

MINUTES OF THE TOWN COUNCIL

Town Hall Council Chambers

December 1, 2008

Present: Michael Smart, President
Arthur Mathews, Vice-President
Robert M. Conlon
Kenneth J. DiFazio
Ed Harrington
Thomas J. Lacey
Brian McDonald
Michael Molisse
Patrick O'Connor
Victor Pap, III
Kevin P. Whitaker

Also Present: James Clarke, Director of Planning & Community Services
Kathy Deree, Assistant Town Clerk
George Lane, Town Solicitor
James Wilson, Chief Financial Officer

Not Present: Maureen Duffy, Town Auditor
Franklin Fryer, Town Clerk

Recording Secretary: Janet Murray

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

ANNOUNCEMENTS

Councilor O'Connor announced that yard waste pick up ended last week. He stated that pick up has been extended for an additional week. After that time yard waste may be dropped off at the compost site at Hollis Street, which is open 6 days per week.

Councilor O'Connor lauded Officer Michael Nasuti who apprehended a Randolph man who had knocked him down while attempting to steal an SUV last night. Officer Nasuti was treated for leg and back injuries. Councilor O'Connor thanked him for his courage and bravery and wished him a full recovery.

Councilor Molisse announced that Alison Cronin of East Weymouth was crowned Miss Massachusetts. In 2005 she was crowned Miss Teen USA. Ms. Cronin is studying Communications at New York University. She is the daughter of Michelle Cronin.

Councilor Conlon announced that the school system is participating in the "Our Kids Win" program. He noted that sign up is available on the school website. He pointed out that many local businesses participate and contribute a percentage of purchases to the school system.

Councilor McDonald congratulated Weymouth's Lady Wildcats soccer team in making the finals.

MINUTES

Budget/Management Committee Meeting Minutes of November 5, 2008

A MOTION was made by Councilor Mathews to ACCEPT the Budget/Management meeting minutes from 11/05/08 and was seconded by Councilor O'Connor and UNANIMOUSLY VOTED.

Public Safety Committee Meeting Minutes of November 10, 2008

A MOTION was made by Councilor Mathews to ACCEPT the Public Safety Committee meeting minutes from 11/10/08 and was seconded by Councilor O'Connor and UNANIMOUSLY VOTED.

Town Council Meeting Minutes of November 10, 2008

A MOTION was made by Councilor Mathews to ACCEPT the Town Council meeting minutes from 11/10/08 and was seconded by Councilor O'Connor and PASSED on a 10-1 vote with Councilor Pap opposed.

Budget/Management Committee Meeting Minutes of November 13, 2008

A MOTION was made by Councilor Mathews to ACCEPT the Budget/Management meeting minutes from 11/13/08 and was seconded by Councilor O'Connor.

A SUBSTITUTE MOTION was made by Councilor Whitaker to AMEND the minutes as follows: on page 6 paragraph 8, line 5, 11th word, delete "Whitaker" and insert "DiFazio". Motion was seconded by Councilor O'Connor. The SUBSTITUTE MOTION was UNANIMOUSLY VOTED.

PUBLIC HEARINGS

08 131-Fulton School Close-Out Costs

A MOTION was made by Councilor Mathews to OPEN the Public Hearing on item number 08 131 and was seconded by Councilor O'Connor and UNANIMOUSLY VOTED.

This item was published on 11/21/08. There was no public comment.

This measure represents \$6120.04 for paying the final electric, water, gas and legal costs associated with the sale of the Fulton School. The funds will come from fund 4903 which is the net proceeds from the sale of Fulton school. The balance, prior to this measure being submitted, is \$1.285 million

A MOTION was made by Councilor Mathews to CLOSE the Public Hearing on item number 08 131 and was seconded by Councilor O'Connor and UNANIMOUSLY VOTED.

08 133-Community Preservation Committee-Fogg Library Request

A MOTION was made by Councilor Mathews to OPEN the Public Hearing on item number 08 133 and was seconded by Councilor O'Connor and UNANIMOUSLY VOTED.

