

**TOWN COUNCIL MINUTES**  
**Town Hall Council Chambers**  
**March 19, 2018, Monday**

Present: Michael Smart, President  
Arthur Mathews, Vice President  
Kenneth DiFazio, Councilor  
Jane Hackett, Councilor  
Fred Happel, Councilor  
Ed Harrington, Councilor  
Rebecca Haugh, Councilor  
Christopher Heffernan  
Thomas J. Lacey, Councilor  
Arthur Mathews, Councilor  
Brian McDonald, Councilor  
Michael Molisse, Councilor

Also Present: Mayor Hedlund  
John MacLeod  
Ted Langill, Chief of Staff  
Brian Connolly, Chief Financial Officer  
Joseph Callanan, Town Solicitor  
Lee Hultin, Asst. Town Clerk  
Richard Swanson, Town Auditor

Recording Secretary: Mary Barker

President Smart called the meeting to order at 7:36 PM. After the Pledge of Allegiance, Assistant Town Clerk Lee Hultin called the roll, with all members present.

**ANNOUNCEMENTS**

Councilor Hackett announced that the summer program registration is currently open. Weymouth Recreation applications are available online. Activities are open to children and adults and handouts are available at various locations throughout town.

Councilor Haugh announced the NWCA “State of North Weymouth” will be held on March 21, 2018 at 6PM at the Whipple Senior Center. Pizza will be served and the Mayor will be the featured speaker.

Councilor Happel announced a St. Patrick’s Day event March 22, 2018, 6-10PM at the Cottage Restaurant from 6-10- to benefit Coops Troop Foundation. Entertainment and raffles will be provided.

## **MINUTES**

### **Public Parks and Recreation Committee Meeting Minutes of February 20, 2018**

A MOTION was made by Vice President Mathews to approve the minutes of the February 20, 2018 Public Parks and Recreation Committee meeting and was seconded by Councilor Lacey. UNANIMOUSLY VOTED.

### **Town Council Meeting Minutes of February 20, 2018**

A MOTION was made by Vice President Mathews to approve the minutes of the February 20, 2018 Town Council meeting and was seconded by Councilor Lacey. UNANIMOUSLY VOTED.

## **PUBLIC HEARINGS**

### **18 011-Reorganization Plan Establishing the Department of Asset Management**

A MOTION was made by Vice President Mathews to open the public hearing on measure 18 011 and was seconded by Councilor Lacey. This was published on March 9, 2018. UNANIMOUSLY VOTED.

Mayor Hedlund, Solicitor Callanan and Mr. MacLeod presented the measure. Mayor Hedlund reported that the Department of Asset Management and Procurement was proposed and approved by the Town Council in the preliminary FY18 budget process and was pending filing of a formal ordinance change. During the drafting of those initial changes, they saw further opportunity with the departure of the school's director of maintenance for centralized maintenance. This had been discussed for several years; the charter anticipates it and they saw this as a continuation of the collaboration that had grown out the past few years between the school department and the Mayor's administration. The charter anticipated such a consolidation; where it specifically spells out the creation of centralized maintenance they felt it was a good time to move forward. They filed a measure for the creation of the Department of Asset Management and Procurement. In that process a number of concerns were raised by some members of the Town Council regarding the removal of procurement from the Finance Department. While they believe Procurement and Asset Management is a more efficient proposal, they did see merit in the concerns that were raised. The current measure for consideration leaves Procurement in Municipal Finance. They propose an Asset Management Department which includes a central maintenance component including buildings, grounds, maintenance and green energy efforts. This is about creating savings with efficiencies and better oversight and management of ongoing projects and maintenance functions. John MacLeod reviewed the proposal in a power point presentation.

- Organization chart
- Overall benefits
  - Better prioritization and organization
  - Enhanced control of preventative maintenance
  - Enhanced ability to supervise building and construction projects
  - Centralized work order management

- Cooperative effort in energy and utility upgrades resulting in cost savings
- Centralization of building and facility security
- More accurate capital planning prioritization and budgeting
- Expanded work force support and oversight
- Enhanced ability to organize, schedule and track building and field usage/rentals
- Centralization of procurement and control oversight and support
- Enhanced training opportunities for maintenance of staff and supervisors
- Consolidated materials
- Consolidated service contracts

Solicitor Callanan reported that when the previous measure was deliberated before the Ordinance Committee, some residents submitted concerns. This is not changing procurement, since it was rejected by the Council and redirected. The reorganization presently before them does not affect procurement. He had also stated previously that the state had approved it. Again, it's not in this proposal but had been noted that although the one state agency, Inspector General, approved and liked it, not all were in agreement. Not all state agencies speak in one voice. Lastly, salary savings was not represented as one of the goals. They are adding positions throughout the town and are still able to add and give all CBA an increase. It's not salary savings, but savings in other areas, i.e. future costs. The Mayor noted savings on some projects could not have happened without the assistance provided by John MacLeod. President Smart recognized the School Superintendent and School Committee Chair: both in attendance.

