

TOWN COUNCIL MINUTES
Town Hall Council Chambers
Zoom # 838 5966 1305
January 4, 2021, Monday

Present: Arthur Mathews, President
Michael Molisse, Vice President
Pascale Burga, Councilor
Kenneth DiFazio, Councilor
Brian Dwyer, Councilor
Jane Hackett, Councilor
Fred Happel, Councilor
Ed Harrington, Councilor
Rebecca Haugh, Councilor
Christopher Heffernan, Councilor
Maureen Kiely, Councilor

Also Present: Robert Hedlund, Mayor
Ted Langill, Chief of Staff
James Malary, Chief Financial Officer
Kathleen Deree, Town Clerk
Joseph Callanan, Town Solicitor
Richard Swanson, Town Auditor
Eric Schneider, Principal Planner
Keith Stark, Chief, WFD
Sgt. Brian Morse, WPD
Officer Brendan Fogarty, WPD
Fr. Sean Connor, Pastor, Sacred Heart Parish

Recording Secretary: Mary Barker

President Mathews called the meeting to order at 7:36 PM. After the Pledge of Allegiance, Town Clerk Kathleen Deree called the roll, with all members present.

ANNOUNCEMENTS

Councilor Heffernan announced a COVID testing program offered by the office of the Mayor in partnership with South Shore Health, at no charge to the residents of Weymouth. Information is available on the town website.

MINUTES

Budget/Management Committee Meeting Minutes of December 7, 2020

Vice President Molisse made a motion to approve the minutes from the December 7, 2020 Budget/Management Committee meeting and was seconded by Councilor Kiely.

A roll call vote was taken:

Councilor Burga-Yes, Councilor DiFazio-Yes, Councilor Dwyer-Yes, Councilor Hackett-Yes, Councilor Happel-Yes, Councilor Harrington-Yes, Councilor Haugh-Yes, Councilor Heffernan-Yes, Councilor Kiely-Yes, Vice President Molisse-Yes, President Mathews-Yes.
UNANIMOUSLY VOTED.

Town Council Meeting Minutes of December 7, 2020

Vice President Molisse made a motion to approve the minutes from the December 7, 2020 Town Council meeting and was seconded by Councilor Kiely.

A roll call vote was taken:

Councilor Burga-Yes, Councilor DiFazio-Yes, Councilor Dwyer-Yes, Councilor Hackett-Yes, Councilor Happel-Yes, Councilor Harrington-Yes, Councilor Haugh-Yes, Councilor Heffernan-Yes, Councilor Kiely-Yes, Vice President Molisse-Yes, President Mathews-Yes.
UNANIMOUSLY VOTED.

Town Council Environmental Committee and the School Committee Emergency Planning Subcommittee Joint Meeting Minutes of December 9, 2020

Vice President Molisse made a motion to approve the minutes from the December 9, 2020 Town Council Environmental Committee and the School Committee Emergency Planning Subcommittee Joint meeting and was seconded by Councilor Kiely.

A roll call vote was taken:

Councilor Burga-Yes, Councilor DiFazio-Yes, Councilor Dwyer-Yes, Councilor Hackett-Yes, Councilor Happel-Yes, Councilor Harrington-Yes, Councilor Haugh-Yes, Councilor Heffernan-Yes, Councilor Kiely-Yes, Vice President Molisse-Yes, President Mathews-Yes.
UNANIMOUSLY VOTED.

Ordinance Committee Meeting Minutes of December 17, 2020

Vice President Molisse made a motion to approve the minutes from the December 17, 2020 Ordinance Committee meeting and was seconded by Councilor Kiely.

A roll call vote was taken:

Councilor Burga-Yes, Councilor DiFazio-Yes, Councilor Dwyer-Yes, Councilor Hackett-Yes, Councilor Happel-Yes, Councilor Harrington-Yes, Councilor Haugh-Yes, Councilor Heffernan-Yes, Councilor Kiely-Yes, Vice President Molisse-Yes, President Mathews-Yes.
UNANIMOUSLY VOTED.

PUBLIC HEARINGS

20 119-The Purchase of a New Fire Engine and New Ladder Truck

A motion was made by Vice President Molisse to open the public hearing on measure 20 119 and was seconded by Councilor Kiely. This was published on December 24, 2020.

A roll call vote was taken:

Councilor Burga-Yes, Councilor DiFazio-Yes, Councilor Dwyer-Yes, Councilor Hackett-Yes,

Councilor Happel-Yes, Councilor Harrington-Yes, Councilor Haugh-Yes, Councilor Heffernan-Yes, Councilor Kiely-Yes, Vice President Molisse-Yes, President Mathews-Yes.
UNANIMOUSLY VOTED.