This item was published on 11/21/08.

Mr. Wilson stated that this is a request submitted at the recommendation of the Community Preservation Committee (CPC) to the Mayor and forwarded to the Council. The request totals \$1.32 million and is for making necessary repairs to the exterior of the Fogg Library.

The funding is broken out as follows:

- \$684,000 unreserved fund balance
- \$116,000 historic fund balance- which is a restricted fund for preserving historic buildings
- \$87,742 FY 09 historic mandatory reserve
- \$212,258, FY 09 reserve budget
- \$220,000 expenditure, contingent liability that will not show up until FY 10

Mr. Clarke, Director of Planning and Community Development and Mr. Flynn, Chairman of the Community Preservation Committee approached the Council. Mr. Clarke introduced Jim McKinnell of McKinnell, McKinnell & Taylor, Inc. and Jill Trackenberg, Architect.

Mr. McKinnell gave a presentation regarding the detail of the work that needs to be done. He stressed that the work needs to be completed as a whole in order to stop the penetration of water into the interior of the building.

Mr. Clarke pointed out that there will be a meeting of the re-use committee to discuss future use of the Fogg Library building on December 16, 2008.

Mr. Clarke stated that \$382,000 was previously funded for architect expenses and to investigate the need for interior work. McKinnell, McKinnell & Taylor was hired and after a review they recommended further testing. The exterior repairs need to be done as a whole as the roof, gutter line, and walls are all tied in together.

Mr. Clarke stated that bid specifications will be sent out over the winter, with repair work commencing in the spring, continuing over the summer and for possible completion in the fall.

Councilor DiFazio asked if there was any money remaining from the \$382,000. Mr. Clarke stated that the majority of the money remains. Only a small portion was used to pay for the architect and the investigation work done.

Councilor DiFazio stated that with the estimated cost of \$500,000 for interior work, the total for the renovations would be \$2.2 million.

Councilor DiFazio asked about the \$1.3 million project being funded over a three year funding cycle. Mr. Clarke stated that the intent is to fund this over three years of budgets.

Councilor DiFazio noted that there is \$220,000 in a contingent liability. He asked if the economic downturn will affect the availability of funds next year.

Mr. Flynn, stated that the CPC budget will have at least that amount available in expenditures as the town's portion should adequately cover the expense

Council President Smart pointed out that there have been several meetings in which this issue has been discussed at length.

Councilor Harrington noted that the Fogg Library is located in his district. He commented that the building is a historic antiquity. He stated that although it is a large amount of money to spend; this is the intent of the CPC funds. He stated that he envisions the Fogg Library restoration as a significant part of Columbian Square's revitalization plans.

There was the following public comment.

Ms. Mary Sue Ryan of 178 Pleasant Street stated that she is grateful that this issue, which has been a long delayed process, is being addressed. She encouraged the Council to support the measure.

Ms. Anne Hilbert, 45 Doris Drive, asked what the real estate value of the building will be when it is completed. Mr. Wilson stated that he did not have this information available.

Ms. Hilbert asked if the town has considered combining all of the town's libraries into one building such as the Clapp Memorial.

Ms. Hilbert asked when the Community Preservation Act (CPA) passed. Councilor Mathews stated that it passed in 2005. She asked if the CPA were repealed by the voters, would the taxpayers be responsible for the funding. Mr. Clarke stated that the 2010 funding is within the five years prior- before the Act could be repealed.

Mr. Clarke stated that Joanne Lamothe, Library Director, could not make tonight's meeting as she is at a conference.

Councilor Molisse stated that he supports maintaining this property as a library.

Councilor McDonald stated that this building is an architectural gem and is of great value to the Columbian Square area.

Councilor DiFazio noted that Ms. Hilbert's comments regarding the funding are well taken. He stated that there are two distinct issues here: the renovation of the building itself, and the issue of the library system. He stated that this measure refers only to the restoration of the exterior of the building.