Councilor Lacey thanked Mayor Hedlund for coming back with a new measure. He agreed with the process strategically; and it's long overdue. He asked for additional information on the organizational chart. Asset Management directly reports and procurement stays under Municipal Finance. It leaves Procurement under Finance. Councilor Hackett confirmed Procurement from structural perspective in the organizational chart stays in Municipal Finance. Does it also functionally? Procurement Officer reports to Municipal Finance. Inspector General requires a Chief Procurement Officer. The RFP is currently out for the Emery Estate and could not have been done without a certified CPO who has some procurement responsibilities, but answers to finance.

Councilor Heffernan asked if the administration could fully quantify the cost savings? Solicitor Callanan reviewed how they saved. Councilor Hackett noted in the past, some positions were funded from two different departments. Will they be able to allocate between different departments, similar to the enterprise funds. Solicitor Callanan responded that for net school spending purposes, there are MOA's. Councilor Hackett noted that a member of the school department in the past was funded by two departments (DPW and schools) but functioned in the schools.

Councilor Lacey noted that not to deflect from the work done by Mr. MacLeod, he struggles with the position of CPO not falling under Municipal Finance. Solicitor Callanan responded that the CPO position is a state requirement. Councilor Lacey

responded that under the charter, it falls under Municipal Finance. Solicitor Callanan responded that the charter speaks to a “purchasing agent,” and that person is in Municipal Finance.

Council President Smart asked if there were any comments from the public.

**Linda McDonald 58 Laurel Street**, noted that the town did have centralized maintenance in the school department and John Barker was the person who oversaw the electricians and carpenters-- who were shared positions with the town and schools. His position in the schools was paid by the DPW. The town had a centralized maintenance person and a school maintenance director. She studied the departments when she ran for Councilor a few years ago. This new department appeared a year and a half before being brought before the Council and the Mayor has lied by saying otherwise. This is not a transparent process. She believes the Mayor has violated the charter by taking Procurement from Municipal Finance. She asked where is the DPW in the new structure. She suggested the Council hire its own attorney to see that the Mayor follows the charter.

Mayor Hedlund rebutted her comments. They had asked for assistance from the state as a candidate and after taking office. They learned about procurement and compliance issues and see this proposal as part of the solution in addressing significant problems. As far as the comment about transparency; this administration has been as transparent as any previous. The presenter loses some credibility by using the term “lie.” He welcomed the input, if the speaker has better ideas. They are trying to see that DPW is more efficient for the town and the town and schools work together more efficiently. They are using this tool to better address what DPW is doing and improve upon and provide additional resources for DPW. Between Steve Reilly, the Mayor, Mr. Langill, and Mr. MacLeod, they have figured out the balance between town employees and contracted services in order to maintain the assets in which they are investing significant funding. Mr. MacLeod noted this is the beginning of a long process. Some positions are governed by collective bargaining; some may be tweaked going forward. It’s more of a proven concept of creating efficiencies.

Councilor Hackett addressed the transparency component comment. She has spoken with the Mayor since he was state senator about the concept of centralized maintenance. The process has not been great; it should have come to Council first. Although the process was poor, she has no reservations about supporting it. There was no effort to hide or mislead anyone--the intent was always the best interest of the town.

Solicitor Callanan also spoke to the transparency comment. He noted that this is the fifth public hearing on the topic. They did to go to the School Committee first after consultation with some Councilors. Thought they were following the wishes of the Council. It was not hidden. There were two hearings at school committee and it was deliberated before the Ordinance committee. That this is the violation of the charter by presenting as a measure first as opposed to reorganization was in deference to the Council. A reorganization is time sensitive, and cannot be amended. It doesn’t violate the charter. The specific reference in the charter about centralized maintenance refers to

ordinance. The Inspector General prefers to see the purchasing agent outside of Municipal Finance, but requires a certified CPO, who does not have to be in municipal finance; the purchasing officer is Adele and she is in Municipal Finance. They attempted to balance what is in the charter with the ordinance.