Chief Stark presented the measure. An aging fleet is catching up to the department. The new engine is due for delivery in February, and with this measure they will purchase an engine to replace 1, and ladder truck for Ladder 2. It's \$1.8 million. Purchase is for a stock engine and ladder. Usually, purchases are compatible to the other apparatus in the fleet- these are close to what they need, without having to wait for new ones to be built.

Councilor Happel thanked the Chief and the Mayor for bringing this measure forward. An aging fleet is an understatement and with the compressor coming on line, it's imperative they have adequate equipment. Councilor Kiely echoed those sentiments, and noted residents have questioned Boston equipment in town. Vice President Molisse reported that the Budget/Management Committee met on December 21, 2020 and reviewed the financials. This equipment is much needed. Loaners are not anything to speak of.

Councilor Haugh asked if spending from the compressor station \$10 million mitigation will be tracked by the administration. Mr. Langill responded it will be tracked internally. It will not be in an account by itself and funds unspent at the end of the year will fall to free cash, which will be certified in November, 2021. He can keep a separate ledger and make available to whoever wants to see it. Auditor Swanson added that he will coordinate with administration to receive a monthly accounting to share with the Council.

President Mathews asked if there were any questions or comments from the public, to which there was the following response:

James McGinty, 37 St. Ann Road, directed his comments to accepting \$10 million to let a compressor station be built. He asked if there is any chance to open Station 2? A ladder truck that responded to a fire on Bridge Street last year was from Brockton. The town needs to look at the whole town and see what's needed for fire coverage for a first alarm response.

Mr. Langill responded that this wasn't a measure about the compressor station. The compressor was "not allowed." The town fought for years to oppose it. When Mayor Hedlund came into office, fire department staffing numbers were in the high 80's. One of the first measures he proposed added funding to take positions out from the Safer Grant. Numbers now are in the 90's and in position to man an additional engine at Station 2. The administration is in active negotiations with the union to partially fund the station and it's only because of the progress over the last 5 years.

Chief Stark thanked Mr. McGinty for his support. Mutual aid applies when a fire goes over the first alarm. He also pointed out that when they took over the base, they received funding for 16 firefighters, for 2 years. When that was not replenished, the base station was closed.

A motion was made by Vice President Molisse to close the public hearing on measure 20 119 and was seconded by Councilor Kiely.

A roll call vote was taken:

Councilor Burga-Yes, Councilor DiFazio-Yes, Councilor Dwyer-Yes, Councilor Hackett-Yes, Councilor Happel-Yes, Councilor Harrington-Yes, Councilor Haugh-Yes, Councilor Heffernan-Yes, Councilor Kiely-Yes, Vice President Molisse-Yes, President Mathews-Yes.
UNANIMOUSLY VOTED.

OLD BUSINESS

20 100-Citizen Petition-Request to Change Zoning Ordinance Section 120-64.7.1 Billboard Overlay District - Reconsideration of Measure Resultant from Veto by Mayor, Pursuant to Charter Section 3-7

President Mathews reported that the Council passed the measure on December 7, 2020. The Mayor vetoed the Town Council's vote in correspondence dated December 17, 2020 (attachment 1). Pursuant to the charter, the Council may reconsider the measure and override the veto by a two-thirds majority vote. He read the pertinent section of the town charter:

“SECTION 3-7 APPROVAL OF MAYOR, EXCEPTION (VETO)

Every order, ordinance, resolution or vote adopted or passed by the town council relative to the affairs of the town, except memorial resolutions, the selection of town officers by the town council and any matters relating to the internal affairs of the town council, shall be presented to the mayor for approval. If the mayor approves of the measure the mayor shall sign it; if the mayor disapproves of the measure the mayor shall return the measure, with the specific reason or reasons for such disapproval attached thereto, in writing, to the town council. The town council shall enter the objections of the mayor on its records, and not sooner than ten days, nor after thirty days from the date of its return to the town council, shall again consider the same measure. If the town council, notwithstanding such disapproval, by the mayor, shall again pass the order, ordinance, resolution or vote by a two-thirds vote of the full council, it shall then be deemed in force, notwithstanding the failure of the mayor to approve the same. If the mayor has neither signed a measure nor returned it to the town council within ten days following the date it was presented to the mayor, the measure shall be deemed approved and in force.”

