

MINUTES OF THE TOWN COUNCIL
Town Hall Council Chambers
December 5, 2005

Present: Thomas J. Lacey, President
Michael Smart, Vice-President
Joseph Connolly
Kenneth DiFazio
Gregory Hargadon
Susan Kay
Paul J. Leary
Michael Molisse
Arthur Mathews
Gregory Shanahan

Not Present: Kevin Whitaker
Richard Swanson, Town Auditor

Also Present: Franklin Fryer, Town Clerk
Jane Hackett, Chief of Staff
George Lane, Town Solicitor
James Wilson, Chief Financial Officer

Recording Secretary: Janet Murray

President Lacey called the Town Councilor Meeting to order at 7:30pm.

ANNOUNCEMENTS

Councilor Mathews stated that the Citizens' Advisory Committee (CAC) for the Massachusetts Environmental Protection Agency (MEPA) review will meet on 12/7/05 and 12/12/05. Both meetings will be held at 7pm at the Conference Center (formerly the bowling alley) on the base.

Councilor Leary reminded those present that Massachusetts Municipal Association Meeting will meet in January and that the registration deadline is 12/10/05.

Councilor Molisse stated he had seen the Wildcat's Dungeon at the High School. He stated that this is a fitness/weight training room and that it had been well done.

Council President Lacey paid tribute to Councilor Connolly, Councilor Hargadon, and former Councilor McPherson. Each individual was presented with a citation and tile in honor of their service to the town.

Councilor Lacey stated that Councilor McPherson has served the Town of Weymouth in a number of positions since 1982.

Councilor Lacey stated Councilor Connolly has been a member of the Council since its inception in 2000.

Councilor Lacey stated that Councilor Hargadon has served the Town of Weymouth in a number of positions since 1987.

MINUTES

Executive Session-Special Town Council Meeting-7/21/05-tabled from Town Council Meeting of 11/21/05

A MOTION was made by Councilor Smart to ACCEPT the minutes from 7/21/05 and was seconded by Councilor Mathews and UNANIMOUSLY VOTED.

Ordinance Committee-11/14/05

A MOTION was made by Councilor Smart to ACCEPT the minutes from 11/14/05 and was seconded by Councilor Mathews and UNANIMOUSLY VOTED.

Town Council-11/14/05

A MOTION was made by Councilor Smart to ACCEPT the minutes from 11/14/05 and was seconded by Councilor Mathews and UNANIMOUSLY VOTED.

CITIZEN'S CONCERN/COUNCIL RESPONSE

Dominic Galluzzo-South Weymouth Naval Air Station

Mr. Galluzzo appeared before the Council with concerns regarding the proposed plan for reuse of the former naval air station. He stated that questions asked at the 11/14/05 meeting were expected to be responded to at the next Council Meeting. Mr. Galluzzo stated that one meeting and three weeks have passed with no response.

Mr. Galluzzo stated that at the 11/14/05 meeting a full waiver document of phase 1 of the Village Plan was held from the Council's view. The Council was presented a five page document called an executive summary. He stated that this is a poor substitute of communication. The document that was held from the Council's view, officially known as the Naval Air Station notice of project change revisions to MEPA Phase 1 waiver development plan, was mailed to the Citizens Advisory Committee (CAC) that day. The Council was given testimony that there were no changes to the plan that had already been supported. Mr. Galluzzo stated that revision, change, and correction are part of the dictionary definition of revision.

Mr. Galluzzo stated that in actuality the effort to obtain a waiver to the plan began on 8/8/05. He noted that this was only fourteen days after the Council was encouraged to support the Plan before them. Mr. Galluzzo also noted that on the first page of this document, it states "at its 11/9/05 meeting the Board of Directors instructed me to begin coordination of the CAC review process for the revised phase 1 waiver plan". Mr. Galluzzo refutes the accuracy of this statement.

Mr. Galluzzo stated that in fact, Mr. Burke, a member of the Board asked that nothing be done until that Board had voted on the skimpy Executive Summary that had been voted on earlier in the evening.

Mr. Galluzzo asked Council members to reconsider their “yes” vote. He stated that in the revised plan, the commitment to have no construction until a water source is found, and Route 18 is widened has been eliminated. An extensive two year environmental review has been eliminated by the fact that the first shovel could be turned over in 2006. There is no longer a plan for 300 senior housing units in phase 1. The plan for recreation fields has been changed. This document (37 pages long) states that LNR will fund the building of the fields and the amount to be funded to this town will be announced at a future date. It is now a town responsibility to build and maintain a village amenity.