Vice President Mathews responded that according to the charter, section 5-1 *“An organization or reorganization plan shall become effective at the expiration of sixty days following the date the proposal is submitted to the town council unless the town council shall, by a majority vote, within such period vote to disapprove the plan. The town council may vote only to approve or to disapprove the plan and may not vote to amend or to alter it.”*

Solicitor Callanan responded that the earlier proposal would have required a higher number of votes to be passed. Vice President Mathews disagreed with the solicitor’s interpretation and will review it further.

Councilor Lacey noted that he was not expecting a debate during a public hearing. He disagrees with the Solicitor’s interpretation and will take it up at deliberation. The bottom line is the administration created this department and position without approval from the Town Council. He does not want to hear repetitive responses and he urged the Solicitor to read the charter

A MOTION was made by Vice President Mathews to close the public hearing on 18 011 and was seconded by Councilor Haugh. UNANIMOUSLY VOTED.

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

### **18 015-Street Light Replacement**

CFO Brian Connolly requested on behalf of the Mayor that the Town of Weymouth appropriate the sum of \$1,200,000 to pay the costs of replacing streetlights, and for the payment of all other costs incidental or related thereto, and that to meet this appropriation, the Treasurer, with the approval of the Mayor, is authorized to borrow said amount under and pursuant to M.G.L. c. 44, §7(1), or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefore; provided however, that the amount of bonds authorized to be issued pursuant to this order shall be reduced by the amount of grants, gifts or rebates received by the Town on account of this project prior to the issuance of such bonds. Any premium received upon the sale of any bonds or notes approved by this order, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this order in accordance with M.G.L. c. 44, §20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

A MOTION was made by Vice President Mathews to refer measure 18 015 to the Budget/Management Committee and was seconded by Councilor Lacey.  
UNANIMOUSLY VOTED.

### **18 016-School Boiler Replacement**

CFO Brian Connolly requested on behalf of the Mayor that the Town appropriates the amount of Two Million Three Hundred Sixty-One Thousand Seven Hundred Twelve Dollars (\$2,361,712) for the purpose of paying costs of the complete removal and replacement of the Thomas W. Hamilton Primary Schools original boiler system located at 400 Union Street, South Weymouth, Massachusetts 02190 and for the complete removal and replacement of the Wessagusset Primary Schools original boiler system located at 75 Pilgrim Road, North Weymouth, Massachusetts 02191 which proposed repair projects would materially extend the useful life of the schools and preserve assets that otherwise are capable of supporting the required educational program, said sum to be expended under the direction of the Town of Weymouth Construction Steering Committee, and to meet said appropriation, the Town Treasurer, with the approval of the Mayor, is authorized to borrow said sum under M.G.L Chapter 44, or any other enabling authority, and that the Town of Weymouth acknowledges that the Massachusetts School Building Authority (“MSBA”) grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any Project costs the Town of Weymouth incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town of Weymouth; provided that any grant that the Town of Weymouth may receive from the MSBA for the Project shall not exceed the lesser of (1) fifty-five and sixty-three hundredths percent (55.63%) of eligible, approved project costs, as determined by the MSBA, or (2) the total grant amount determined by the MSBA; and that the amount of borrowing authorized pursuant to this vote shall be reduced by any grant amount set forth in the Project Funding Agreement that may be executed between the Town of Weymouth and the MSBA with respect to the projects.

Any premium received upon the sale of any bonds or notes approved by this order, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this order in accordance with M.G.L. c. 44, ss20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.”

A MOTION was made by Vice President Mathews to refer measure 18 016, as amended, to the Budget/Management Committee and was seconded by Councilor Lacey.  
UNANIMOUSLY VOTED.

#### **18 017-CPC-Matching Funds for Feasibility Study**

CFO Brian Connolly requested on behalf of the Mayor that the Town of Weymouth appropriate the sum of \$10,000 from the Community Preservation Fund-Community Housing Unreserved Fund Balance (4906-321006) to provide matching funds in securing a \$100,000 grant through MA Housing for the purpose of obtaining a feasibility study analysis for the Weymouth Housing Authority’s Lakeview Manor property as described in the request put forward by the Weymouth Department of Planning and Community Development.

