/17/05 and 11/14/2005 and was seconded by Councilor Kay and UNANIMOUSLY VOTED.

Town Councilor Leary informed members that Licensing Officer Brian King came before the Ordinance Committee for public hearings along with some of the license holders. Tonight at the final public hearing, the Ordinance Committee voted to approve the latest revision brought to them by Officer King. He told members that he met with the license holders and they all are in agreement with the version before them this evening. He explained that the primary changes are in Paragraphs 5 and 6. Paragraph 5 extends the waiting period for the sale of a purchased item from 15 days to 30 days from the date of purchase - except when such period is waived by the Chief of Police or his designee. Additionally, numismatic metals will include Kugerands and silver dollars. Re. Paragraph 6 - the primary change includes the need to photo all 'identifiable, unique or unusual' pieces.

At this point Town Councilor Leary read into the record Paragraphs 5 and 6 of the final Precious Metal Ordinance verbatim, which he said was presented to the Committee by Licensing Officer Brian King and was unanimously voted by the Ordinance Committee this evening.

The hearing was opened to the public. No one spoke.

A MOTION was made by Councilor Smart to close the public hearing on Measure 05 090 and was seconded by Councilor Mathews and UNANIMOUSLY VOTED.

#### **OLD BUSINESS**

#### **Update on Redevelopment Plan for South Weymouth Naval Air Station by *Terry Fancher-Executive Director of the South Shore Tri-Town Development Corporation***

Mr. Terry Fancher came before the Council along with Bill Ryan who represented Lennar.

President Lacey stated that based on a motion by Councilor Kay, Mr. Fancher had been invited to update the members on the status of the Base. He told Mr. Fancher that the Councilors have many questions.

Mr. Fancher distributed two handouts - one on the Base Notes Newsletter and the other The Village Center Plan produced by Lennar.

President Lacey told Mr. Fancher that the Council had heard from two residents this evening, Mr. Scannell and Mr. Galluzzo, who had voiced serious concerns and were seeking answers.

Mr. Fancher said he just came on board as the Executive Director in March and had not attended many meetings and wanted the members to know that he has resigned from the Citizens Advisory Committee. Next, he wanted to correct a previous statement - LNR has not changed the plan. He heard the questions regarding water, sewer and traffic. He referred to Phase 1, which he said was an area they own and was created by the previous Executive Director. He said that the changes that have been proposed are included in their Master Plan. He further noted that there was no discussion of a 2-lane parkway, it was always 4 lanes - and the mistake was his, adding he meant it was two lanes 'each way'. He stated that the gates to the underworld were not in South Weymouth.

Mr. Fancher went on to inform those present, that he was very experienced in dealing with these types of issues as he was the General Manager of the South Shore Chamber of Commerce for many years. He said in his presentation, he would address the 'facts'. He further stated that he has had 20 years experience with the Citizen Advisory Committee and he believes in this process and the value of the input from the citizens. He then referred to the question regarding the wind farm, commenting that they were for the Towns of Abington and Rockland, not Weymouth. He emphasized that the widening of Route 18 was underway. Next he wanted to comment on the "Base Notes" newsletter, which he said was primarily created for the abutters/residents in the area. He also gave the members a copy of the Executive Summary, which was given to him by Lennar. Regarding an update - he said the budget is on track, adding that last Wednesday the audit was completed and no material weaknesses on DBA were found. They have had five meetings with Tri-Town and LNR - these meetings included the presence of Bill Ryan and David Hall. Soon it will be turned over to their attorneys.

Mr. Fancher returned to the subject of Route 18 - he said they are about to hit a milestone with the final taking being just around the corner - literally. He told members that they need to maximize the funds that are available to them; i. e., \$14M to \$16 M via Kennedy/Delahunt Bond Bill, including the East/West Parkway. He said there was \$4M for a multi-mobile center and another \$.5 M on the eastern side. Re. the Economic Development Conveyance - he was not aware of the U. S. Navy meeting next week. He noted when they have their next meeting the public will not be present. He went on to say that they will document jobs and where they will be. They are working on four areas with the U. S. Navy, adding they did their part with the runways. They are also working on the Master Lease and leasing the runways for big events - which has generated \$996,000. At this point they need a one-year extension. They are presently requesting a 60-day extension to cap the landfills including West Gate. Additionally, they are working with a grant writer, as well as, looking into better use of the transportation fund. DEP has just funded \$50,000 for an environmental analysis. Re. the Dept. of Revenue Plan - they can't start taxation until they own the land.