Mr. Galluzzo also noted that according to the JDA audit of LNR’s 60 student projection, the number of students added to the Weymouth School System would actually be 120. The students will arrive 12-13 months sooner than projected. The South Shore Tri-Town Board voted to accept the executive summary without the benefit of detailed information contained in the revised plan. He also noted that fourteen days later a projection of 90-132 students was presented to the Weymouth School Committee.

Mr. Galluzzo stated that it is his belief that LNR does not intend to honor their commitment to build a waste water treatment facility on the site. In his opinion, Mr. Galluzzo stated that all phase 1 water and sewerage agreements until 2008, are null and void. He noted that there are eleven phase 1 inconsistencies to the plan that had been supported.

Mr. Galluzzo questioned if anything that has been promised by LNR is believable. He stated that this project does not meet the Navy’s economic benefits standard.

Mr. Galluzzo stated that the Council should withdraw its support of this new LNR revised phase 1 plan. He stated that the town should propose a significantly lower number of housing and a 500 turbine wind farm.

Councilor Kay asked for a copy of the full document referenced by Mr. Galluzzo.

Peter Scannell-South Weymouth Naval Air Station

PUBLIC HEARINGS

05 161-Abandonment-Biscayne Avenue

A MOTION was made by Councilor Smart to OPEN the Public Hearing on Item #05 161 and was seconded by Councilor Mathews and UNANIMOUSLY VOTED.

This item was published on 11/28/05. There was no public comment.

Ms. Hackett stated that this is a request for a partial abandonment on Biscayne Avenue which abuts 105 Manzanetta. This is a resident request submitted on 9/5/05 and referred to the Planning Board. The Planning Board voted favorably on 10/25/05 to adopt this and then forwarded it back to the Council. Attached to the measure are some comments from DPW Engineering Division dated 12/2/05.

Councilor Lacey stated that the Council has ninety days to take action after this evening's public hearing. He noted that DPW has brought to the Council's attention criteria that need to be met specific to easements. He stated that the DPW comments be considered before a vote is taken.

Councilor Lacey stated that he has spoken to the resident this evening regarding this **matter**.

A MOTION was made by Councilor Smart to CONTINUE the Public Hearing on Item #05 161 and was seconded by Councilor Hargadon and UNANIMOUSLY VOTED.

05 162-Partial Abandonment-Liberty Street

A MOTION was made by Councilor Smart to OPEN the Public Hearing on Item #05 162 and was seconded by Councilor Mathews and UNANIMOUSLY VOTED.

This item was published on 11/28/05. There was no public comment.

Councilor DiFazio recused himself from this matter, and left the chambers.

Ms. Hackett stated that this is a request for a partial abandonment of 20 Liberty Street. This is a resident request. For 46 years, this land has not been owned by the residents. On 9/30/05 they petitioned the town to abandon this property. The Planning Board voted favorably on 10/25/05 to adopt this measure and then forwarded it back to the Council. Ms. Hackett noted that there are similar DPW comments as measure 05 162.

Councilor Lacey stated that he has spoken to the resident this evening regarding this matter.

A MOTION was made by Councilor Smart to CONTINUE the Public Hearing on Item #05 162 and was seconded by Councilor Mathews and UNANIMOUSLY VOTED.

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

A MOTION was made by Councilor Smart to OPEN the Public Hearing on Item #05 147 and was seconded by Councilor Mathews and UNANIMOUSLY VOTED.

This item was published on 11/26/05. There was no public comment.

Mr. Wilson stated that this measure and measures 05 148, 05 151, and 05 152 are the result of water and sewer overcharges. Measure 05 147 came about as a result of a clerk noticing that a meter read did not appear accurate. The clerk reported the findings to David Tower, the

Business Manager of the Water and Sewer Division. He indicated to the clerk that the specific meter reading was fine in that he had made the necessary adjustments to the bill. Mr. Tower was not satisfied with that conclusion. He began a review of all manual meter reads in the town.

Two specific areas of overcharges were found. The first one is the subject of 05 147, East Bay. This resulted in an overcharge of \$186,876.96. The Mayor seeks to reimburse East Bay for this amount in the following manner: \$64,425.33 from Water Retained earnings and \$122,451.63 from Sewer Retained Earnings. This repayment is for FY 05 and earlier.

