

**TOWN COUNCIL MEETING  
TOWN HALL-COUNCIL CHAMBERS  
DECEMBER 14, 2009**

Present: Michael Smart, President  
Robert Conlon  
Ed Harrington  
Arthur Mathews  
Michael Molisse  
Brian McDonald  
Patrick O'Connor  
Victor Pap III  
Kevin Whitaker

Not Present: Kenneth J. DiFazio  
Thomas J. Lacey  
Maureen Duffy-Town Auditor

Also Present: James Wilson, Chief Financial Officer  
Pam Pantermoller, Principal Assessor  
Jeanne Savoy, Assistant to the Mayor

Recording Secretary: Diane T. Hachey

Roll call was taken by Town Clerk Franklin Fryer, with Councilors Lacey and DiFazio not present. Council President Smart noted that they had called him to say they had prior work commitments and would not be present this evening.

Councilor Conlon commends advocates for Rockland, Abington and Weymouth for securing a \$50,000 grant from the government for purposes of clean-up at the South Weymouth Naval Air Station.

**MINUTES**

**Budget/Management Committee Meeting Minutes of November 9, 2009**

Councilor Mathews motioned for favorable action, motion seconded by Councilor O'Connor and voted unanimously.

**Town Council Meeting Minutes of November 9, 2009**

Councilor Mathews motioned for favorable action, motion seconded by Councilor O'Connor and voted unanimously.

**Ordinance Committee Meeting Minutes of November 16, 2009**

Councilor Mathews motioned to table the Ordinance Committee meeting minutes of November 16, 2009, motion seconded by Councilor O'Connor and voted unanimously.

**Town Council Meeting Minutes of November 16, 2009**

Councilor Mathews motioned for favorable action, motion seconded by Councilor O'Connor and voted unanimously.

**Public Parks and Recreation Committee Meeting Minutes of November 18, 2009**

Councilor Mathews motioned for favorable action, motion seconded by Councilor O'Connor and voted unanimously.

**Budget/Management Committee Meeting Minutes of November 23, 2009**

Councilor Mathews motioned for favorable action, motion seconded by Councilor O'Connor and voted unanimously.

**Special Town Council Meeting Minutes of November 30, 2009**

Councilor Mathews motioned for favorable action, motion seconded by Councilor O'Connor and voted unanimously.

**COMMUNICATIONS AND REPORTS FROM THE MAYOR, TOWN OFFICERS, AND TOWN BOARDS**

**09 143-Community Preservation Committee-Whitman's Pond Restoration and Preservation**

Ms. Savoy presented on behalf of the Mayor's Office and requests that the town of Weymouth raise and appropriate the sum of \$50,875 from the fiscal 2010 open space set aside account for the purpose of funding the restoration and preservation of the main body of Whitman's Pond through herbicide weed control. It was noted that this measure requires a legal notice and public hearing.

Councilor Mathews motioned for referral to the Budget/Management Committee, motion seconded by Councilor Mathews and voted unanimously.

**09 144-Community Preservation Committee—WHA Window Replacement**

Ms. Savoy requested that the town of Weymouth raise and appropriate the sum of \$110,000 to be allocated as follows: \$69,981 from the Community Housing fiscal year 2010 reserve line item and \$40,019 from general reserve CPA for the purpose of funding the cost of replacing windows at the Crehan Housing for the elderly. It was noted that both a legal notice and public hearing are required.

Councilor Mathews motioned for referral to the Budget/Management Committee. Councilor Pap noted that upon the advice of Solicitor Lane, as a result of his affiliation with the Weymouth Housing Authority, he will be abstaining from referral of this measure. The motion was seconded by Councilor Mathews and voted 8-0-1 (Councilor Pap abstaining).

Councilor Mathews motioned to add a late agenda item (measure number 09 145-Fiscal Year 2010 Tax Classification), motion seconded by Councilor O'Connor and voted unanimously. Ms. Savoy read the following into the record: Based upon a DOR review, it is being requested that the town of Weymouth approve a classification tax rate shift of 1.50 for commercial, industrial and personal property taxes with no residential exemption for fiscal year 2010.

Ms. Pantermoller stated that at the December 14<sup>th</sup> meeting the Council approved a 1.55 tax shift. Based upon that vote, the town submitted its tax recap form. Subsequent to the DOR's review of the values, tax rates and historical shifts, it was determined that we could not exceed a 1.50 shift. The Mayor is requesting that a 1.50 shift is approved by Council by this newly submitted measure. The average increase for a residential taxpayer is \$117. Under the 1.55 shift the average increase would have been approximately \$86.00.