Mr. Fancher told the Council that three weeks ago they met with the Mass. Dept. of Revenue and gave them an update on the Base. It is felt they would be going back to them in February 2007. In January 2006 they can go to them with a Business Plan. He told members that in regard to the Cherry Sheet Revenue - the answer is 'yes'. He informed Councilors that the Regulatory framework has been time consuming. He expects the documents in the next few weeks. Presently he has a meeting with the Community Planning Group. They still need to come up with a place for snow and the width of the streets, berms, etc. He reported that this is the most important thing he is doing at this time. The last thing is dealing with Chapter 40R. He felt they would have a presentation ready for December.

Mr. Fancher said that at last Wednesday's meeting, LNR was present, adding there is a possibility of future meetings based on questions from the Citizens Advisory Committee when they will discuss sewer/water and traffic issues. Today or tomorrow he expects to have information for the CAC. He wanted them to know that their work is

not lost with regard to project changes for the entire Base. Phase I is in place and allows them to meet the guidelines of the Master Plan. They realize the sports facility is important to many, and they are working on the soccer fields. With regard to the \$3M, this money goes back to the communities.

Mr. Fancher next referred to the Executive Summary. He said there would be 500 residential units - 20% of which would be affordable. 250 would be condos and 100 would be small lot homes. He said they have scheduled a meeting with the CAC by the first or second week in December. Once this meeting is out of the way, they will review the Phase Waiver. He noted they are working against deadlines. With regards to traffic - he reported that it is 15% less in Phase 1.

Next, Mr. Fancher addressed the 2002 Waiver. He said the Weymouth allowance for wastewater is 120,000 gpd (gallons per day) and almost 68,000 gallons per day re. the Proposed Smart Growth Waiver. It appears the water will be coming from MWRA, but this is still negotiable with them as well as with other sources. He told members that he is not aware of all the facts, again, as he has only been in this position since March.

Mr. Bill Ryan spoke next. He addressed the technical point regarding the citizen cash payment re. LNR - stating, this came under negotiation. He said that things which have changed are being ironed out. With regard to schools - Abington and Rockland are in Phase II with land pending with the U.S. Navy. With regard to senior and affordable housing components - LNR is addressing the plan change. He acknowledged there is a Notice of Project Change and it has been filed, adding that all who voted for it are aware of this as this is required by law through the MEPA process. He said that with regard to a waiver - this involves a specific review procedure. First the waiver goes to the CAC and then it will be reviewed by MEPA (Mass. Environmental Protection Agency) and then they comment. This is a full-blown permit process.

Mr. Ryan then spoke about the wind farm. He said that all alternative energy sources are being reviewed. They expect to have this information within four weeks. He then referred to the residents' comments. He said they would show an analysis re. 2 bedrooms verses 2  $\frac{1}{2}$  bedrooms.

Mr. Shanahan asked if there were any steps being taken in regards to working with the Navy and obtaining land and Mr. Fancher told him that he and Dave Rose are addressing this, adding that the USN is reviewing this and they have a new BRAC Commission. He said they haven't pushed really hard and they still feel they can get land for cost.

Mr. Ryan commented that meetings like this are important because they are of a pro-active nature and beneficial. He stated that 2005 BRAC has been finalized. The Tri-Town is on solid ground, pointing out that so much governs the MEPA process. He commented that all presume the land will be transferred.

Councilor Shanahan asked about a timetable and Mr. Fancher said originally they thought September 30<sup>th</sup>, now it appears like the first quarter of 2006. He said they told this to D.O.R. when they discussed their Business Plan re. taxes.

Mr. Ryan said they try to anticipate what the other party will do during negotiations. They feel as the Re-use Plan progresses it usually generates pressure and facilitates conveyance.

President Lacey told them that there is growing concern with the timeline. He noted that in his recollection there was no Phase I waiver. Also, there was an urging with their vote, but now??

Councilor Kay asked why the cost wasn't a concern originally, but now it is - and Mr. Fancher pointed out that there is only one military base left over since 1995 and that is 'us' - and yes, there are costs associated with us.