Mr. Tower informed Mr. Wilson's office of this issue. They then went through a system by which they could review all internal controls for all manual reads. Mr. Tower reviewed all manual reads as well as all electronic readings of various water meters and found that when the electronic meter changed from 99,999 to 00000 there could be a calculation error. He noted that this does not happen very often. After reviewing all the records, the four measures were needed to repay the overcharges.

Mr. Wilson stated that if this measure and the three subsequent measures are voted favorably, the Water Retained Earning balance will be \$289,361 and the Sewer Retained Earning balance will be \$626,220.

A MOTION was made by Councilor Smart to CLOSE the Public Hearing on Item #05 147 and was seconded by Councilor Hargadon and UNANIMOUSLY VOTED.

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

A MOTION was made by Councilor Smart to OPEN the Public Hearing on Item #05 148 and was seconded by Councilor Mathews and UNANIMOUSLY VOTED.

This item was published on 11/26/05. There was no public comment.

Mr. Wilson stated that due to legal reasons, the town must raise and appropriate anything prior to the current year in a separate measure.

The Mayor seeks to reimburse East Bay in the amount of \$86,704.30 in the following manner: \$28,907.73 from Water Retained Earnings and \$57,796.57 from Sewer Retained Earnings.

A MOTION was made by Councilor Smart to CLOSE the Public Hearing on Item #05 148 and was seconded by Councilor Mathews and UNANIMOUSLY VOTED.

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

A MOTION was made by Councilor Smart to OPEN the Public Hearing on Item #05 149 and was seconded by Councilor Mathews and UNANIMOUSLY VOTED.

This item was published on 11/26/05. There was no public comment.

This item will fund five (5) IT contracts. About a year ago the Budget/Management Committee and the Administration met regarding certain IT contracts, and it was determined that seven IT contracts seemed to cross fiscal years. As a result of these hearings and meetings, which were feasible, contracts would be renegotiated to fall within the fiscal year in which they are paid. These five contracts are a result of this effort. They are Laser Tone, Livermoor, Axim I, Axim II, and Dell.

These are maintenance contracts. They began in June of 2005, which is FY 05, and cross all of 2006 and into the beginning of 2007. If the Council approves this measure these five contracts, starting in FY 07, will be paid with the current year's funds. In order to get to this point, these contracts were executed.

A MOTION was made by Councilor Smart to CLOSE the Public Hearing on Item #05 149 and was seconded by Councilor Kay and UNANIMOUSLY VOTED.

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

A MOTION was made by Councilor Smart to OPEN the Public Hearing on item #05 150 and was seconded by Councilor Mathews and UNANIMOUSLY VOTED.

This item was published on 11/26/05. There was no public comment.

Ms. Hackett stated that this is a request for \$30,932 from Free Cash for the purpose of paying an unpaid bill to Midwest. The Administration had believed, in error, that this bill had been paid. What occurred is that the town terminated its insurance with this company. The company performed a retroactive salary audit of the town, and as a result of the audit it appears that they had undercharged the town. Mr. Wilson and Human Resources reviewed the audit, had discussions with the company, and agreed to this amount.

A MOTION was made by Councilor Smart to CLOSE the Public Hearing on Item #05 150 and was seconded by Councilor Mathews and UNANIMOUSLY VOTED.

05 151-Avalon FY 06 Reimbursement-Excess Charges-Water and Sewer Retained Earnings

A MOTION was made by Councilor Smart to OPEN the Public Hearing on Item #05 151 and was seconded by Councilor Mathews and UNANIMOUSLY VOTED.

This item was published on 11/26/05. There was no public comment.

The Mayor seeks to reimburse Avalon Ledges in the amount of \$17,793.95 in the following manner: \$5871.60 from Water Retained Earnings and \$11,922.35 from Sewer Retained Earnings.

This issue was discussed in Item 05 147.

Councilor Smart asked how many manual reads exist. Mr. Wilson stated that there are seven (7). He noted that they are being carefully monitored until they have been replaced.

A MOTION was made by Councilor Smart to CLOSE the Public Hearing on Item #05 151 and was seconded by Councilor Paul Leary and UNANIMOUSLY VOTED.

05 152-Avalon FY 05 Reimbursement-Excess Charges-Water and Sewer Retained Earnings

A MOTION was made by Councilor Smart to OPEN the Public Hearing on Item #05 152 and was seconded by Councilor Mathews and UNANIMOUSLY VOTED.

This item was published on 11/26/05. There was no public comment.

The Mayor seeks to reimburse Avalon Ledges in the amount of \$72,635.68 in the following manner: \$25,427.83 from Water Retained Earnings and \$47,207.85 from Sewer Retained Earnings.