Attorney Chris Henchey of the Department of Revenue has ruled that neither a public hearing nor a legal notice is required for this new measure.

Council President Smart requested that Solicitor Lane verify if a public hearing or advertising requirement are necessary. It was noted that since certification from the DOR is necessary for the town to mail the tax bills, that this measure must be voted at the December 21, 2009 Town Council Meeting. To that end, the Budget/Management Committee will meet on the 21<sup>st</sup>, prior to the Town Council Meeting. Councilor Mathews requested that Pam Pantermoller and Paul Haley are present at both the Budget/Management and Town Council Meetings.

Jim Wilson noted that in order to reduce the levy we would have to reduce the budget by far more than our historical tax shift. Between the decrease in residential versus the decrease in the commercial, it is so disproportionate that this change was warranted. DOR will not approve our tax rate if we fail to abide by this decision. The town cannot send out tax bills, and the decision, as set forth by DOR, may not be repealed.

Councilor O'Connor disagrees with DOR's ruling and during these tough economic times believes that this ruling is not equitable to the residents. The town should be able to set its own tax rate- he feels that this is unprofessional to do at this late date. The burden of the shift should be on the businesses in town, not the residents.

Councilor Mathews motioned to refer this measure to the Budget/Management Committee, motion seconded by Councilor Molisse and voted unanimously.

## **REPORTS OF COMMITTEE**

### **Public Parks and Recreation Committee-Chairman Michael Molisse**

Chairman Molisse noted that he held a Parks and Recreation Committee Meeting on November 18, 2009 at 6:00 PM. The agenda consisted of addressing town wide concerns regarding the redevelopment of Riley/Central Fields. The purpose of the meeting was to address numerous emails and phone calls from residents over a press release made on November 2 from the Mayor stating that she was looking to enter into an agreement with the Weymouth Youth Sports Council for renovations to the field. As Chair he felt it prudent to call this meeting due to the overwhelming amount of resident complaints. The meeting was well attended with 9 Councilors and more than 60 residents in attendance. The committee heard from Steve Reilly of Weymouth Youth Soccer who explained where the plan stood at this point. Also, Attorney Joseph Flaherty spoke on behalf of the abutters concerns: excessive traffic, environmental issues, drainage, and loss of open space.

It was noted that input from the neighbors is key in the success of proposing a neighborhood project such as this. Chairman Molisse did note that the Mayor had a prior commitment and was unable to attend the meeting. All material entered into the record was forwarded to the Mayor's Office (inclusive of a petition) on November 24 with a cover letter stating that Councilor Molisse was available to discuss at the Mayor's convenience. The Mayor corresponded that she will contact the committee as developments on the situation occur.

## **NEW BUSINESS**

### **09 142-Call of the Special State Election on January 19, 2010**

Councilor Mathews motioned for action under 2-9 (b), motion seconded by Councilor O'Connor and voted unanimously. Councilor Mathews motioned for favorable action that in the name of the Commonwealth, the town of Weymouth is hereby required to notify and warn the inhabitants of said town, who are qualified to vote in the Special State Election to vote on Tuesday, January 19, 2010. The motion was seconded by Councilor Harrington, and voted unanimously.

President Smart noted consideration by the Council of an additional late agenda item. Councilor Mathews motioned to add a late agenda item, motion seconded by Councilor O'Connor and voted unanimously. Councilor McDonald read the following correspondence from Church Park Condominium Trust Board of Trustees, dated November 21, 2009 into the record:

The Greenbush commuter train has become a real problem for Church Park residents. The intense vibrations are causing cracks in flooring with walls and windows vibrating, resulting in frame damage. Senator Robert Hedlund, Mayor Susan Kay and Representative James Murphy have been very supportive and are continuing to communicate with the MBTA regarding this situation. We certainly appreciate their efforts and would also very much appreciate anything you can do to help us get this problem resolved.

Councilor McDonald requested that a vote be taken in support of resolution of this issue. President Smart requested that Councilor McDonald draft a letter for his signature. Councilor McDonald motioned to forward a letter to Greenbush in support of resolution on behalf of the surrounding residents, motion was seconded by Councilor Molisse and voted unanimously.

Councilor Mathews noted that the next Town Council Meeting will be held on Monday, December 21, 2009 and it will be the final meeting of 2009.

At 7:55 PM, there being no further business to attend to, Councilor Mathews motioned to adjourn, motion seconded by Councilor O'Connor and voted unanimously.

Respectfully Submitted by:

Diane T. Hachey

Approved by:

Michael Smart  
President of Weymouth Town Council