

**TOWN COUNCIL MINUTES
Town Hall Council Chambers
October 7, 2019, Monday**

Present: Arthur Mathews, Vice President
Kenneth DiFazio, Councilor
Jane Hackett, Councilor
Fred Happel, Councilor
Ed Harrington, Councilor
Rebecca Haugh, Councilor
Christopher Heffernan, Councilor
Michael Molisse, Councilor

Absent: Michael Smart, President
Maureen Kiely, Councilor

Also Present: Kathleen Deree, Town Clerk
Joseph Callanan, Town Solicitor
Richard Swanson, Town Auditor
Robert Luongo, Director of Planning
Owen MacDonald, Traffic Engineer
Rob McLean, Director of Libraries

Recording Secretary: Mary Barker

Vice President Mathews called the meeting to order at 7:30 PM. After the Pledge of Allegiance, Town Clerk Kathleen Deree called the roll, with two members absent. Vice President Mathews reported that both Councilor Kiely and President Smart are home recovering from surgery. He wished them both well on behalf of the Council.

ANNOUNCEMENTS

Councilor Heffernan announced the proclamation in recognition of World Mental Health Day:

Proclamation in Recognition of World Mental Health Day- October 10, 2019-Councilor at Large Christopher Heffernan

Whereas: Around the world, World Mental Health Day is observed every year on October 10th

Whereas: The overall objective of World Mental Health Day is raising awareness of mental health issues around the world and mobilizing efforts in support of mental health.

Whereas: The Town of Weymouth is a community that strives to raise awareness of, educate, and work towards remedying mental health issues.

Now therefore: We, the Weymouth Town Council, do hereby proclaim Thursday, October 10th, 2019 as World Mental Health Day in the Town of Weymouth and urge all residents of this community to join us in raising awareness of Mental Health issues.

The proclamation was read into the record in the form of a motion that was seconded by Councilor Hackett. UNANIMOUSLY VOTED.

Councilor Haugh announced the PIP (Public Involvement Plan) meeting for the Compressor Station proposed for North Weymouth to be held on October 10, 2019 at 7PM in the Adams Auditorium, to present the cleanup abatement plan and take public comment). The public comment period ends October 25th.

MINUTES

Budget/Management Committee Meeting Minutes of September 16, 2019

A motion was made by Councilor Molisse to approve the minutes from the September 16, 2019 Budget/Management Committee meeting and was seconded by Councilor Hackett. UNANIMOUSLY VOTED.

Town Council Meeting Minutes of September 16, 2019

A motion was made by Councilor Molisse to approve the minutes from the September 16, 2019 Town Council meeting and was seconded by Councilor DiFazio. UNANIMOUSLY VOTED.

Ordinance Committee Meeting Minutes of September 23, 2019

A motion was made by Councilor Molisse to approve the minutes from the September 23, 2019 Ordinance Committee meeting and was seconded by Councilor DiFazio. UNANIMOUSLY VOTED.

RESIDENT AND COMMUNITY COMMENT

Finnell Drive Proposed Billboard-Bob Delaney of 27 Belmont Street

Mr. Delaney was invited to the table. 700 CMR regulations states that any action relating to signs or outdoor advertising that adversely impacts the public health, safety and welfare of an environment would be reason to revoke, reject a permit. Also, in referring back to the minutes of 8/9/18 at the state Transportation Building where Mr. Romano was questioning Mr. O'Sullivan from Cove who in the agreement prepared by the administration, does not refer at all to the tree cutting for visibility aspect of the project. He then deferred to Ms. Kabilian.

Amy Kabilian, 7 Kipling Road asked if the revenue stream violates the town charter if it did not come before Council? Also, CMR states any signs must be erected within one year. The permit for 613 Pleasant Street is over one year old. Has an extension been filed? She has reached out to Senator O'Connor but has not had a response yet. As was proven last Thursday at the public forum; the residents want the billboard down. Peter McClary delivered to the town a plan to move the sign that is feasible. He asked for their support. She and the other residents are disappointed that they are still considering moving one and erecting another billboard.

Vice President Mathews thanked them for their comments. The Ordinance Committee will report out later in the agenda, and it was noted that this matter remains in committee.

PUBLIC HEARINGS

19 097-Traffic Regulation-Bus Stop, Summer Street/Harland Road

A motion was made by Councilor Molisse to open the public hearing on measure 19 097 and was seconded by Councilor DiFazio. This was advertised on September 27, 2019. UNANIMOUSLY VOTED.