Mr. Fancher told members that he thinks the USN are trying to come up with what to do with them. He said he personally felt these meetings are extremely beneficial, adding he also encouraged them to write a letter.

Mr. Ryan wanted to point out that there has always been a Phase I Waiver referred to re. the 300 Senior Units, adding 'and that still exists'.

Councilor Kay responded that the waiver was never discussed, but even if it was, why are they changing it. She then asked 'where is the senior housing'?

Mr. Fancher responded that Phase I is not the issue that gets out there, the numbers still stand for senior housing. He told members that they now have a new front driveway, commenting that Shea Memorial Drive has become the front yard. He said that the area housing was never designated as senior housing. Lastly, he said they are seeking to do that with the Master Plan.

Mr. Ryan stated that the senior housing is clustered in the transition area. He also wanted to point out that the town has an enforceable agreement, and suggested that they could consult with the Town's knowledgeable Solicitor on this.

Councilor Kay questioned the waiver stating her interpretation and Mr. Ryan confirmed that she misunderstood.

Councilor DiFazio stated that he was surprised re. the BRAC taking, adding that he felt Mr. Ryan's comments were disingenuous referring to 1995 BRAC that was in effect verses the 2005 BRAC. He noted that the School Committee is now undecided about their future need regarding enrollment and the need for teachers/schools due to the Base and its unknown future. He asked if Tri-Town had in place payments for the cost of heat regarding the Fulton School.

Mr. Ryan took a moment to explain the difference between the BRAC of 1995 and 2005. He said they are looking at at least two years before construction at the Base. He said it was incumbent upon us to take into consideration the challenges the School Committee faces.

Councilor Leary asked who owned LNR, adding that he received a copy of the Wall Street article and sent it to LNR but never received a response. In the article it states that Cerberus is the owner/parent company of LNR.

Mr. Ryan said they disclosed this information some time ago in the Ledger and the Boston Globe.

Councilor Leary responded that this was not true and Mr. Ryan said it was and that he could show them the articles.

President Lacey said for the future, he would like them all to communicate in a more positive and cordial manner.

Councilor Leary referred to the letter that they sent to Mr. Cogliano, but not to the Town Council. In the letter, he said, it cites two lanes on the **East/West Parkway** and not 4 lanes, adding that he wanted to thank Ms. Hackett for getting a copy of this article to them.

Mr. Fancher wanted to clarify his comment about the two-lanes and apologized that when he said two-lanes, he meant the **East/West Parkway** was two lanes each way for a total of 4 lanes.

Councilor Smart referred to the water and asked why they weren't getting the water from Weymouth. He then asked that they identify their primary source or the other sources for the concerned citizens.

Mr. Fancher responded that some of the water resources being considered included Hingham, Cohasset or Dighton River from Brockton-possibly Sithe Energy - but there is no contract at this time.

Councilor Smart asked about the transfer of land and was told this has not been finalized yet. He then asked about the Westgate landfill.

Mr. Fancher said that from their personal prospective merely capping won't get the job done - the contaminated fill needs to be removed, although the smaller piles/amounts could be capped. He said this issue could be negotiable with the USN.

Councilor Smart asked who would be responsible for paying the difference and Mr. Ryan said it would be LNR, but added the real issue is 'who owns the land'.

Councilor Mathews spoke next, stating that he attended all of the CAC meetings. He commented that Secretary **PRITCHARD** wanted to see the matter brought to a vote. He commented that they need temporary mitigation with regard to the traffic. He emphasized that he knew that the Citizens Advisory Committee discussed it. He noted that Mayor Madden granted 150,000 gpd through mitigation, adding that is the amount that the Navy used. He said he wanted to see Tri-Town follow the same rules and regulations as applied to all of those who build new homes in Weymouth. He noted that the MWRA costs are going to give the new users at the Base 'sticker shock'. In closing, he said that he would bring this to Secretary **PRITCHARD'S** attention.

Councilor Whitaker wanted to know where they were in creating a government body with regard to zoning, conservation, etc.

Mr. Fancher referred to the issues of usage and said it would be 76,000 total. He went on to tell Councilor Whitaker that re: a governmental body, they would need a Conservation Agent, a Planner, CFO, clerical staff - adding that he would also be serving. He said this was part of the DDA discussion and part of the regulation framework. He said they meet every Tuesday and during their meetings they review the wetlands, zoning and the regulation framework. Re. the timeline - he is hoping to have this information by the first week in December.

