

***Town Council Ordinance Committee
October 7, 2013 at 6:00 PM-Council Chambers***

Present: Chairman Michael Smart
Councilor Hackett
Councilor Harrington
Councilor DiFazio

Not Present: Councilor Arthur Mathews

Also Present: George Lane, Town Solicitor
James Clarke, Director of Planning and Community Development
Abby McCabe, Planning
Chief Grimes, Weymouth Police Department
Captain Joseph Comperchio, Weymouth Police Department

Recording Secretary: Diane T. Hachey

Chairman Smart called the Town Council Ordinance Committee Meeting to order at 6:15 PM. He apologized for the late meeting start but there was a recording secretary snafu and Diane Hachey will be filling in this evening.

13119-Licensing of Junk Dealers and Dealers in Precious Metals Ordinance Amendment

Chairman Smart noted that this was referred to the Ordinance committee on September 3, 2013.

The Chief and Captain Comperchio presented and they are looking to change this procedure from fax to electronic with photos of items and individuals selling such. It is difficult to ascertain and identify items sold. The department is trying to make dealers come on board electronically through the police station. This is related to section 9-601 and prohibits those from under the age of 18 from bartering or exchanging items.

Councilor Hackett arrives here.

The data base is shared by 65 police departments and the information is pooled. The Chief's goal is to have quicker and more accurate identification of items and he wants to ensure that pawn shops hold items for the required timeframes and that jewelry is downloaded to the data base which is immediately accessible.

Councilor DiFazio asked if other towns are using this system, to which it was confirmed that 65 other towns are (noting surrounding Rockland and Braintree). Councilor DiFazio asked how many shops this affects-- to which it was confirmed 19 but only 9 shops actually buy back items.

Councilor Harrington suggests that in addition to photos of items, he recommends pictures of the person selling said items. The Chief confirmed that surveillance video can be used to help identify transactions if needed. Implementation of this ordinance change would be of great benefit to the police department.

Chairman Smart noted that a public hearing has been scheduled for later this evening at the Town Council Meeting.

13 123-Public Consumption of Marijuana Ordinance

Chairman Smart noted that this was referred to the Ordinance committee on September 3, 2013.

Captain Comperchio explained that the goal of this proposed change would add an additional financial penalty to the existing civil penalty. It would prohibit public consumption of marijuana-he noted that surrounding towns have implemented this and the Executive Office of Public Safety is in agreement.

Councilor Smart asked if this proposed change is in any way in conflict with the ballot question approved last year. Captain Comperchio responded that the language is similar to what has been drafted in other towns and guidelines provided by the state.

Solicitor Lane reviewed this proposal and confirmed that there is no conflict, this allows for maximum flexibility on remedies of enforcement.

Captain Comperchio cites M.G.L. 94C Section 32L, which allows that the town may regulate or prohibit public use.

Councilor DiFazio questions “or on private land or space without permission of owner” and noted that this was not included in surrounding towns’ ordinance proposals.

Captain Comperchio stated that being in someone’s yard or property without the express permission of the owner should not be allowed.

Councilor DiFazio raised the issue of medical marijuana being cited as smoking in public to which Captain Comperchio compared this to the same premise as alcohol consumption in public.

Councilor Harrington raised the issue of liability/exposure for the town and cites if an individual needs drug and can’t take in a private setting, would the town be liable if something occurs as a result of denying access due to implementation of this ordinance if approved.

Solicitor Lane stated that the Attorney General still allows us to create a bylaw and the town is protected by the statute if sued.

Councilor DiFazio noted the differentiation is that marijuana is a civil violation and medical marijuana is not to be used in public. It was confirmed that this ordinance would also cover state roadways in the town.

Chairman Smart noted that a public hearing will be held later this evening during the Town Council Meeting.

Issue-Intermunicipal Agreements

Chairman Smart noted that this issue was forwarded to the committee by Councilor Lacey who is not available to attend, but Solicitor Lane is present.

It was summarized that the outstanding issues are:

- what intermunicipal agreements are in effect, including Southfield trash

- how many exist today

- the school committee recently voted an education agreement, why does this not apply to the Town Council?

Solicitor Lane noted that Councilor Lacey referenced a measure from 2009 regarding mutual aid on a health matter. He clarified that this was a local acceptance format and the law states that the agreement MAYBE submitted for Council's approval and the town opted to in that case.

Solicitor Lane investigated other departments for intermunicipal agreements. He noted that the trash contract was an intermunicipal bid and not an intermunicipal agreement. He further cited his legal decision dated October 3rd which states that section 1-6 authorizes the town to act jointly with other governmental agencies in performing and delivering public services. Furthermore, section 6(h) of Chapter 301 of the acts of 1998, authorizes SSTTDC to contract with one or more constituent municipal governments in order to provide police, fire and other municipal services.

It was clarified that the School committee did vote the education agreement, but it is not governed by state statute.

He further noted that executive power is vested in the Mayor and she may forward these to the legislative body for approval.

Councilor Hackett made a point of information in that she is not positive if the School Committee actually voted to accept the agreement.

Chairman Smart noted that Councilor Mathews could not attend and submitted his questions in writing to the chair and it appears to the Chair that his concerns have been addressed previously.

13 113-Rezoning Application for 1267 Washington Street
-Application submitted by Michael Krause of ETI Realty LLC
-Map 35, Block 446, Lot 17-from Highway Transition and Industrial 1 to Industrial 1

Michael Krause (owner of ETI Realty) and Doug Waters were present and Chairman Smart noted that the rezoning request was received, followed by artistic renderings and detailed plans. He further noted that the committee is not approving the building this evening, just the rezone of the property.

Mr. Krause noted that he held an open house on September 21st and notified abutters within a 300 foot radius. The meeting went well and he addressed concerns about the previous operation, reviewed his proposed plans with the attendees, who appear to be satisfied with the new plans and the new ownership.

The property is accessed off of Washington Street, and two other businesses are on the right of way. He is requesting rezoning from HT-highway transitional and I-1 –limited industrial to entirely limited industrial. The parcels in question are sheet 35, block 446, lot 17. The fact that the zone is split is an issue as related to efficient use of the lot and limits development opportunities near the street.

Councilor Hackett spoke on behalf of Councilor Mathews that he is pleased that Mr. Krause is being proactive and that the neighborhood's issues are being properly addressed.

It was confirmed that new underground utilities will be installed

The business is auto repair, no sales, towing from 8-5 with no night or weekend hours of operation, and heavy wreckers will be stored indoors.

Chairman Smart thanked the attendees and noted that the public hearing will be held later this evening followed by a future ordinance committee meeting.

With no further business to attend to, Councilor Hackett motioned to adjourn at 7:09 PM-motion seconded by Councilor Harrington and voted unanimously.

Respectfully Submitted by Diane T. Hachey as Recording Secretary

Approved by Michael Smart, Chairman of the Ordinance Committee