A MOTION was made by Councilor Mathews to CLOSE the Public Hearing on item number 08 133 Mathews and was seconded by Councilor O'Connor and UNANIMOUSLY VOTED.

08 136-Community Preservation Committee-Reilly Playing Field Request

Council President Smart noted that this measure has been withdrawn by Administration. He noted that this item was published for a public hearing. He asked if there was anyone present who would like to speak on this matter. There was no response.

This item will be reported out by Councilor DiFazio during reports from committees later in the evening.

08 137-Acceptance of Granting Easement, Roman Catholic Archbishop of Boston - Weymouth Landing

A MOTION was made by Councilor Mathews to OPEN the Public Hearing on item number 08 137 and was seconded by Councilor O'Connor and UNANIMOUSLY VOTED.

Councilor Lacey recused himself from this measure and left the chambers.

This item was published on 11/21/08. There was no public comment.

Mr. Clarke appeared before the Council with Mr. George Berg, representing Sacred Heart Church.

Mr. Clarke stated that this will be a cross easement. He stated that this easement will allow better access. The entranceway from Commercial Street to the Town's municipal parking lot will also serve as the entrance to the church parking lot. As part of this project, the Church is improving their lot.

Mr. Clarke stated that part of the improvements are to increase the width of the roadway and add a sidewalk.

There is a granting of an easement from the Church to the Town which does not require Council approval. The granting of the easement from the Town to the Church does require Council approval. This easement will formalize something that has been in place for many years.

An amendment was noted on the measure's 5th line following "80 Rear Commercial Street, "sheet 20, block 202, lot 10" (town property)" is to be added.

Mr. Berg, residing at 74 Summer Street, expressed support for this proposal as a representative of the church.

Councilor DiFazio asked if there is access to the church lot. Mr. Berg confirmed that there is access. He agreed with Mr. Clarke's assertion that this is a formalization of what has been in place previously.

Councilor Molisse asked if the plan is to widen the entrance so that two cars can exit and enter. Mr. Clarke stated in the affirmative, that the road will be widened to accommodate two cars. He pointed out that there will be a left turn restriction. This driveway exit will be right turn only.

Councilor Molisse asked if there would be sidewalks. Mr. Clarke confirmed that there would be sidewalks.

Councilor O'Connor noted that he is in full support of this measure.

A MOTION was made by Councilor Mathews to CLOSE the Public Hearing on item number 08 137 and was seconded by Councilor O'Connor and UNANIMOUSLY VOTED.

OLD BUSINESS

Update on Greenbush Project-James Clarke/Director of Planning and Community Development

Mr. Clarke gave an update on the traffic signals, parking lot, and day lighting issues.

Mr. Clarke stated that he had received a request from Councilor Lacey to place the Quincy Avenue/Entrance to the station on flash. He pointed out that a memo has been sent to Braintree for their consideration.

Councilor Lacey acknowledged that much work has gone into resolving the continued problems with the temporary traffic signal at Quincy Avenue and the entrance to the East Braintree/Weymouth Landing station. He stated that he struggles with the inability to get this light repaired, considering it has been over a year since revenue service began on the Greenbush line.

Mr. Clarke stated that he takes the blame for not coming to a better solution to this problem. He stated that the lights have limitations as they are temporary. He described the problems and noted that this is not a good answer. He noted that as to putting the light on signal flash, this request has been forwarded to the town of Braintree for their review.

Councilor Lacey asked when the permanent lighting and signaling will be completed. Mr. Clarke noted that it had been initially anticipated to be completed in September or October.

Mr. Clarke stated that he has been very frustrated with Cashman/Balfour/Beatty (CBB). He pointed out that CBB has stated that Tri-State, the sub-contractor for this project, works according to their own schedule. He also pointed out that Tri-State has disappeared for several weeks at a time. Additionally he pointed out that the town's consultant has not been quick to recognize this as a problem.

Ultimately, Mr. Clarke stated that he does not know when the work will be completed.

Councilor Lacey reiterated that it is not his intent to badger Mr. Clarke, but is most frustrated with the timeline of completion of this project.