President Mathews also reported he received another memo from the Mayor today regarding the reconsideration of the veto, and requesting it *“be tabled until such time that it can be taken up simultaneously with measure 20 117 ... Measure 20 100 and 20 117 are interrelated and both will impact the outcome of the longstanding and controversial billboard issue.”* In the memo, the Mayor asked to appear at the next Council meeting to discuss.

President Mathews reviewed the Council's deliberation of measure 20 110. It was amended, voted, and sent to the Mayor. The Mayor vetoed it, and now the Council will decide whether to reconsider their vote. If it is tabled, no conversation may occur until such time at a future meeting when it's taken off the table. Section 3-7 also deals with the time computation. The Council is not meeting again until January 19th. Offhand, if it's tabled he is not sure it would

meet the 30-day deadline requirement.

Councilor Kiely asked for clarification since the Mayor's communication refers to measure 20 117. President Mathews acknowledged that Measure 20 100 is on the agenda, but the Mayor brought measure 20 117 up in his memo.

Ordinance Chair Councilor DiFazio noted he also received a request today asking for both measures to be discussed at the same time. He suggested they could put off discussion until that time. Measure 20 100 is purely independent of 20 117, so there is no need or benefit to discuss at the same time and to put off the discussion of 20 100. They can discuss each independently. 20 100- the intent of that one, which was approved by the Ordinance Committee, the Planning Board and the Town Council accomplished two things; it reduced the total number of boards from 3 to 2 and articulated several guidelines for approving Electronic Billboards. It did not ask to delete the original citizen petition which the original citizen petition did, and can't be considered to be similar to measure 20 100. He also added they received information from the town solicitor; he read the case law that was referenced but he believes it is not similar enough to be a legal impediment. The Planning Board also supported the action by Council. He suggested the evidence is overwhelming that they should consider overriding the veto.

A motion was made by Councilor DiFazio to reconsider measure 20 100 and was seconded by Vice President Molisse.

Councilor Harrington said his main concern has been the 45-acres of open space. A lot of information was provided and he is unsure if they were given proper time to look at that. He suggested they allow the situation to go on as the Mayor has requested. The property owned by Bristol is up for some sort of development and they can't come forward and fight that parcel at a later time. He's unsure they understand that the owner has the right to develop that property at any time, and probably will do so if a moratorium is enacted. So the question is, do they want a billboard on the end, or 45 acres of open space developed. He urged a week postponement to review what the Mayor has suggested so the citizens can review the documentation the Mayor provided.

Councilor Haugh pointed out that the measure was vetoed on December 17, 2020, at which time they were already in active discussion of the moratorium. If it was a priority to discuss both together, the Mayor didn't have to wait until the very last day to veto. She is concerned with a delay and is comfortable taking a vote this evening.

Councilor Burga noted that she has received overwhelming response; the most from anyone on any measure so far. It's a convoluted issue that was going on before her time on Council and it doesn't help when the Mayor's office sends out 19 pages of veto documentation with no time to research. She supports the reconsideration of the vote by Council.

President Mathews responded that he supports override of the veto. Two public hearings were held at which the Mayor had the opportunity to speak. He waited until the last day to veto both. They need to put protections in place for the neighborhood. Council has met over 20 times on the billboard issue and it continues on. The Council is trying to help the impacted neighbors.

Solicitor Callanan responded to the issue of the thirty-day deadline; the next meeting (January 19th) would be the 30th day.

Councilor Harrington added that they have the time to do this. There is no reason to rush it. He urged they give the people of the district time to look at the documentation. It may address their concerns and he implored his colleagues to not rush action.

Councilor Hackett reported that she has not had a chance to see what has been submitted yet. She confirmed which districts were impacted and that the Mayor wants to review both measures together.

Councilor Harrington pointed out the 45 acres of open space is in his district.

Councilor Kiely noted that although she is in district 2, her constituents have also worked tirelessly and she has had a lot of calls and emails from them also. She is concerned that they may lose some potential good if they wait two weeks to hear what the Mayor has to say. She is concerned with the parcel that includes Gagnon Park. Is there a reason why the Mayor couldn't come before them tonight?

President Mathews responded that he only asked to speak at a future meeting and asked today to table the matter.

Councilor Hackett added a point of information; if they vote to override the veto, then the action, in and of itself is re-considerable at the next meeting. So, could they reconsider it at the next meeting? President Mathews responded that it isn't addressed in the charter. Councilor Hackett believes they can, but everyone has worked hard and this deserves reconsideration.

