

MINUTES OF THE TOWN COUNCIL

Town Hall Council Chambers

November 20, 2006

Present: Michael Smart, President
Paul J. Leary, Vice-President
Kenneth J. DiFazio
Thomas J. Lacey
Arthur E. Mathews
Michael Molisse
Patrick O'Connor
Gregory Shanahan
Kevin Whitaker

Not Present: Sue Kay
Jack Carey (*arrived late*)

Also Present: Kathy Deree, Assistant Town Clerk
Jane Hackett, Chief of Staff
George Lane, Town Solicitor
Richard E. Swanson, Town Auditor
James Wilson, Chief Financial Officer

Recording Secretary: Janet Murray

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

President Smart stated that he had spoken with Councilor Kay who had a conflict and could not be present. He also stated that Councilor Carey had informed him that he would be late to the meeting.

ANNOUNCEMENTS

President Smart stated that the Weymouth High School Band Parents are selling Christmas wreaths at Roger's Marina on Commercial Street in Jackson Square.

Councilor Smart stated that the public comment period for the South Weymouth Naval Air Station has been extended.

MINUTES

Public Works Committee Meeting-9/25/06

A MOTION was made by Councilor Leary to ACCEPT the minutes from 9/25/06 and was seconded by Councilor O'Connor.

Councilors Whitaker and Mathews abstained.

The MOTION was UNANIMOUSLY VOTED.

Town Council Meeting-9/25/06

A MOTION was made by Councilor Leary to ACCEPT the minutes from 9/25/06 and was seconded by Councilor O'Connor.

Councilors Whitaker and Mathews abstained.

The MOTION was UNANIMOUSLY VOTED.

COMMUNICATION FROM MAYOR, TOWN OFFICERS, AND TOWN BOARDS

06 158-Bond Authorization for Extraordinary Repairs to Parks and Playgrounds

On behalf of Mayor Madden, Ms. Hackett has submitted the following measure to Town Council:

That the Town of Weymouth raise and appropriate the sum of \$1,300,000 for the purpose of construction or reconstruction or making extraordinary repairs to town owned outdoor recreational and athletic facilities and other site improvements incidental or directly relating to such construction, reconstruction or repair including equipment.

To meet this appropriation, the Treasurer, with the approval of the Mayor is authorized to Borrow the sum of \$1,300,000 in accord with Massachusetts General Law, Chapter 44.

This measure is specific to the Julia Road Park. Ms. Hackett noted that a neighborhood meeting was held on 11/16/06.

A MOTION was made By Councilor Leary to REFER item number 06 158 to the Budget/Management Committee and was seconded by Councilor O'Connor and was UNANIMOUSLY VOTED.

Update on Community Projects-Town Administration

Parks

Julia Road

Ms. Hackett stated that contaminants were found at the park. The Council had previously appropriated \$30,000 and \$68,000 to fund the review process. A remediation plan has been proposed. There will be a presentation at the next meeting. She also stated that work should commence in the spring of 2007 to be online by 2008.

Two areas need to be excavated and removed. The remainder of the site can be covered. Grading will also take place and will remain as currently graded. The plan for the park remains the same; however more work needed to be done than originally planned. The parking will be

relocated inside the facility behind the first base line. The field will be shifted slightly towards third base.

Councilor Shanahan stated that he felt that a good job was done by the Administration in taking into account the neighbors concerns.

Councilor Molisse stated that at the 9/25/06 Public Parks and Recreation Committee meeting it was noted that there was \$700,000 from LNR and where the money was earmarked. He asked if there had been any substantial changes. Ms. Hackett stated that close to \$670,000 has been expended or budgeted for Weston Park. She noted that \$25,000 was used for replacement of the play structure at Stella Tirrell Park.

Councilor Smart asked about soil removal. Two locations will have the soil taken off- site. Some soil will be moved to maintain grading.

Legion Field

Ms. Hackett stated that there is no change from the Park and Recreation Committee meeting. She stated that about 50,000 yards of soil have been hauled into the site from various Greenbush projects. Approximately 65% of the settling of the peat has occurred. Approximately 1 foot has occurred and the goal is 1 ½ feet. There was some flooding recently; the drainage system has been shifted, but the site is 90% dry at this time.

An analysis of the integrity of the structure of the wall should be completed by the beginning of December.

Councilor Leary asked about the concrete stands. Ms. Hackett stated that this is part of the analysis currently being conducted.

Councilor DiFazio asked if any unexpected results or conditions have occurred. Ms. Hackett stated that nothing out of the ordinary has occurred.

Councilor Smart asked about testing of the soil from the Greenbush project. Ms. Hackett stated that the reports are on record at the Department of Public Works.

Water Treatment Plant

SRF funding was received from the State. The interest rate was reduced from 5% to 2% for a savings of \$900,000 a year. The town must now use the state's time table. The permit for the selection process for the treatment equipment is under review by the Technical Advisory Committee. Once this is completed it will become part of the schematic design. The schematic design report should be done by next Monday. Then it will go to the Construction Steering Committee and then off to the Mayor for approval by the end of the month. Once the permit is granted, this will put us in line to go out to bid probably in late winter or early spring for the construction piece of the project.

Tufts Library Project

An RFP has been issued for qualified architects and engineers for a feasibility study to assess design and cost options for potential construction of a new library at Libby Field.

The Mayor has established a Technical Advisory Committee who issued the RFP and will review the proposals.

Thirteen proposals have been received. The Committee is comprised of Joanne Lamothe, Director of Library Services, Robert MacLean, Board of Library Trustees, Ms. Hackett, Mr. Wilson, and Mr. Annaccone, project manager from DPW.

The overall goal is to work towards a funding request if the site is feasible and if the cost is affordable in the April timeframe of the submittal of the budget.