Councilor DiFazio asked if the final design will significantly reduce queue times for the north/south traffic. Mr. Clarke stated that he is confident that the plan to be put in place will most definitely improve the traffic flow.

Councilor Mathews stated that the Council should consider sending a letter to CBB demanding that action be taken to complete this work and that they dedicate Tri-State's time to this project.

Councilor Mathews made a MOTION to have Council President Smart and Councilor Lacey draft a letter to CBB outlining the frustrations regarding a final solution to the traffic improvements in Weymouth Landing and was seconded by Councilor Molisse.

Councilor McDonald asked if the letter should be cc'd to Mass Highway Department as this road is located on Route 53.

Councilor Molisse pointed out that with the upcoming winter months, this problem will only get worse.

Councilor Pap asked if it too late to change the technology of the lights. Mr. Clarke stated that equipment has already been ordered.

Council President Smart stated that the MBTA has the ultimate responsible for the project and should be included in the letter.

Councilor Lacey asked if the Town of Weymouth owns the responsibility of the signal and lighting design.

Mr. Clarke stated that it has been a joint effort as the MBTA owns the permits. He also stated that the town has been working cooperatively with them.

The MOTION was UNANIMOUSLY VOTED.

Update on Route 18 Project-George Bezkorovainy/Traffic Engineer

Mr. Bezkorovainy gave an update on the Route 18 project to the Council.

Councilor Molisse expressed concern regarding the Main, Middle, and West Street intersection. He stated that the left- hand turn signal has been removed. He noted that he and Councilor Harrington had forwarded a request to Council President Smart for this update as they were concerned about this intersection, and had received numerous constituent complaints.

Mr. Bezkorovainy stated that this intersection is complicated as it has four approach lanes. He stated that MHD made the decision to not have the left- hand turn signal. Traffic counts performed in the past month indicate that the number is low and the left- hand turn signal is not

necessary. He stated that they will continue to monitor the intersection to determine if this requires amendments.

Councilor Harrington stated that he has received comments from a resident of that neighborhood who has told him that they believe that they are taking their life in their hands trying to navigate this intersection to take a left- hand turn. Councilor Harrington stated that many motorists are doing this, and this in turn affects the number of cars counted in the traffic counts.

Councilor Harrington stated that a left- turn signal should be a part of the signal cycle at this intersection.

Mr. Clarke stated that the original design is from MHD. He stated that a letter could be sent to MHD requesting this change.

Councilor Harrington made a MOTION to draft a letter to MHD requesting a left- turn signal at the Main, Middle and West Street intersection and was seconded by Councilor Molisse and was UNANIMOUSLY VOTED.

Councilor DiFazio asked if having a left- hand turn signal will be at the expense of traffic heading south on Route 18.

Mr. Bezkorovainy noted that in 2001 the level of service with the left- turn signal was LOS E. Without the left turn signal the LOS was reduced to a C.

Councilor Lacey asked if Mr. Bezkorovainy agreed with what the Council was requesting. Mr. Bezkorovainy stated that he needed more time to review the situation.

Councilor Molisse stated that he believes that more than one or two cars are taking that left turn.

Mr. Clarke stated that he was asked to explain why the intersection was set up the way it was. He noted that he is not a proponent.

Councilor Pap asked if the left- turn arrow could be on at specific times. Mr. Bezkorovainy stated that this is not typical. He stated that you can only alter the amount of time allotted for the left turn lane.

Mr. Bezkorovainy stated that when there is no one in the left hand lane the arrow will be skipped. This will happen when the loops and cameras are in place.

Councilor Harrington stated that the letter is not a letter of inquiry but rather a request to install a left turn arrow at the intersection.

The MOTION was UNANIMOUSLY VOTED.

Councilor Mathews asked if MHD will conduct a traffic analysis to check the LOS of the turning levels. Mr. Bezkorovainy stated that a final inspection will occur, to ensure that each element works according to plan but that does not include level of service (LOS) review.

Councilor Molisse asked about what will happen to the Getty Station at that intersection.