A MOTION was made by Councilor Smart to CLOSE the Public Hearing on Item #05 152 and was seconded by Councilor Leary and UNANIMOUSLY VOTED.

05 158-Patrol Officers' Collective Bargaining Medical Technology Incentive Plan Agreement Approval-Free Cash Appropriation

A MOTION was made by Councilor Smart to OPEN the Public Hearing on Item #05 158 and was seconded by Councilor Hargadon and UNANIMOUSLY VOTED.

This item was published on 11/26/05. There was no public comment.

Ms. Coleman stated that each police vehicle is equipped with a defibrillator and all officers have been paid. This MOA is in effect from 1/1/04 to 6/30/07. The stipend equates to 1.5% of the same grade and step through the entire bargaining unit. The financial impact and the funding request are as follows: FY 04 (1/2 year) impact is \$27,557.00. The FY 05 impact is \$56,218.00 with a funding request of \$83,775. In FY 06 the impact is \$57,904 and the funding request is \$141,680. In FY 07 the impact is \$60,220, and the compounded cost is \$201,921.

A MOTION was made by Councilor Smart to CLOSE the Public Hearing on Item #05 158 and was seconded by Councilor Hargadon and UNANIMOUSLY VOTED.

05 159-Patrol Officers' Collective Bargaining Approval-Free Cash Appropriation

A MOTION was made by Councilor Smart to OPEN the Public Hearing on Item #05 159 and was seconded by Councilor Mathews and UNANIMOUSLY VOTED.

This item was published on 11/26/05. There was no public comment.

Ms. Coleman stated that this contract is for the period of FY 05 to FY 07. There are currently 74 police officers and four (4) vacancies. The cost of living increases are 2% for FY 05, 3% for FY 06, and 4% for FY 07. She noted that there are other increases in areas such as clothing, cleaning, night shift differential, and longevity.

A MOTION was made by Councilor Smart to CLOSE the Public Hearing on Item #05 159 and was seconded by Councilor Hargadon and UNANIMOUSLY VOTED.

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

A MOTION was made by Councilor Smart to OPEN the Public Hearing on Item #05 145 and was seconded by Councilor Mathews and UNANIMOUSLY VOTED.

This item was published on 11/26/05. There was no public comment.

Mr. Wilson stated that the Mayor seeks to raise and appropriate the sum of \$250, 000 from Water Retained Earnings for the purposes of a conceptual design for a new Great Pond Water Treatment Plant. The planning stage has been ongoing for about a year.

A MOTION was made by Councilor Smart to CLOSE the Public Hearing on Item #05 145 and was seconded by Councilor Mathews and UNANIMOUSLY VOTED.

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

A MOTION was made by Councilor Smart to OPEN the Public Hearing on Item #05 146 and was seconded by Councilor Kay and UNANIMOUSLY VOTED.

This item was published on 11/26/05. There was no public comment.

Councilor Smart read the Bond measure into the record.

The \$2.6 million to be raised through bond authorization broken into two specific segments. \$600,000 is estimated for the Owners Project Manager (OPM). \$2 million is estimated for the final design work.

Mr. Brad Hayes and Mr. Scott Bois appeared before the Council. Mr. Bois gave a presentation of the proposal for the Great Pond Water Treatment Plant (GPWTP). Mr. Bois spoke to a number of areas including:

- GPWTP Technical Advisory Committee
- Current facility
- Engineering and pilot study services
- Water treatment education
- Preliminary recommendation meeting

- Pilot study
- Pilot Study 1
- Pilot Study 2
- Site picture
- Cost estimates
- Scheduling
- Appropriation requests

Councilor Kay asked for clarification on some of the acronyms. DAF stands for dissolved air flotation. O3 is ozone. MF is micro filtration. PAC is powder activated carbon.

Councilor Kay stated that she had a chance to view the Pilot Study. She asked for clarification regarding in what part of the process the use of membranes takes place. Mr. Hayes stated that membrane filtration is at the end of the process. He noted that the use of membranes at the front of the process did not meet the town's needs. He also noted that DAF upfront works for better quality.

Councilor DiFazio questioned if the \$28-\$30 million to build the plant will be bonded. He also questioned what the increase in the town's water rates will be. Mr. Hayes stated that based on the rate structure implemented in 2004, FY 07 and FY 08 we will show increases in the water portion of the bill. If we are able to get funding from the State Revolving Fund (SRF), those increases should accommodate the cost of the plant. If we do not get SRF funding, the rate structure would have to be revisited. FY 07 and FY 08 are part of the original rate structure.