Traffic Engineer Owen MacDonald presented the measure, requesting that the Town of Weymouth, through Town Council, pursuant to G.L. Chapter 40, § 22, and the Town of Weymouth Code of Ordinances, Section 13-106(a), authorize the placement of markings and signs regulating motor vehicle movement and parking as follows:

Bus Stop

Street	Side	Location
Summer Street	West	Harland Road to 60' North of Harland Road

And cause the above restriction to be listed in the Town of Weymouth Code of Ordinances, Chapter 13, Regulations Affecting Motor Vehicles, Attachment 1 – Appendix A under Schedule VII, Bus Stop.

This is part of the MBTA's program to make its bus stops accessible to mobility challenged persons at locations where it is not already the case. The current bus stop at the Summer Street / Harland Road intersection is not handicapped accessible.

The recommendation is to relocate the bus stop to a sidewalk to be constructed by the MBTA between the Harland Road intersection and a point 60' north. He reviewed the map that was provided.

The MBTA program requires that the stop be located on a sidewalk (generally curbed and elevated above the street traveled way), desirably at least 8' wide, but width can be reduced to a minimum of 5' in a constrained location. The sidewalk segment comprising the bus stop needs to be long enough to provide a landing area at the bus front door and a clear zone at the bus rear door. The sidewalk segment needs to be accessible from all directions.

Retaining the Summer Street/Harland Road stop at its current location requires the removal of a safety guard rail at the 4 Harland Road property to construct the required sidewalk.

The proposed stop meets the width and length criteria. In addition to a 50' long sidewalk, MBTA will install a crosswalk across Summer Street with ADA compliant pedestrian ramps on each end, and flashing pedestrian warning signs, similar to those outside SS Hospital.

Vice President Mathews asked if the abutter was approached, as was requested at the last meeting. Mr. MacDonald responded yes, and the abutter planned to be present at the public hearing.

Councilor Molisse asked about crosswalk lights. They are similar to those at SS Hospital site – small flashing lights along the sign perimeter, only when in use.

Vice President Mathews asked if there were any comments from the public, to which there were the following:

Theresa Joyce- abutter, noted she sent a letter to the traffic engineer regarding her concerns about the guardrail, which is meant to protect those who wait for the bus. Why not remove the guardrail and put the stop there? She is concerned with parking, plowing, light and noise pollution, tree liability and personal safety; also that people standing at the stop could view her habits and leave behind debris.

Vice President Mathews asked the Traffic Engineer to forward her correspondence to the Ordinance Committee. Has MBTA responded yet? Mr. MacDonald noted that the MBTA could not get representation tonight. Vice President Mathews suggested they continue the public hearing to a date certain. Mr. MacDonald responded that should give the MBTA sufficient notice to respond.

A motion was made by Councilor Molisse to continue the public hearing on measure 19 097 to October 21, 2019 and was seconded by Councilor DiFazio. UNANIMOUSLY VOTED.

19 103-CPA Preservation of Select Library Items

A motion was made by Councilor Molisse to open the public hearing on measure 19 103 and was seconded by Councilor DiFazio. This was advertised on September 27, 2019. UNANIMOUSLY VOTED.

Director Rob McLean, Asst. Director Kristy Lockhart and Stacy Wilson, Head of Reference presented the measure requesting that the Town of Weymouth appropriate the sum of \$7,480 from the Historic Preservation Reserve Fund Balance account for conservation and preservation of select drawings and documents from Weymouth Public Libraries' Historical Collections as described in the request put forward by the Weymouth Public Libraries. Supporting documentation provided by the Department of Planning and Development.

They provided a presentation:

- Original architectural drawings of the first Tufts Library by S.S. Woodcock. Drawings are attached to wooden rod and wrapped with coated cloth
- The will of John S. Fogg (1892)
- Constitution and By-Laws of the South Weymouth Piscatorial Association (1878)
- Graduation Exercises of the South Weymouth High School (1888)
- Invoices from the East Weymouth Wool Scouring Company (1902 & 1905)

Councilor Harrington noted that the last will of John S. Fogg is a copy and not original. Probate and Family Court of Massachusetts has the original. The copy is probably by a hired scrivener. Director McLean responded that the copy was donated at the reopening of the library by a descendant of Mr. Fogg and historically important to the library.

Councilor Heffernan is excited about the new library with the enhanced History Museum; he is thankful they are doing this and it is a good use of the funds.

Councilor Hackett noted that this project is exactly the type of project that CPA funding was designed for; preserving history and keeping it in a public building.