Council President stated that he recollects that the property had been taken.

Mr. Clarke stated that he would have to get back to the Council.

Councilor Whitaker asked about land takings and discussions with property owners. Mr. Bezkorovainy stated that some negotiations and contacts have been made.

LATE AGENDA ITEMS

A MOTION was made by Councilor Mathews to ALLOW two late agenda items and was seconded by Councilor O'Connor and UNANIMOUSLY VOTED.

Mr. Gallagher informed the Council that as of 11/24/08 an agreement has been made for town employees to join the GIC. This will be effective on 7/1/09.

Mr. Gallagher informed the Council that a library contract agreement has been reached with the Librarians. It is a 3 year agreement with an increase in FY 08 of 0%, FY 09 of 2%, and FY 10 of 3%.

Mr. Gallagher stated that the fiscal obligation for the FY 09 increase is payable in FY 10. So there is no financial impact for the FY 09 budget. He stated that there are some minor changes in language.

Councilor O'Connor asked when negotiations will start to restructure their new contract. Mr. Gallagher stated that the intent is to get back to the table as soon as possible.

Councilor Whitaker asked if there were any furloughs. Mr. Gallagher stated that he is not aware of any.

REPORTS OF COMMITTEES

Budget/Management Committee-Chairman Ken DiFazio

08 131-Fulton School Close-Out Costs

This item was referred on 11/10/08 and published on 11/21/08. A Public Hearing was held on 12/1/08. The Committee met on 11/13/08 and voted unanimously to recommend favorable action.

A MOTION was made by Councilor DiFazio to recommend favorable action on item number 08 131 and was seconded by Councilor Mathews and was UNANIMOUSLY VOTED.

08 133-Community Preservation Committee-Fogg Library Request

This item was referred on 11/10/08 and published on 11/21/08. A Public Hearing was held on 12/1/08. The Committee met on 12/1/08 and voted unanimously to recommend favorable action.

A MOTION was made by Councilor DiFazio to recommend favorable action on item number 08 133 and was seconded by Councilor Mathews and was UNANIMOUSLY VOTED.

08 136-Community Preservation Committee-Reilly Playing Field Request

This item was referred on 11/10/08 and published on 11/21/08. A Public Hearing was held on 12/1/08. The Committee met on 11/13/08 and continued to 12/1/08 and voted unanimously to recommend no action as the measure was withdrawn by administration.

A MOTION was made by Councilor DiFazio to take NO ACTION on item number 08 136 and was seconded by Councilor Mathews and was UNANIMOUSLY VOTED.

Transitional Audit Status Report

Councilor DiFazio stated that on 12/19/07 the Weymouth Town Council approved item number 07 141 for an appropriation of \$7,500 to be transferred from the reserve fund to perform a transitional audit for cash as of 12/28/07- due to the resignation of the town's treasurer/collector. At the request of the Council on 10/9/08, the town's Internal Auditor, Maureen Duffy, issued a Transitional Audit Status Report. On 10/16/08, Councilor Lacey issued a memorandum to the Council President requesting that the Council further review Ms. Duffy's status report. On 10/20/08 this matter was referred to the Budget/Management Committee for its review. The Committee met on 11/5/08. At the Committee meeting Ms. Duffy, Councilor Lacey, and Mr. Wilson were heard from.

Councilor DiFazio stated that Councilor Lacey's memorandum outlined five areas of concern. Mr. Wilson responded to questions from Councilor Lacey and others regarding these concerns. At the end of the review process there were no further questions. This evening the Budget/Management Committee met and voted unanimously to accept the report.

Councilor DiFazio stated that he has reviewed the minutes from the meetings and has one open issue. He stated that Ms. Duffy mentioned in her report that it is standard practice to receive a report from the auditing company. Councilor DiFazio stated that it appears that there is no such report. He asked if Mr. Wilson would explain where the report is, and if the Council will receive something in lieu of the report.

Mr. Wilson stated that there are two elements to the measure. There are actually four elements that the Department of Revenue (DOR) requires.