Councilor Smart asked what impact the new facility will have on the current, aging infrastructure. Mr. Hayes stated that the pressure and volume will stay the same. He noted that the current infrastructure is operated and maintained on a daily basis. The design size of the plant is what it needs to be, 8mg per day.

Councilor Shanahan asked what the expected life span of the proposed facility is. Mr. Hayes stated that membrane technology will last about 10 years and then will become part of the operation and maintenance of the facility. The facility itself is expected to last upwards of 30-50 years.

Councilor Smart asked if the OPM is required to be in place by 12/7/05. Mr. Hayes stated that the OPM must be in place before the selection of the design. The OPM is required by the State of Massachusetts on any project over \$1.5 million. On 12/7/05, the RFQ draft will be presented to the Construction Steering Committee. He noted that the OPM must be in place by 2/06.

Mr. Bois stated that the \$500,000 in the reserve fund will be used to pay the bond on the new treatment plant. This money is currently set aside for repairs; it will be freed up and will go towards the bond.

Councilor Mathews pointed out that this presentation was previously given to the Budget/Management Committee.

Councilor Lacey questioned the site location and the timeline for making a determination. The project team, as part of Pilot Study 2, has considered access to the site, demolition of the existing facility, and the lay of the land. A packet has been presented to the Committee with all of the considerations before the recommendation of the specific site was made. The Committee has not had a chance to review this as of yet.

Mr. Wilson stated that in order to have a final conceptual design you need to know the location prior to going out to bid. The State Revolving Fund also requires a site selection and a specific design as part of the criteria and formula for reimbursement. He noted that a final site selection should be made by October of 2006.

Mr. Hayes stated that the project team met on 10/27/06. There is a lot of material to be reviewed.

Councilor Lacey questioned the rate structure for FY 07 and FY 08. Mr. Bois stated that the original rate structure was set up to allow for the construction of a new plant during this time frame. The original cost estimate was much less than what we are looking at now. When the rate structure was established, the sewer portion of the bill is where the increase was reflected in the first few years for contracts 1-5. During FY 07 and FY 08, there should be a rate increase reflected on the water bill. Based on the studies, the SRF funding, the percentage, and the opportunity through the state, the rate structure increase, with the \$500,000 freed up from the Reserve Fund, and lower interest rates, should accommodate the cost of this plan.

Councilor Smart stated that the site of the new facility should consider the proximity of the neighborhoods. Mr. Hayes stated that the project team performed an extensive review of the bus stops and intersections, and other areas of the neighborhoods.

A MOTION was made by Councilor Smart to CLOSE the Public Hearing on Item #05 146 and was seconded by Councilor Leary and UNANIMOUSLY VOTED.

COMMUNICATION FROM MAYOR, TOWN OFFICERS, AND TOWN BOARDS

Update on Greenbush-James Clarke-Director of Planning

Mr. Clarke stated that drainage work continues in Weymouth Landing. Quincy Avenue has been paved. All lanes are now open to traffic. Work on the shallow cut continues and the Commercial Street underpass is beginning to take shape.

Mr. Clarke noted that with winter upon us, much of the roadwork will be on hold and done as the weather permits. Work at the Commercial and Webb Street grade crossing will not begin until the spring.

Mr. Clarke stated that the town has undertaken work on the the connector road, lights, smelt run day lighting, and the municipal parking lot. These plans are at 60% completion. Mr. Clarke also noted that the Greenbush Mitigation Committee will meet on 12/15/05. The 60% plans will be

on the agenda. There is a copy of the plans in the Council Chambers. The landscaping sheet for the smelt run is available for Council members.

The Idlewell Bridge demolition is complete. The columns have been installed. Work will continue into the spring. Once this bridge is completed work will begin on the Narragansett Bridge.

North/East/Green Streets – The North Street Bridge structure is in place, two to four weeks of welding work is still needed. Mr. Clarke noted that there is a police detail at East and Green Streets in the PM.

Unicorn Street grade crossing is open and about 85% complete.

The East Street rails are being installed on the rail bed. This crossing should be open in about two weeks.

Commercial Street near Jackson Square should be opened by the end of this week. Drainage work is being complete in this area.

Mr. Clarke stated that the MBTA is set for an opening date in mid 2007.

Councilor Mathews asked about the completion of the traffic signal work at Pleasant and Water Streets. Mr. Clarke stated that he is unsure of a projected completion date. He stated that the MBTA is waiting on the arrival of equipment.