A MOTION was made by Vice President Mathews to refer measure 18 017 to the Budget/Management Committee and was seconded by Councilor Lacey.  
UNANIMOUSLY VOTED.

#### **18 018-Appointment to the Board of Zoning Appeals-Alternate Seat-Robert Christian**

CFO Brian Connolly requested on behalf of the Mayor that the Town of Weymouth appoint Robert Christian of 27 Michele Drive to the Zoning Board of Appeals, Alternate Seat, for a term to expire on June 30, 2020.

A MOTION was made by Vice President Mathews to refer measure 18 018 to the Budget/Management Committee and was seconded by Councilor Lacey.  
UNANIMOUSLY VOTED.

## **REPORTS OF COMMITTEES**

### **Ordinance Committee-Chairman Kenneth DiFazio**

#### **17 106-Traffic Regulations Associated with Reconstruction of Middle Street/Libbey Industrial Parkway Intersection**

This matter was referred to the Ordinance Committee on November 13, 2017. The measure was published Jan 26, 2018. The committee met on January 29, 2018 and on March 8, 2018 and voted to forward to the full Town Council with a unanimous recommendation for favorable action. A public hearing was held on February 5, 2018.

On behalf of the Ordinance Committee, a motion was made by Councilor DiFazio to approve measure 17 106; that the Town of Weymouth, through the Town Council, pursuant to GL Chapter 40, §22, amend the Town of Weymouth Code of Ordinances, Section 13-102(j) by adding the following:

9. Flashing Yellow Arrow. Vehicular traffic, on an approach to an intersection, facing a flashing yellow arrow signal indication, displayed alone or in combination with another signal indication, is permitted to cautiously enter the intersection only to make the movement indicated by such arrow or such movement indicated as is permitted by other signal indications displayed at the same time. Such vehicular traffic, including vehicles turning right of left or making a U-turn, shall yield the right-of-way to:
- a. (a) Pedestrians lawfully within an associated crosswalk, and
  - b. (b) Other vehicles lawfully within the intersection.

In addition, vehicular traffic turning left of making a U-turn to the left shall yield the right-of-way to other vehicles approaching from the opposite direction so closely as to constitute an immediate hazard during the time when such turning vehicle is moving across or within the intersection.

And pursuant to G.L. Chapter 40, §22, and the Town of Weymouth Code of Ordinances, Section 13-103(b), Section 13-103(d), Section 13-104(a), authorize the placement of signals, markings, and signs regulating motor vehicle movement as follows:

<b>Traffic Signal</b>			
<b>Intersection</b>			
Middle Street/Libbey Industrial Parkway/Tara Gardens			

<b>Restricted Turning Maneuvers</b>			
<b>Location</b>	<b>Direction</b>	<b>Restriction</b>	<b>Time</b>
Middle Street at Libbey Industrial Parkway	Southbound	Left Lane Must Turn Left	All
Middle Street at Libbey Industrial Parkway	Westbound	Right Lane Must Turn Left	All
<b>Bus Stop</b>			
<b>Street</b>	<b>Side</b>	<b>Location</b>	
Middle Street	West	95' South of Tara Drive to 135' South of Tara Drive	
Middle Street	East	80' North of Libbey Industrial Parkway to 120' North of Libbey Industrial Parkway	
<b>Blocking Driveway Prohibited</b>			
<b>Address</b>	<b>Direction of Traffic</b>		
915 Middle Street	Southbound		
921 Middle Street	Southbound		
925 Middle Street	Southbound		
930 Middle Street (driveway on Libbey Industrial Parkway)	Westbound		
<b>Parking Restricted</b>			
<b>Street</b>	<b>Side</b>	<b>Location</b>	<b>Regulation Type</b>
Tara Drive	South	60' West of Middle Street to Middle Street	No Parking Any Time

and cause the above restriction to be listed in the Town of Weymouth Code of Ordinances, Chapter 13, Regulation Affecting Motor Vehicles, Attachment 1 – Appendix A under Schedule II, Restricted Turning Maneuvers, and Schedule III, Parking Restricted, and under new headings, Schedule VI, Traffic Signal, Schedule VII, Bus Stop, and Schedule VIII, Blocking Driveway Prohibited.

The motion was seconded by Vice President Mathews. UNANIMOUSLY VOTED.