Mr. Wilson stated that the Council authorized a cash reconciliation by approving measure 07 141. DOR requires that cash be reconciled and submitted to DOR and signed off by officials in town. They will not accept anything from anyone else. He stated that each CPA group oversees

the process and verifies what is on the form. That report is submitted to DOR and signed off by various members of his staff. This is how the cash report functions.

The second piece of the measure talked about accounts receivable which is between the town accountant and the collector. This report is also required by DOR to be submitted to them. Mr. Wilson noted that both of the reports and the two other reports are available. These two reports and the two other reports were not requested by the measure, but Mr. Wilson felt they were important to the continuity within the town and were submitted to the independent auditors. He stated that he met with the auditors and the town's auditor on June 6, 2008. They discussed an appropriate time frame, what it is being looked for and how to make the pieces fit together nicely. He stated that the quote that was given to him was "get them to us when you can."

In addition to the cash and receivables, all debt payments were reviewed to make sure that the debt payments tie to the debt schedules which have been prepared by bond counsel.

The fourth piece, which is not typical, is to tie your receivables to your cash. Essentially what you want to be able to prove is that when you have a tax bill that is sent out, you need to ensure that you can trace every element of that bill to either cash or an abatement. Mr. Wilson stated that there is a new procedure in place. He stated that he has asked the independent auditor and the people who have come in to review the work to review his work to ensure that he is doing what it is that they desire. This has been instituted and has been conducted in the past. He stated that he wants this prepared on a quarterly basis along with the other three reports. Mr. Wilson stated that these are available on file in Municipal Finance.

Councilor DiFazio asked about the transitional audit report which is signed off by Mr. Wilson. Mr. Wilson stated that he did not sign off on it. It is signed off by others because Mr. Wilson is coming into the position; it is acceptable practice that he not sign off on the work that has been conducted. The town accountant and the assistant treasurer, the town accountant and the assistant collector, the town accountant and the independent auditor sign off on certain sections. Mr. Wilson stated that he does not sign off on this and this is what caused his concern in that he wanted to review every element of each of the reports before he accepted responsibility. He stated that he accepted legal responsibility on August 6, 2008.

Councilor Conlon questioned if these four reports equal one transitional audit report. Mr. Wilson stated no. He stated that if he were to say what a good transitional audit would be, you would be performing it for the independent auditors but they are paid about \$40,000 for this. This was a \$7000 appropriation to oversee the two elements of the transitional audit which was appropriated for, cash and receivables. Mr. Wilson stated that he has taken those two pieces and gone two steps further for debt service and cash to the receivables so it is a tighter control and a better internal control and that is what he wanted to have implemented.

Council President Smart asked if the four reports are sent to O'Connor and Drew, the external auditors, and whether their report encompasses all of the findings.

Mr. Wilson stated that "your" auditors take each of the reports and then they have to report it in the town's financials in two separate formats. They complete the first format in cash and

expenditures, there are two booklets. The first booklet is called a standard financial statement. Then they take the remaining section and meld it into internal controls. This is in a separate book called a management letter which articulates their findings. In the past the town has had unqualified reviews of the financials. They take our documentations as the basis and then they test it and incorporate into their report. Mr. Wilson stated that he then takes their financial report and issues his own report, based upon theirs. He then takes their management letter and issues his own report based on that. By statute Mr. Wilson stated that he can mandate inclusion in both places. He stated that due to the large turnover in staff during FY 08, he will mandate that it be put in both places. They are different looking reports but they will both be there for whoever wants to review them.

Councilor DiFazio stated that the Budget/Management Committee voted to accept the draft report Transitional Audit Status Report and refer it to the Town Council.

Councilor Lacey stated that he is not a member of the Budget/Management Committee. He noted that he had attended the committee meeting and would like to raise several issues.