Councilor Shanahan questioned the starting and stopping of work at North and Green Street. He asked if there is a completion date. Mr. Clarke stated that the major grade crossings, weather permitting, should be completed in the next four to six weeks.

Councilor Kay asked if the costs incurred by the town exceeded the amounts set forth by the MBTA. Mr. Clarke stated that the costs have not exceeded the amounts set forth. The town has yet to go out to bid on the work needed to be done in the Landing, by the town. He noted that he is concerned about the increase in the cost of asphalt and the impact this will have. Councilor Kay asked Mr. Clarke to keep the Council updated on the costs.

Councilor Lacey expressed appreciation that Cashman/Balfore Beatty (CBB) has done a good job with community outreach. He asked Mr. Clarke to express this appreciation to Mr. Carroll of CBB. Councilor Lacey also asked for a copy of the Landing 60% plan.

Councilor Leary noted that CBB has a great website, www.cbbgreenbush.com.

05 164-Fats, Oils, and Grease Proposed Ordinance

Ms. Hackett stated that since this proposed ordinance was submitted, it was amended in the Ordinance Committee this evening.

A MOTION was made By Councilor Smart to REFER Item #05 164 to Ordinance Committee and was seconded by Councilor Kay and was UNANIMOUSLY VOTED.

05 165-Free Cash Appropriation-Dog Officer Van

The following measure is submitted on behalf of Mayor Madden: that the Town of Weymouth raise and appropriate the sum of \$19,399 from free cash for the purpose of funding a van for the dog officer which was totaled in August, 2005.

This measure requires a legal notice and public hearing. Free Cash at the time of submittal is \$1,851,332.

A MOTION was made By Councilor Smart to REFER Item #05 165 to Budget/Management Committee and was seconded by Councilor Mathews and was UNANIMOUSLY VOTED.

05 166-Appointment to the Local Emergency Planning Committee - Jonathan Tose

On behalf of Mayor Madden, Ms. Hackett submitted the following measure:

In accordance with Section 2-10 of the Weymouth Home Rule Charter, the name of Jonathan Tose of 74 Patricia Lane, Weymouth, MA 02190 is submitted for appointment to the LEPC (Local Emergency Planning Committee).

A MOTION was made By Councilor Smart to REFER Item #05 166 to Budget/Management Committee and was seconded by Councilor Mathews and was UNANIMOUSLY VOTED.

05 167-Raise and Appropriate for an Opinion of Value

On behalf of Mayor Madden, Ms. Hackett submitted the following measure:

That the Town of Weymouth raise and appropriate the sum of \$2500 for the purpose of financing an “opinion of value” for a parcel of land located at 1389 Main Street. The property was foreclosed upon by the Town of Weymouth for failure to pay taxes. To sell the property, an opinion of value is required to set a minimum bid at auction. To meet this appropriation, the sum of \$2500 is raised from Fund 4903, Sale of Town Owned Land.

This measure requires a legal notice and public hearing. The balance in Fund 4903 as of 12/1/05 is \$18,762.24.

A MOTION was made By Councilor Smart to REFER Item #05 167 to Budget/Management Committee and was seconded by Councilor Mathews and was UNANIMOUSLY VOTED.

05 168-Raise and Appropriate for an Opinion of Value for Water Conservation Purpose

The Town of Weymouth transfer the sum of \$15,000 from the FY 06 Water Reserve Fund for the purpose of financing a certified appraisal for a parcel of land located off Orleans Road and

containing approximately 40,000 square feet. The Town of Weymouth wishes to “take” this land for purposes of protecting the nearby watershed and to site a compensatory wetland replication for Libbey Well . The balance in Water Department Reserve Fund is \$184,210.

A MOTION was made By Councilor Smart to REFER Item #05 168 to Budget/Management Committee and was seconded by Councilor Mathews and was UNANIMOUSLY VOTED.

REPORTS OF COMMITTEES

Budget Management Committee – Chairman DiFazio

Councilor DiFazio made a MOTION to take OUT OF ORDER Item #05 156 and was seconded by Councilor Mathews and UNANIMOUSLY VOTED.

05 156-Appointment-Planning Board-Sandra Williams

This Item was referred on 11/21/05. The Committee met on 12/1/05. The committee voted unanimously to recommend no action as Ms. Williams was unable to attend the Budget/Management Committee meeting. It was noted that this vacancy was created by the resignation of Scott Curry.