Vice President Mathews asked if there were any comments from the public, to which there were none.

A motion was made by Councilor Molisse to close the public hearing on measure 19 103 and was seconded by Councilor DiFazio. UNANIMOUSLY VOTED.

OLD BUSINESS

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

19 104-Director of Municipal Finance Appointment-James Malarý

On behalf of Mayor Hedlund, Solicitor Callanan requested that the Town of Weymouth, in accordance with section 2-10 of the Town Charter appoint James Malarý to the position of Director of Municipal Finance.

A motion was made by Councilor Molisse to refer measure 19 104 to the Budget/Management Committee and was seconded by Councilor DiFazio. UNANIMOUSLY VOTED.

19 105- CPA Funding Request for Lovell Field Pedestrian Bridge

On behalf of Mayor Hedlund, Solicitor Callanan requested that the Town of Weymouth appropriate the sum of \$182,341 from the Unreserved Fund Balance account for the design, permitting and construction of a bridge over the Herring Run to Lovell Field

A motion was made by Councilor Molisse to refer measure 19 105 to the Budget/Management Committee and was seconded by Councilor DiFazio. Councilor Hackett thanked the administration for submitting the measure. This is a creative solution to the parking and administration is also working on bathroom facilities at Libby field. Councilor Harrington reported that at the CPC meeting it was packaged as a two-fold. It would allow for parking relief and continuation of Back River trail. His concern is that the MBTA owns the parking lot and it was stressed that there needs to be a long-term commitment agreement by the MBTA. UNANIMOUSLY VOTED.

REPORTS OF COMMITTEES

Budget/Management Committee-Chair Michael Molisse

Councilor Molisse reported that the Budget/Management Committee met on October 7, 2019 and deliberated the following measures:

19 096-Acceptance of G.L. C. 60, §2 – Collection; Payment Over; Returns; Abatement

This measure was referred to committee on September 3, 2019. The committee deliberated on October 7, 2019 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 19 096; that the Town of Weymouth, through Town Council and with the approval of the Mayor, move to accept the provisions of G.L. Chapter 60, §2, which allows the Town, through its Collector of Taxes and Assessor, to abate any committed, unpaid taxes in amount not to exceed \$25.00. The motion was seconded by Councilor DiFazio. Councilor Hackett reported that it is important to note this action was identified multiple times and recommended by the outside auditors. UNANIMOUSLY VOTED.

19 098- Legal Department - Unpaid Bills FY19

This measure was referred to committee on September 3, 2019. The committee deliberated on October 7, 2019 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 19 098; that the town of Weymouth transfer the sum of \$91,256.98 from the Reserve Fund (11325201 573100) for the purpose of paying the following FY19 unpaid bills:

Miyares & Harrington LLP	April 1-30, 2019	\$5,614.46
Miyares & Harrington LLP	May 1-31, 2019	\$50,097.90
Miyares & Harrington LLP	June 2-28, 2019	\$35,544.62

Furthermore, that the Town Accountant is authorized to pay such bills. The motion was seconded by Councilor Hackett. UNANIMOUSLY VOTED.

19 103-CPA Preservation of Select Library Items

This measure was referred to committee on September 3, 2019. The committee deliberated on October 7, 2019 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 19 103 that the Town of Weymouth appropriate the sum of \$7,480 from the Historic Preservation Reserve Fund Balance account for conservation and preservation of select drawings and documents from Weymouth Public Libraries’ Historical Collections as described in the request put forward by the Weymouth Public Libraries. Supporting documentation provided by the Department of Planning and Development.

Ordinance Committee-Chair Ken DiFazio

Councilor DiFazio reported that the Ordinance Committee met on September 23 and September 26, 2019 and deliberated the following measures:

Issue-Billboard

Councilor DiFazio read the following:

“The adverse impacts of electronic billboard siting within the new billboard relocation overlay district upon abutting residents was referred to the Ordinance Committee on September 3, 2019 upon the concerns voice clearly by Weymouth citizen Amy Kabilian, 7 Kipling Road. The committee deliberated the matter on September 26, 2019 and Mayor Hedlund has conducted an informational forum on October 1, 2019, that was both well-attended and videotaped for the general public. Although the matter remains under continued review by the Ordinance Committee, this evening the Ordinance Committee members voted unanimously to provide the full Town Council an interim report on the subject. The overriding justification for this report is based upon:

- 1. the information obtained by the committee during deliberations*
- 2. the citizens’ description of the adverse impacts of electronic billboard siting and*
- 3. the administration’s responses to the concerned citizens at the Mayor’s informational public meeting*

As a result of this committee’s deliberations, it was learned that on or about July 25, 2018, the town of Weymouth entered into a billboard relocation agreement with Cove Outdoor, LLC. Amongst several aspects of the agreement, the agreement outlined electronic billboards to be installed at the newly approved billboard relocation overlay district at the Route 3 corridor, designated revenue distributions to the applicable parties and set forth the removal of all paper billboards in North Weymouth. There is currently one electronic billboard already permitted and installed, but currently off, located at 611 Pleasant Street location. This electronic billboard was operational for a time period, which resulted in a multitude of abutting citizens’ complaints of lighting in their residences. A second electronic billboard is fully permitted for the 613 Pleasant Street location. Both of these electronic billboards are located on the northern side of Route 3. A third electronic billboard location is currently being contemplated on the southern side of Route 3. None of the proposed electronic billboards, or the one already installed incorporates light-blocking technology, and the owner of the already-installed electronic billboard has recently been granted permission to cut down over 90 trees to enhance the visibility of the electronic billboard. This tree cutting would almost certainly further have adverse impacts on the nearby residents. In summary, it can be reasonably concluded that there exists ongoing serious concerns by residents of several neighborhoods of the detrimental effects of electronic billboard lighting on their respective properties. It can be further concluded that these detrimental effects were not contemplated during the proposal and subsequent approval of the billboard relocation overlay district, which was voted on April 4, 2018. Based upon the ongoing imminent electronic billboard process, the Ordinance Committee voted this evening recommending that the full town council issue written correspondence to all members of the billboard relocation agreement, as well as the Department of Transportation on billboard permitting, requesting the following:

1. *That all parties to the agreement halt any further permitting, siting, or operation of the electronic billboards in question.*
2. *No tree cutting will take place by any of the parties.*
3. *The parties shall immediately participate in a good faith negotiation concerning the repealing of the overlay district, removal of the existing electronic billboard located at 611 Pleasant Street and computing a real estimate of damages, if any, to and from the appropriate parties aggrieved under the executed contract. We are hopeful that the Mayor continues to pursue an avenue to help residents in south Weymouth with their billboard problem, which currently exists. We acknowledge the concerns of both the residents on Route 3A as well as those on Route 18 Abington border. The town will ban the renewal of all static billboard leases effectively immediately. It is understood that all owners of static billboards on Route 3A have agreed to have their billboards removed with this zoning change at no cost to the business owner. The town has an established beautification fund and will submit a measure upon each static billboard owner's lease expiration, to the town council in the amount of the billboard removal."*
4. *The administration shall report the results of said negotiations to the town council forthwith.*
5. *Pursuant to section M of the agreement, we are requesting that our internal auditor conduct a detailed audit of all documents and records related to revenue, expenses, costs, pricing data, and permitting as related to this agreement.*
6. *We are of the opinion that the permit application submitted by Cove to MassDOT does not comply with 700 CMR 317(1). "The written approval of the municipality is required prior to the submission of said application unless otherwise exempted by state law." On April 10, 2018, Mayor Hedlund signed under option 1, which certifies that the proposed signs are in conformity with zoning ordinances and by laws and are subject to final agreement with the town on a billboard reduction and relocation agreement, which includes all relevant documents. As the billboard agreement wasn't signed by the Mayor until July 25, 2018, there was no agreement in place at that time.*

Once these issues are resolved, the town council will continue to deliberate the continued existence of the billboard relocation overlay district."

On behalf of the Ordinance Committee, a motion was made by Councilor DiFazio to send written correspondence to this effect to the parties designated (Mayor, Cove Outdoor, LLC and MassDOT) and was seconded by Councilor Molisse.

Councilor Hackett thanked the chair and the residents for bringing this issue forward. She assured the residents that they are being heard. They want to help, but have limitations on what they can do. She does not want to see this result in pitting neighbors and neighborhoods against each other.

UNANIMOUSLY VOTED.

ADJOURNMENT

The next regularly scheduled meeting of the Town Council has been scheduled for Monday, October 21, 2019. At 8:18 PM; there being no further business, a MOTION was made by Councilor Molisse to adjourn the meeting and was seconded by Councilor DiFazio.
UNANIMOUSLY VOTED.

Respectfully Submitted by Mary Barker as Recording Secretary

Approved by Michael Smart as President of the Town Council
Voted unanimously on 21 October 2019