### **18 002-Measure Prohibiting Commercial Marijuana**

This matter was referred to the Ordinance Committee on January 16, 2018. The measure was published on February 7 and 14, 2018. The committee met on January 29, 2018 and on February 14, 2018 and voted to forward to the full Town Council with a recommendation for favorable action. A public hearing was held on February 20, 2018 and was continued to March 5, 2018. The Planning Board met on February 28, 2018 and approved the measure on a unanimous vote.



On behalf of the Ordinance Committee, a motion was made by Councilor DiFazio to approve measure 18 002; that the Town of Weymouth amend the Town of Weymouth Ordinances in the following manner:

*“Section 1. Section 9-700 of chapter 9 of the Town of Weymouth Ordinances is hereby amended by striking out in the title the word “Medical.”*

*Section 2. Chapter 9 of the Town of Weymouth Ordinances is hereby amended by inserting after section 9-701 of the following new section:*

*9-702                      Regulation of commercial marijuana*

*Consistent with General Laws chapter 94G sec. 3(a)(i), all types of non-medical “marijuana establishments” as defined in General Laws chapter 94G, section 1, including all marijuana cultivators, marijuana testing facilities, marijuana product manufacturers, marijuana retailers or any other type of licensed marijuana-related businesses, shall be prohibited. Non-medical marijuana establishments are facilities regulated by chapter 94G, but not regulated by chapter 94I.*

*Section 3. Chapter 120 of the Town of Weymouth Ordinances is hereby amended by inserting after section 120-106.3 the following new section:*

*120-106.4                      Regulation of commercial marijuana*

*Consistent with General Laws chapter 94G §3(a)(2)(i), all types of non-medical “marijuana establishments” as defined in General Laws chapter 94G, section 1, including marijuana cultivators, independent testing laboratories, marijuana product manufacturers, marijuana retailers or any other types of licensed marijuana related businesses, shall be prohibited in all zoning districts. Non-medical marijuana establishments are facilities regulated by chapter 94G, but not regulated by chapter 94I.*

*Section 4. This ordinance shall take effect on the date of passage.”*

The motion was seconded by Vice President Mathews. UNANIMOUSLY VOTED.

**Budget/Management Committee-Chairman Michael Molisse**

Councilor Molisse reported that the Committee met on March 5, 2018 to deliberate the following measures:

**16 154-Special Legislation-Veteran Buyback for Credible Service**

This matter was referred to the Committee in November, 2016. The Committee met on January 3, 2017 and on March 19, 2018 and voted to table the matter. The committee is still seeking information from administration and a new measure will be submitted.

### **18 013 Reserve Fund Transfer – Engineering Services**

This matter was referred to the Committee on March 5, 2018. The Committee met on March 19, 2018 and voted to forward to the full Town Council with a recommendation for favorable action.

On behalf of the Budget/Management Committee, a Motion was made by Councilor Molisse to approve measure 18 013; that the Town of Weymouth transfer the sum of \$91,000 from the reserve fund for the purpose of funding costs associated with professional services to provide assessment, design, building and construction phases related to the abatement and demolition of the derelict municipal incinerator located at 0 Wharf Street, and was seconded by Vice President Mathews UNANIMOUSLY VOTED.

### **18 014 Reserve Fund Transfer – Copier Purchases**

This matter was referred to the Committee on March 5, 2018. The Committee met on March 19, 2018 and voted to forward to the full Town Council with a recommendation for favorable action.

On behalf of the Budget/Management Committee, a motion was made by Councilor Molisse to approve measure 18 014; that the Town of Weymouth transfer the sum of \$55,847.21 from the reserve fund for the purpose of purchasing nine multi-function copier/printers and was seconded by Vice President Mathews UNANIMOUSLY VOTED.

### **18 009 Application of Bond Premium**

This matter was referred to the Committee on February 5, 2018. The Committee met on March 19, 2018 and voted to table the matter pending further information from administration.

## **ADJOURNMENT**

The next regularly scheduled meeting of the Town Council has been scheduled for Monday, April 2, 2018. At 9:02 PM; there being no further business, a MOTION was made by Vice President Mathews to adjourn the meeting and was seconded by Councilor Mathews. UNANIMOUSLY VOTED.

Respectfully Submitted by Mary Barker as Recording Secretary

Approved by Michael Smart as President of the Town Council.

Voted unanimously on 18 April 2018