Ms. Williams appeared before the Council. She stated that she was not able to attend the Budget/Management meeting due to a prior commitment. In response to Councilor Leary’s question regarding her home being for sale, Ms. Williams stated that she and her husband are not moving out of Weymouth. They are moving to Weymouth Heights.

Councilor Mathews commented to Ms. Williams that the Planning Board often has interactions with the public and many times those present at these meetings are looking for guidance from the Board. He asked Ms. Williams to be mindful of this during her time on the Planning Board.

A MOTION was made by Councilor DiFazio to TAKE NO ACTION Item #05 156.

A SUBSTITUTE MOTION was made by Councilor Smart to APPROVE Item #05 156 and was seconded by Councilor Mathews and was UNANIMOUSLY VOTED.

05 158-Patrol Officers’ Collective Bargaining Medical Technology Incentive Plan Agreement Approval-Free Cash Appropriation

This Item was referred on 11/21/05. The Committee met on 11/28/05. This Item was published on 11/26/05. A Public Hearing was held on 12/05/05. The committee voted unanimously to recommend favorable action.

A MOTION was made by Councilor DiFazio to APPROVE Item #05 158 and was seconded by Councilor Mathews and was UNANIMOUSLY VOTED.

05 159-Patrol Officers' Collective Bargaining Agreement Approval-Free Cash Appropriation

This Item was referred on 11/21/05. The Committee met on 11/28/05. This Item was published on 11/26/05. A Public Hearing was held on 12/05/05. The committee voted unanimously to recommend favorably action.

Councilor Kay stated that it was very difficult to figure out the financial impact of FY 07. Between the two contracts, the impact will be approximately \$800,000.

A MOTION was made by Councilor DiFazio to APPROVE Item #05 159 and was seconded by Councilor Smart and was UNANIMOUSLY VOTED.

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

This Item was referred on 11/14/05. The Committee met on 11/28/05. This Item was published on 11/26/05. A Public Hearing was held on 12/5/05. The committee voted unanimously to recommend favorable action.

A MOTION was made by Councilor DiFazio to APPROVE Item #05 147 and was seconded by Councilor Smart and was UNANIMOUSLY VOTED.

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

This Item was referred on 11/14/05. The Committee met on 11/28/05. This Item was published on 11/26/05. A Public Hearing was held on 12/5/05. The committee voted unanimously to recommend favorable action.

A MOTION was made by Councilor DiFazio to APPROVE Item #05 148 and was seconded by Councilor Smart and was UNANIMOUSLY VOTED.

05 151-Avalon FY 06 Reimbursement Excess Charges-Water and Sewer Retained Earnings

This Item was referred on 11/14/05. The Committee met on 11/28/05. This Item was published on 11/26/05. A Public Hearing was held on 12/5/05. The committee voted unanimously to recommend favorable action.

A MOTION was made by Councilor DiFazio to APPROVE Item #05 151 and was seconded by Councilor Smart and was UNANIMOUSLY VOTED.

05 152-Avalon FY 05 Reimbursement Excess Charges-Water and Sewer Retained Earnings

This Item was referred on 11/14/05. The Committee met on 11/28/05. This Item was published on 11/26/05. A Public Hearing was held on 12/5/05. The committee voted unanimously to recommend favorable action.

A MOTION was made by Councilor DiFazio to APPROVE Item #05 152 and was seconded by Councilor Smart and was UNANIMOUSLY VOTED.

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

This Item was referred on 11/14/05. The Committee met on 11/28/05. This Item was published on 11/26/05. A Public Hearing was held on 12/5/05. The committee voted unanimously to recommend favorable action.

A MOTION was made by Councilor DiFazio to APPROVE Item #05 145 and was seconded by Councilor Smart and was UNANIMOUSLY VOTED.

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

This Item was referred on 11/14/05. The Committee met on 11/28/05. This Item was published on 11/26/05. A Public Hearing was held on 12/5/05. The committee voted unanimously to recommend favorable action.

A MOTION was made by Councilor DiFazio to APPROVE Item #05 146 and was seconded by Councilor Smart and was UNANIMOUSLY VOTED.

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

This Item was referred on 11/14/05. The Committee met on 12/1/05. This Item was published on 11/26/05. A Public Hearing was held on 12/5/05. The committee voted unanimously to recommend favorable action.

A MOTION was made by Councilor DiFazio to APPROVE Item #05 149 and was seconded by Councilor Smart and was UNANIMOUSLY VOTED.