President Lacey told Mr. Fancher that he would like to have these updates on a regular basis - daily/weekly/monthly. At this point he realized they could be discussing the base/issues much longer, but since they have a busy agenda he asked if Tri-Town Corp. could have Mr. Fancher appear at the Council meetings in the future on a regular basis, as there are so many unanswered and ongoing questions. He emphasized that it was important to have honest answers.

Lastly, President Lacey asked that the Council be copied on all future correspondence and Mr. Ryan agreed to do so.

Mr. Fancher said he would like to have any questions in writing, commenting that in the past he has found that helpful.

President Lacey responded that he could help with that and agreed that it would be more effective for all.

The meeting concluded.

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

At this point Ms. Hackett came back before the Council, advising them that out of the additional measures before them, six require no action.

**Fuel Relief Suggestions for Seniors - Susan DiTullio-Director of Elder Services**

Ms. Hackett told members that Ms. DiTullio was present this evening but due to the lateness of the hour she had left and would be available at their next meeting.

**05 145-Appropriation from Water Retained Earnings-New Great Pond Water Treatment Plant/Conceptual Design**

Ms. Hackett informed the Council that the current balance is \$971,292 and she was seeking an appropriation of \$200,000.

A MOTION was made by Councilor Smart to refer Measure 05 145 to the Budget/Management Committee and was seconded by Councilor Mathews.

Discussion: Councilor Kay noted that this was a huge item and wanted to have a presentation on this request. Ms. Hackett stated that she and President Lacey discussed this along with Councilor DiFazio and she was looking for action on this measure by the end of December, adding it had an application due date of October 2006 and they will need to be prepared for the Bond Counsel in January in order to get a reduced interest rate that would take them from 5.1% to 3.1% - and it would include Measure 05 146. She said it would be a 6-7 person presentation with substantial backup, first going to the Budget/Management Committee then to the Town Council for approval.

President Lacey said this would be up to the Budget/Management Committee.

UNANIMOUSLY VOTED

**05 146-Bond Request for Design of New Water Treatment Plant at Great Pond**

Ms. Hackett said that the amount needed is \$2.6 M - with \$2M for the final design and \$.6 M for project management.

A MOTION was made by Councilor Smart to refer Measure 05 146 to the Budget/Management Committee and was seconded by Councilor Mathews.

Discussion:

Councilor Leary asked if this project was going to be more than \$5 M and Ms. Hackett responded 'yes', adding it would be over \$20 M.

UNANIMOUSLY VOTED

**05 147-East Bay FY 05 Reimbursement for Excess Charges - Water and Sewer Retained Earnings**

Ms. Hackett told members that this measure calls for \$186,877 that is for East Bay, etc. The monies would be expended as follows: \$64,426 from the Water Retained Earnings and \$122,451 from Sewer Retained Earnings. Said sum is to refund a condominium complex for FY05 water and sewer charges in excess of usage due to a faulty meter.

A MOTION was made by Councilor Smart to refer Measure 05 147 to the Budget/Management Committee and was seconded by Councilor Molisse and UNANIMOUSLY VOTED.

**05 148-East Bay FY 06 Reimbursement for Excess Charges - Water and Sewer Retained Earnings**

Ms. Hackett informed members that this measure called for the Town of Weymouth to raise and appropriate the sum of \$86,704.30 in the following manner- \$28,907.73 from the Water Retained Earnings and \$57,796.57 from Sewer Retained Earnings. Said sum is to refund a condominium complex (East Bay) for FY06 water and sewer charges in excess of usage due to a faulty meter.

A MOTION was made by Councilor Smart to refer Measure 05 148 to the Budget/Management Committee and was seconded by Councilor Molisse and UNANIMOUSLY VOTED.

**05 149-Free Cash Appropriation-FY 06 IT Maintenance Contracts**

Ms. Hackett said that this measure called for the Town of Weymouth to raise and appropriate the sum of \$52,223 from Free Cash for the purpose of funding a portion of the FY06 IT (Information Technology) Department computer maintenance contracts.