Councilor Leary asked about the Fogg Library. Ms. Hackett stated that that building is part of this project. The water damage in the building has been remediated. There are several structural issues; roof and masonry, repointing, and ADA accessibility for 1st and 2nd floor. Funding for exterior repairs are on hold until the Mayor sees how the Fogg Library fits into the overall library plan for the town. The Mayor is committed to maintaining the Fogg building as a library.

Councilor DiFazio asked where the funds will come from. Ms. Hackett stated that the money will come from State Aid to Libraries. These funds have not been used in the past several years; these funds will be used to conduct the feasibility study.

Councilor Smart asked about the gutters on the building. Ms. Hackett stated that it is not clear where the gutters end. It was noted that the water is not dripping into the building. The books have been moved off-site and dehumidified.

Fulton School

Mr. Wilson stated that the Mayor received bids last Thursday; he opened them on Friday and is currently reviewing. He has 30 days to review and interview.

REPORTS OF COMMITTEES

Budget Management Committee – Chairman DiFazio

06 154-Renewal of Town Auditor Contract

Item number 06 154 was referred on 10/16/06. The Committee met on 11/20/06 and voted unanimously to recommend favorable action.

The Auditor position is contracted as a consultant under measure 05 051-- which is in effect until 12/1/06.

Pursuant to Section 2.8, of the Charter- the Town Council shall choose a town auditor for the term of three years until a successor is chosen and qualified. Backup information was supplied to the Budget/Management Committee:

- February 14, 2005 contract
- Updated contract of July 5, 2005
- Further updated contract of July 1, 2006

Unanimous favorable action at the Budget/Management Committee was found on the following motion:

Councilor DiFazio made a MOTION to recommend a new contract which reflects a three year term pursuant to Section 2.8 of the Town Charter be developed (with assistance from the Administration) with our current auditor Richard Swanson, taking into account his 960 hour calendar hour per year limitation and his non-availability from 12/1/06 to 3/10/07-- and was seconded by Councilor Molisse

Councilor Leary made a SUBSTITUTE MOTION to clarify that Mr. Swanson's contract will begin on 1/1/07 and was seconded by Councilor Molisse.

Councilor Lacey stated that he is unable to support this motion as he does not see the business function of the town being able to be met with Mr. Swanson unavailable for three months. Councilor Lacey stated that his non support of this motion is in no way a reflection of Mr. Swanson's past service or abilities.

Councilor Mathews stated that he supports this motion.

Councilor Leary stated that the contract ends on 12/1/06 and that although Mr. Swanson is not available for the month of December due to the calendar hour restriction, December is a non-auditing month.

Councilor Whitaker stated that he is concerned that the three year contract allows for a nine month period in the next three years when an auditor will not be available. He also stated that he would not support this motion and would like to see the town advertise for a full time auditor.

Councilor Shanahan stated that he supports this motion.

Councilor Molisse stated that he voted for this measure at Committee level and he supports this motion.

Councilor O'Connor stated that he would support this motion.

President Smart stated that we know what we have in this position; he will support this motion in light of the fact that the outside auditing firm found no audit points on the recent town audit.

Councilor Lacey reiterated that his position not to support this motion has to do specifically with the extended period time the town would be without an auditor. He believes that Mr. Swanson has done a good job.

Councilor Leary MOVED the question.

Councilor Whitaker called for a Point of Order—wanted to confirm if the Council is voting on the main motion or on the motion to move the question.

President Smart stated that the Council would be voting on the main motion.

Councilor Whitaker asked if the Council was going to skip the vote on moving the motion.

Councilor Smart stated in the affirmative, that the vote on moving the question will be skipped.

Councilor Whitaker APPEALED the decision of the President not to take a vote on moving the question. (A yes vote will mean that there needs to be a vote to stop debate)

(a roll call vote was taken on the motion to skip the vote on moving the question)

Councilor Carey – abstain

Councilor DiFazio - yes

Councilor Lacey – no

Councilor Mathews - no

Councilor Molisse – no

Councilor O’Connor - no

Councilor Shanahan – no

Councilor Whitaker - yes

Councilor Leary no

Councilor Smart - no

Outcome of roll call: 2-7-1

Councilor DiFazio asked for clarification on the fact that as the author of the motion he had not been allowed to speak. Councilor Smart stated that he did not realize that Councilor DiFazio had not spoken to the motion.

President Smart asked the Council if anyone objected to Councilor DiFazio’s speaking. There was no objection.

Councilor DiFazio stated that he had concerns regarding the three month absence; however, the auditor’s absence for three months in a row is expected to be for this year only. He also stated that there is money in the Auditor’s line item that would allow for contracting auditing services, if needed. He stated that he supports this motion.

President Smart reiterated the vote supporting the motion as previously amended.

The MOTION PASSED (8-2-Whitaker and Lacey dissenting votes)

06 156-Re-appointment of Clerk of the Council

Item number 06 156 was referred on 11/13/06. The Committee met on 11/20/06 and voted unanimously to recommend favorable action.

Councilor DiFazio made a MOTION to recommend FAVORABLE action and was seconded by Councilor Leary and UNANIMOUSLY voted.

06 157 -Re-appropriation Request-Paralegal Salary

Item number 06 157 was referred on 11/13/06. The Committee met on 11/20/06 and voted unanimously to recommend favorable action.

This measure will be funded through the Town Solicitor’s Damages and Judgments line item.

Councilor DiFazio made a MOTION to recommend FAVORABLE action and was seconded by Councilor Leary. The MOTION PASSED.

ADJOURNMENT

At 8:30pm there being no further business, Councilor Leary MOTIONED to adjourn and Councilor O’Connor seconded and was UNANIMOUSLY VOTED.

Approved by: _____
Michael Smart, President