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

This Item was referred on 11/14/05. The Committee met on 12/1/05. This Item was published on 11/26/05. A Public Hearing was held on 12/5/05. The committee voted unanimously to recommend favorable action.

A MOTION was made by Councilor DiFazio to APPROVE Item #05 150 and was seconded by Councilor Smart and was UNANIMOUSLY VOTED.

05 153-Parking Easement-Bridge Street

This Item was referred on 11/14/05. The Committee met on 12/1/05. The committee voted unanimously to recommend favorable action.

A MOTION was made by Councilor DiFazio to APPROVE Item #05 153 and was seconded by Councilor Smart.

Councilor Leary stated that Mr. Abouzeid passed away this weekend. Solicitor Lane stated that Mr. Abouzeid was the trustee of the Bridge Street Realty Trust. He did not believe that his passing prevents the Council from taking action. He did suggest that the motion be amended to read Mr. Abouzeid or successor.

Councilor Kay made a MOTION to AMEND, as noted by Solicitor Lane, Item #05 153 and was seconded by Councilor Smart and was UNANIMOUSLY VOTED.

05 155-Re-appropriation Request-Town Council

This Item was referred on 11/21/05. The Committee met on 12/1/05. The committee voted unanimously to recommend favorable action.

A MOTION was made by Councilor DiFazio to APPROVE Item #05 155 and was seconded by Councilor Smart and was UNANIMOUSLY VOTED.

05 157-Appointment-Memorial Committee-Steven McCloskey

This Item was referred on 11/21/05. The Committee met on 12/1/05. The committee voted unanimously to recommend favorable action.

A MOTION was made by Councilor DiFazio to APPROVE Item #05 157 and was seconded by Councilor Smart and was UNANIMOUSLY VOTED.

Ordinance Committee-Chairman Leary

05 026-Proposed Amendment to Responsible Employer Ordinance

This Item was referred on 3/21/05. The Committee met on 6/6/05, 9/19/05, and 12/5/05. Councilor Leary stated that there were a number of meetings because additional information was required. This Item was published on 11/26/05. A Public Hearing was held on 12/5/05. The committee voted unanimously to recommend that the Council vote No on this Item.

Councilor Leary stated that Solicitor Lane's main concern was about the possible violations of the Privacy Act. The Committee believed that this did not belong at the local level. It should possibly be looked at on the State level.

A MOTION was made by Councilor Leary to NOT APPROVE Item #05 026 and was seconded by Councilor Mathews and was UNANIMOUSLY VOTED.

Councilor Leary stated that the following three measures were continued at the earlier Ordinance Committee meeting. He requested extended time under Rule 38.

05 095-Review of Charter-Timeline for Budget

05 139-Review of Section 3-102-Appointments

05 163-Proposed Naval Air Station Development Review Committee

Councilor Kay made a MOTION to APPROVE the request to extend the time on Item # 05 095, 05 139, and 05 163 under Rule 38 and was seconded by Councilor Smart and UNANIMOUSLY VOTED.

05 154-Community Preservation Act Proposed Committee Formation

Councilor Leary informed the Council that Councilor Whitaker withdrew this Item. A new measure will be submitted at a later date.

A MOTION was made by Councilor Leary to TAKE NO ACTION Item #05 154 and was seconded by Councilor Smart and was UNANIMOUSLY VOTED.

05 164-Fats, Oils, and Grease Proposed Ordinance

This Item was referred on 12/5/05. The initial letter from the Board of Health is dated 6/2/05. The Committee met on 12/5/05. A Public Hearing will be scheduled. The committee voted unanimously to recommend favorable action after a positive public hearing is held.

Councilor Leary stated that the intention of this is to have a Council Ordinance and a Board of Health Regulation that are in accord with regards to the monitoring of Fats, Oils, and Grease. He noted that the Board of Health must advertise twice. A joint public hearing with the Board of Health and the Council will be held in January.

A MOTION was made by Councilor Smart to ACCEPT the report on Item #05 164 and was seconded by Councilor Leary and was UNANIMOUSLY VOTED.

NEW BUSINESS

05 169-Economic Development Proposal-submitted by David Brooks-President Lacey

A MOTION was made by Councilor Smart to REFER to Economic Development Committee Item #05 169 and was seconded by Councilor Hargadon and UNANIMOUSLY VOTED.

ADJOURNMENT

At 10:25pm there being no further business, Councilor Hargadon MOTIONED to adjourn and Councilor Mathews seconded and was UNANIMOUSLY VOTED.

Approved by: _____
Thomas J. Lacey, President