A MOTION was made by Councilor Smart to refer Measure 05 149 to the Budget/Management Committee and was seconded by Councilor Leary and UNANIMOUSLY VOTED.

**05 150-Free Cash Appropriation FY 00-FY 05 Workers' Compensation Audit**

Ms. Hackett was requesting that the Town of Weymouth raise and appropriate the sum of \$40,932 from Free Cash for the purpose of funding an unpaid bill to Midwest Employers Casualty Co. for charges incurred from FY00 through FY05. Said charges were assessed as a result of an insurance audit completed during FY05.

A MOTION was made by Councilor Smart to refer Measure 05 150 to the Budget/Management Committee and was seconded by Councilor Leary and UNANIMOUSLY VOTED.

**05 151-Avalon FY06 Reimbursement for Excess Charges-Water & Sewer Retained Earnings**

Ms. Hackett informed members that the measure called for the Town of Weymouth to raise and appropriate the sum of \$17,793.95 in the following manner \$5,871.60 from the Water Retained Earnings and \$11,922.35 from Sewer Retained Earnings. Said sum is to refund a condominium complex (Avalon Condominiums) for FY06 water and sewer charges in excess of usage due to a faulty meter.

A MOTION was made by Councilor Smart to refer Measure 05 151 to the Budget/Management Committee and was seconded by Councilor Leary and UNANIMOUSLY VOTED.

**05 152-Avalon FY05 Reimbursement for Excess Charges-Water & Sewer Retained Earnings**

Ms. Hackett informed members that the measure called for the Town of Weymouth to raise and appropriate the sum of \$72,635.68 in the following manner \$25,427.83 from the Water Retained Earnings and \$47,207.85 from Sewer Retained Earnings. Said sum is to refund a condominium complex (Avalon Condominiums) for FY05 water and sewer charges in excess of usage due to a faulty meter.

A MOTION was made by Councilor Smart to refer Measure 05 152 to the Budget/Management Committee and was seconded by Councilor Leary and UNANIMOUSLY VOTED.

**05 153- Granting of a Parking Easement on Bridge Street (\$2,000)**

Ms. Hackett reviewed this measure for the Council which stated the Mayor requests that the Town Council in accordance with Section 2-206 of the Code of Ordinances of the Town of Weymouth authorize the granting of a parking easement on a portion of Town owned land on Bridge Street, No. Weymouth, MA on L8, Bl 62, Sh 6, of the Weymouth Town Atlas, for the consideration of \$2,000 to Nehme G. Abouzeid, Trustee of the Bridge Street Trust as per plan and Grant of Easement.

A MOTION was made by Councilor Smart to refer Measure 05 152 to the Budget/Management Committee and was seconded by Councilor Leary and UNANIMOUSLY VOTED.



**REPORTS OF COMMITTEES****Budget/Management Committee-Chairman DiFazio**

Councilor DiFazio stated that Measure 05 082/Appropriation Request in the amount of \$40,000 for the Fuel Depot was referred to the Budget/Management Committee on June 6, 2005 and a meeting was held on June 20th, 2005 with a publication on June 25, 2005 with the committee unanimously voting to recommend to the full Town Council Favorable Action on Measure 05 082.

A MOTION was made by Councilor DiFazio on behalf of the Budget/Management Committee of Favorable Action on Measure 05 082 for the Town of Weymouth to raise and appropriate \$40,000 from Free Cash to pay for FY05 fuel costs and seconded by Councilor Smart.

**05 112- Free Cash Appropriation-FY 05 Snow Removal Deficit**

Councilor DiFazio stated that this measure was referred to the Budget/Management Committee on 9/6/05 and a meeting was held on 10/18/05 and voted Favorable Action and on 11/14/05 a public hearing was held.

A MOTION was made by Councilor DiFazio on behalf of the Budget/Management Committee of FAVORABLE ACTION to the Full Town Council on Measure 05 112 in the amount of \$828,487 from Free Cash to fund the cost of Snow Removal and seconded by Councilor Smart and UNANIMOUSLY VOTED.

**05 113- Payroll for 53<sup>rd</sup> Week-Free Cash Appropriation**

Councilor DiFazio stated that Measure 05 113 was referred to the Budget/Management Committee on 9/6/05 and a meeting was held on 10/18/05 and voted Favorable Action and on 11/14/05 a public hearing was held.