Councilor Lacey stated that during the committee meeting he heard discussion of the following:

- Delays and challenges within the Municipal Finance Department of having cash reconciled and closing of books on a monthly basis.
- A description of many occurrences in the Municipal Finance Department where Mr. Wilson was required, or in his opinion, hired consultants to assist in auditing and training his staff.
- Mr. Wilson take full responsibility for some of these challenges and acknowledgement of some of the communication gaps which exist between what he is doing in his department and the Council.
- Assured to the Council that communication is an area that he hopes to improve on.
- Confirmed the fact that there has been a 30% turn-over in staff.
- Confirmed the fact that there has been a change in banks and movement of all accounts to new banks.
- Discussed the multiple rolls Mr. Wilson plays in the town's finances – Chief Financial Officer, Town Treasurer and Collector, and Consultant to the Southfield project.

Councilor Lacey stated that the transitional audit was one item which prompted a number of issues that have him concerned. He asked for support from the Council to consider a motion that the Council direct the internal auditor, Maureen Duffy, to conduct a detailed and thorough audit of the Municipal Finance Department as well as the Treasurer's Department with special attention to operating policy and procedures, accounting practices, and checks and balances within each of these departments.

Councilor Lacey made a MOTION to have the Town Auditor perform an audit of Municipal Finance Department and the Treasurer's Department with special attention to operating policy and procedures, accounting practices, and checks and balances within each of these departments and was seconded by Councilor Mathews.

Councilor DiFazio mentioned that the report from the Budget/Management Committee outlined 12 bullets which condensed the draft minutes from the meeting. He stated that everything but the banking information was mentioned in the 12 bullets was in the report.

Councilor Lacey stated that he did not hear any of this read into the record at the Budget/Management committee report.

Councilor DiFazio stated that everything that is questioned in the motion is addressed in the report. He stated that he would not support the motion.

Councilor Mathews commented that Councilor Lacey is able to request an audit of any department within the town. He pointed out that even if the motion fails, Councilor Lacey could still write a letter requesting the audit.

Council President Smart stated that any Councilor who wanted a performance audit, internal audit, equipment audit, gas audit, an overtime audit or any other audit performed, requests it and it has always been forwarded to Maureen Duffy and it has always been granted. He stated that he is not aware of any audit request that was denied pending whether the auditor had the time to do it within the needed timeframe.

Councilor Whitaker asked when the external audit would be available. Council President Smart stated that Maureen Duffy is not available this evening as she is sick. He stated that he does not know when the external audit would be available. He stated that since this report is going to be reviewed by the Budget/Management Committee, he wants to make sure that resources are being used in the best way.

Councilor Lacey stated that this delay is one of the reasons that prompted the initial dialogue and debate. He stated that in speaking with the company, receipt of the report is not due to until the first quarter of 2009.

Mr. Wilson asked what year is to be reviewed. Councilor Lacey asked for a detailed audit of FY 08 and an assessment in that audit for a thorough detailed audit of operating policies and procedures, accounting practices as defined in the motion and proper checks and balances within the department that make this Council and Councilor Lacey comfortable.

The MOTION PASSED on a 9-2 vote with Councilor DiFazio and Councilor Whitaker opposed.

Public Safety Committee-Chairman O'Connor

Correspondence from Doug Veeder Regarding Safety Issue at Tuft's Library

Councilor O'Connor stated that at the 11/10/08 meeting, correspondence from Mr. Veeder reported that on 7/23/08 his daughter's finger was severed when the door at the library over-powered her and closed on her finger.

Councilor O'Connor stated that the Public Safety Committee has requested that Administration ensure that all doors at the Tufts Library and all buildings serving children and the elderly are up to code through a thorough audit and temporary installation of caution signage warning individuals of heavy doors. This letter was sent to Administration and the Committee is awaiting a response.

08 117-Yield Sign at Biscayne and Piedmont

Councilor O'Connor stated that a petition was submitted to the Public Safety Committee. He noted that the town's traffic engineer, George Bezkorovainy, and Sergeant Concannon appeared before the committee and recommended the installation of this yield sign.

This item was referred on 9/22/08. The Committee met on 11/10/08 and voted unanimously to recommend favorable action.