A MOTION was made by Councilor DiFazio on behalf of the Budget/Management Committee of FAVORABLE ACTION to the Full Town Council on Measure 05 113 the amount needed \$498,918 to fund the payroll for the 53<sup>rd</sup> week in FY06 from Free Cash and seconded by Councilor Smart and UNANIMOUSLY VOTED (Councilor Whitaker abstained).

**05 114- Free Cash Appropriation-Collectors' Mailbox**

Councilor DiFazio stated that Measure 05 114 was referred to the Budget/Management Committee on 9/6/05 and a meeting was held on 10/18/05 and voted Favorable Action and on 11/14/05 a public hearing was held.

A MOTION was made by Councilor DiFazio on behalf of the Budget/Management Committee of FAVORABLE ACTION to the Full Town Council on Measure 05 114 in the amount \$2,000 to fund the cost of an exterior drop box at Town Hall from Free Cash and seconded by Councilor Smart and UNANIMOUSLY VOTED.

**05 115- Free Cash-Street Acceptance**

Councilor DiFazio stated that Measure 05 115 was referred to the Budget/Management Committee on 9/6/05 and a meeting was held on 10/18/05 and voted Favorable Action and on 11/14/05 a public hearing was held.

A MOTION was made by Councilor DiFazio on behalf of the Budget/Management Committee of FAVORABLE ACTION to the Full Town Council on Measure 05 115 in the amount of \$11,000 which would come from Free Cash for Street Acceptance with \$2,775 for Performance Drive in Libbey Park and \$7,175 for Elmer's & Lester's Circle and seconded by Councilor Smart and UNANIMOUSLY VOTED.

**05 116- Waterways Fund Appropriation-Filtration System**

Councilor DiFazio stated that Measure 05 116 was referred to the Budget/Management Committee on 9/6/05 and a meeting was held on 10/18/05 and voted Favorable Action and on 11/14/05 a public hearing was held.

A MOTION was made by Councilor DiFazio on behalf of the Budget/Management Committee of FAVORABLE ACTION to the Full Town Council on Measure 05 116 in the amount of \$2,000 to fund a new filter system in the Harbormaster's boat for cleaner air and seconded by Councilor Leary and UNANIMOUSLY VOTED.

**05 117- Free Cash Appropriation-Abigail Adams Remediation Plan**

Councilor DiFazio stated that Measure 05 117 was referred to the Budget/Management Committee on 9/6/05 and a meeting was held on 10/18/05 and voted Favorable Action and on 11/14/05 a public hearing was held.

A MOTION was made by Councilor DiFazio on behalf of the Budget/Management Committee of FAVORABLE ACTION to the Full Town Council on Measure 05 117 in the amount of \$145,843 to complete Phase 5 of the Abigail Adams Remediation Plan/fuel tank and seconded by Councilor Smart and UNANIMOUSLY VOTED.

**05 118- Free Cash Appropriation-Warranty on Ladder #1 (\$2,150)**

Councilor DiFazio stated that Measure 05 118 was referred to the Budget/Management Committee on 9/6/05 and a meeting was held on 10/18/05 and voted Favorable Action and on 11/14/05 a public hearing was held.

A MOTION was made by Councilor DiFazio on behalf of the Budget/Management Committee of FAVORABLE ACTION to the Full Town Council on Measure 05 118 in the amount of \$2,150 to pay for the cost of the 300,000 mile warranty for Ladder 1 and was seconded by Councilor Smart and UNANIMOUSLY VOTED.

**05 119- Repair Police Station HVAC**

Councilor DiFazio stated that Measure 05 119 was referred to the Budget/Management Committee on 9/6/05 and a meeting was held on 10/18/05 and voted Favorable Action and on 11/14/05 a public hearing was held.

A MOTION was made by Councilor DiFazio on behalf of the Budget/Management Committee of FAVORABLE ACTION to the Full Town Council on Measure 05 119 in the amount of \$6,400 for the building maintenance repairs re. the pumping station/electrical system at the Police Station and was seconded by Councilor Smart and UNANIMOUSLY VOTED.

**05 120- Free Cash Appropriation-Unpaid Bills**

Councilor DiFazio stated that Measure 05 120 was referred to the Budget/Management Committee on 9/6/05 and a meeting was held on 10/18/05 and voted Favorable Action and on 11/14/05 a public hearing was held.