A MOTION was made by Councilor O'Connor to recommend favorable action on item number 08 117 and was seconded by Councilor Mathews and was UNANIMOUSLY VOTED.

08125-No Turn Signs at Torrey, Burton, Tower and Columbian

This item was referred on 10/06/08. The Committee met on 11/10/08 and voted, after much discussion, unanimously to recommend favorable action.

Councilor O'Connor stated that the town's traffic engineer George Bezkorovainy and Sergeant Concannon appeared before the Public Safety Committee and recommended that these signs are installed as requested.

A MOTION was made by Councilor O'Connor to recommend favorable action on item number 08 125 and was seconded by Councilor Mathews.

Councilor Molisse expressed concern that the placement of signs is premature as the Cancer Center is not open yet. He is concerned that these signs will direct traffic onto other streets in the area.

Councilor Harrington stated that this is an issue in the district which he represents. He noted that he has met with the residents, representatives from South Shore Hospital, Mr. Bezkorovainy, and Mr. Clarke. He stated that the issues have been studied extensively. He noted that this is in response to residents who have seen their quiet side street become overwhelmed with traffic. He stated that the intent of the signs is to show motorists that there are other viable options other than these narrow side streets in which to travel.

The MOTION PASSED on 9-2 as follows:

Councilor Conlon – Y	Councilor DiFazio – Y	Councilor Harrington Y
Councilor Lacey – Y	Councilor McDonald – Y	Councilor Mathews – Y
Councilor Molisse – N	Councilor O'Connor – Y	Councilor Pap, III – Y
Councilor Whitaker – N	Council President Smart – Y	

Traffic Issues on Front Street

Councilor O'Connor stated that this matter will be addressed at the next Council meeting as the minutes are not available as of yet.

Public Works Committee-Chairman Mathews

08 137-Acceptance of Granting Easement, Roman Catholic Archbishop of Boston Weymouth Landing

This item was referred on 11/10/08 and published on 11/21/08. A Public Hearing was held on 12/01/08. The Committee met on 12/01/08 and voted unanimously to recommend favorable action.

Councilor Mathews pointed out that the measure was amended to add, following “ 80 Rear Commercial Street” Sheet 20, Block 202, Lot 10.

A MOTION was made by Councilor Mathews to recommend favorable action on item number 08 137 which reads as follows:

“That the Town of Weymouth, grant to the Roman Catholic Archbishop of Boston, an access easement, to be used in common with the Grantor and others for purposes for which streets and ways are now or may hereafter be used in the Town of Weymouth, including without limitation, access on foot and in motor vehicles, on town property located at 80 Rear Commercial Street, *Sheet 20, Block 202, Lot 10*, abutting the premises known as Sacred Heart Church, located at 76 Commercial Street, along with the right to connect into the storm drainage system to be constructed or installed by the Grantor at Grantor’s land.”

“Said easement will be granted in conjunction with an access easement granted to the Town by the Roman Catholic Archbishop of Boston for all purposes for which streets and ways are now or may hereafter be used in the Town of Weymouth, including without limitation, the installing, maintaining, placing, removing and using utility, sewer, water and gas lines and/or pipes, cable electric and telephone wires and including rights to construct, reconstruct and maintain pedestrian walkways and curbing.”

Councilor Lacey recused himself from the vote and left the Council Chambers.

The MOTION was seconded by Councilor O'Connor and PASSED 10-0.

NEW BUSINESS

08 142-Appointment-Clerk of the Council-Franklin Fryer-Councilor Arthur Mathews

A MOTION was made by Councilor Mathews to REFER item number 08 142 to the Budget/Management Committee and was seconded by Councilor O'Connor and UNANIMOUSLY VOTED.

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ADJOURNMENT

At 10:00pm there being no further business, Councilor Mathews MOTIONED to adjourn and Councilor O'Connor seconded and was UNANIMOUSLY VOTED.

Respectfully submitted by Janet Murray

Approved by: _____
Michael Smart, President