A MOTION was made by Councilor DiFazio on behalf of the Budget/Management Committee of FAVORABLE ACTION to the Full Town Council on Measure 05 120 in the amount of \$51,728.66 to fund the cost of unpaid bills- which originated between FY00 and FY05 and was seconded by Councilor Smart and UNANIMOUSLY VOTED.

**05 121-Reserve Fund Transfer-Military Service Fund-Retirement Board (\$3,595.18)**

Councilor DiFazio stated that Measure 05 121 was referred to the Budget/Management Committee on 9/6/05 and a meeting was held on 10/18/05 and voted Favorable Action.

A MOTION was made by Councilor DiFazio on behalf of the Budget/Management Committee of FAVORABLE ACTION to the Full Town Council on Measure 05 121 in the amount of \$3,595.18 from the Reserve Fund to fund the employee's share of his retirement fund contribution while he was served in the military and was seconded by Councilor Smart and UNANIMOUSLY VOTED (Councilor Whitaker abstained).

**05 123-Order to Expend and Receive Funds in Certain Revolving Accounts for School Department**

Councilor DiFazio stated that Measure 05 121 was referred to the Budget/Management Committee on 9/6/05 and a meeting was held on 10/18/05 and voted Favorable Action.

A MOTION was made by Councilor DiFazio on behalf of the Budget/Management Committee of FAVORABLE ACTION to the Full Town Council on Measure 05 123 regarding the creation of a Revenue Account in order to expend and receive funds in certain revolving accounts for the School Dept. and was seconded by Councilor Smart and UNANIMOUSLY VOTED (Councilor Whitaker abstained).

**05 124- Appropriation from Water Retained Earnings- Capital Items**

Councilor DiFazio stated that Measure 05 124 was referred to the Budget/Management Committee on 9/6/05 and a meeting was held on 10/18/05 and voted Favorable Action and on 11/14/05 a public hearing was held.

A MOTION was made by Councilor DiFazio on behalf of the Budget/Management Committee of FAVORABLE ACTION to the Full Town Council on Measure 05 124 in the amount of \$178,000 from Water Retained Earnings for the demolition of Water Street Tower \$9,300 (bid and hazardous materials), completion of Hollis Street Phase 2 & 3 at a cost of \$108,000 and \$40,000 for the balance and was seconded by Councilor Smart and UNANIMOUSLY VOTED.

**05 125- Retained Earnings Expenditure Water & Sewer Telephone System**

Councilor DiFazio stated that Measure 05 125 was referred to the Budget/Management Committee on 9/6/05 and a meeting was held on 10/18/05 and voted Favorable Action and on 11/14/05 a public hearing was held.

A MOTION was made by Councilor DiFazio on behalf of the Budget/Management Committee of FAVORABLE ACTION to the Full Town Council on Measure 05 125 in the amount of \$11,000 with \$5,500 from Water Retained Earnings and \$5,500 from Sewer Retained Earnings and was seconded by Councilor Smart and UNANIMOUSLY VOTED.

**05 126- Re-appropriation from Water Capital Funds-Capital Items**

Councilor DiFazio stated that Measure 05 126 was referred to the Budget/Management Committee on 9/6/05 and a meeting was held on 10/18/05 and voted Favorable Action and on 11/14/05 a public hearing was held.

A MOTION was made by Councilor DiFazio on behalf of the Budget/Management Committee of FAVORABLE ACTION to the Full Town Council on Measure 05 126 for the re-appropriation of \$50,000 from 04 068/Water Capital Funds to fund \$25,000 for an update and \$25,000 for a valve system and was seconded by Councilor Molisse and UNANIMOUSLY VOTED

**05 127- Appropriation from Sewer Retained Earnings- Capital Items (\$745,000)**

Councilor DiFazio stated that Measure 05 127 was referred to the Budget/Management Committee on 9/6/05 and a meeting was held on 10/18/05 and voted Favorable Action and on 11/14/05 a public hearing was held.

A MOTION was made by Councilor DiFazio on behalf of the Budget/Management Committee of FAVORABLE ACTION to the Full Town Council on Measure 05 127 in the amount of \$745,000 from Sewer Retained Earnings to be derived as follows: \$360,000 ejector station; \$50,000 oil & grease redirection program; \$35,000 pick-up truck and \$300,000 for unforeseen re: the Rt. 3 sewer line and was seconded by Councilor Molisse and UNANIMOUSLY VOTED

**05 128-Operating Measure-Sewer Enterprise Appropriation Order Mitigation Account-Capital Projects**

Councilor DiFazio stated that Measure 05 128 was referred to the Budget/Management Committee on 9/6/05 and a meeting was held on 10/18/05 and voted Favorable Action.

A MOTION was made by Councilor DiFazio on behalf of the Budget/Management Committee of FAVORABLE ACTION to the Full Town Council on Measure 05 128 in the amount of \$200,000 from Sewer Mitigation to fund four sewer laterals in the amount of \$50,000 each and was seconded by Councilor Molisse and UNANIMOUSLY VOTED (Councilor Whitaker abstained)

**SUSPEND RULE 24**

At 10:59 PM a MOTION was made by Councilor Smart to suspend Rule 24 and was seconded by Councilor Leary and UNANIMOUSLY VOTED

***Ordinance Committee-Chairman Leary*****05 090-Precious Metals Ordinance**

Councilor Leary stated that Measure 05 090 Precious Metals Ordinance was referred to the Ordinance Committee on June 30, 2000 and the Committee met on 09/19/05 and again on 10/13/05 and a public hearing was held this evening 11/14/05 with all members present with the exception of Colin McPherson. At the first meeting they discussed the proposed Ordinance with Police Chief Thomas, the Town Solicitor and representatives of the jewelry businesses in Town. At that time all parties could not agree on the revised/updated wording to this ordinance. A public hearing was held on October 17 and continued twice until tonight. Tonight members voted Favorable Action with reference to minimal changes made in the present ordinance.

A MOTION was made by Councilor Smart on behalf of the Ordinance Committee of FAVORABLE ACTION to the Full Town Council on Measure 05 090 re: the updated Precious Metals Ordinance and was seconded by Councilor Mathews.

Discussion: Councilor Smart stated that the committee worked closely with the Police Dept. and jewelers/license holders, adding that he thought this ordinance was one that provides opportunities to the Police Dept. to check and recheck jewelry that is sold in the Town. He said there was a lot of discussion on the wording. Lastly, he felt that Weymouth, compared to other towns, will be a leader on the South Shore with this ordinance - and they are doing what is right.

UNANIMOUSLY VOTED

**New Business**

Councilor Whitaker spoke about drafting an ordinance re: the Community Preservation Act and suggested this be referred to a committee.

A MOTION was made by Councilor Smart to add this as a late agenda item- it was seconded by Councilor Kay and UNANIMOUSLY VOTED.

A MOTION was made by Councilor Smart to refer Councilor Whitaker's recommended Ordinance re. the Community Preservation Act to the Ordinance Committee and was seconded by Councilor Molisse.

Discussion: Councilor Leary said it would first require a measure number and President Lacey agreed, adding one would be assigned.

UNANIMOUSLY VOTED

A MOTION was made by Councilor Smart for inclusion of a late agenda item and was seconded by Councilor Molisse and was UNANIMOUSLY VOTED.

Councilor Smart noted there was only 5-6 weeks left in this calendar year and that Colin McPherson had served on several committees, adding they would need to replace him on the Budget/Management and the Ordinance Committees.

A MOTION was made by Councilor DiFazio to add a late agenda item and was seconded by Councilor Molisse and UNANIMOUSLY VOTED

Councilor DiFazio said he realized it was very late, but wanted to point out that he wasn't sure having the Tri-Town report back to the Town Council on a monthly basis would be adequate.

A MOTION was made by Councilor DiFazio to place on the next agenda "the frequency of the Tri-Town Update - or Subcommittees/individual appointments.

Discussion: Councilor Leary said he wanted to see Tri-Town at the Town Council meetings monthly, adding they should also have a point man.

UNANIMOUSLY VOTED

#### **ADJOURNMENT**

At 11:10 PM A MOTION was made by Councilor Kay to ADJOURN and was seconded by Councilor Molisse and UNANIMOUSLY VOTED.

Approved by: \_\_\_\_\_  
Thomas J. Lacey, President