Solicitor Callanan responded that he hasn't researched that aspect but if they go the override route, and someone asks to reconsider before the end of this meeting and then table that.

Vice President Molisse responded that he supports the override vote. Their responsibility is to represent the residents. They have taken a stand and must stand by it, although he doesn't think the Mayor wanted to be in this position. He received over 40 calls and emails today and he urged they not backpedal.

Councilor Dwyer noted he has more correspondence on this than anything in his brief time on the Council. They do need to take a stand. Councilor Harrington articulated his concerns, but they need to take action.

Councilor Kiely received more calls asking for support. Her questions were merely to understand the process. The citizens have spoken and she represents the citizens in her district.

Councilor Haugh asked if the new deal has been signed by Cove? President Mathews deferred to the solicitor, who responded that Cove has signed, but not all parties have. Councilor Haugh asked if there a reason why Bristol or the Mayor has not signed. The solicitor responded that the

Mayor signs after everyone else. Bristol entities have received the final version today, but haven't returned it yet. All parties agree on theory. Councilor Haugh pointed out that everyone wants them to support overriding the veto. Not one asked to preserve the land. When the initial billboard ordinance passed in 2017, the language was vague. They worked for hours in the Ordinance Committee, and she thanked the citizens for their work. Now, they have a whole new section with protections outlined that were not there before. Without a signed contract, she remains committed to supporting the override of the veto.

Councilor Harrington added that his colleagues have the overwhelming vote to override, but he isn't convinced the residents in the district fully understand what is at stake.

Councilor Hackett added her support of the override. It is unprecedented; it's the first one in more than twenty years. Nothing has been said to her that affects any potential deal in the event of an override. She thanked the Ordinance Committee for their work.

A roll call vote was taken:

Councilor Burga-Yes, Councilor DiFazio-Yes, Councilor Dwyer-Yes, Councilor Hackett-Yes, Councilor Happel-Yes, Councilor Harrington-Yes, Councilor Haugh-Yes, Councilor Heffernan-Yes, Councilor Kiely-Yes, Vice President Molisse-Yes, President Mathews-Yes.

UNANIMOUSLY VOTED.

Councilor Harrington made a motion to reconsider and table the matter until the next meeting. There was no second and the motion failed.

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

21 001- Acceptance of a Deed in Lieu of Foreclosure- 65 Greenvale Avenue

On behalf of Mayor Hedlund, Mr. Malarly requested that the Mayor of the Town of Weymouth is authorized, in accordance with Chapter 60, §77C of the General Laws of the Commonwealth of Massachusetts and the Massachusetts Department of Revenue Informational Guideline Releases No. 02-206, to accept a deed in lieu of tax foreclosure for the following property currently in Tax Title:

<u>Owner's Name</u>	<u>Map-Block-Lot</u>	<u>Assessed Value</u>	<u>Taxes Due</u>
EEK Realty Trust, Karlyn Yngve, Trstee, Holly Cicetone, Trstee, Sandra Gustafson and Kenneth Erickson	25-331-9	\$13,100.00	\$4,908.08 (\$1.1988 per diem)

Upon acceptance of the Deed by the Town, Council approves to transfer the care, custody, and control of the land to the Conservation Commission in accordance with Chapter 40, §8C.

Vice President Molisse made a motion to refer measure 21 001 to the Budget/Management Committee and was seconded by Councilor Hackett.

A roll call vote was taken: Councilor Burga-Yes, Councilor DiFazio-Yes, Councilor Dwyer-Yes, Councilor Hackett-Yes, Councilor Happel-Yes, Councilor Harrington-Yes, Councilor Haugh-Yes, Councilor Heffernan-Yes, Councilor Kiely-Yes, Vice President Molisse-Yes, President Mathews-Yes. UNANIMOUSLY VOTED.

21 002-Acceptance of a Deed in Lieu of Foreclosure, 33 Bridle Path

That the Mayor of the Town of Weymouth is authorized, in accordance with Chapter 60, §77C of the General Laws of the Commonwealth of Massachusetts and the Massachusetts Department of Revenue Informational Guideline Releases No. 02-206, to accept a deed in lieu of tax foreclosure for the following property currently in Tax Title:

<u>Owner's Name</u>	<u>Map-Block-Lot</u>	<u>Assessed Value</u>	<u>Taxes Due</u>
Joseph Mariano and Helen M. Mariano	34-426-10	\$4,500.00	\$5,244.69

Upon acceptance of the Deed by the Town, Council approves to transfer the care, custody, and control of the land to the Conservation Commission in accordance with Chapter 40, §8C.

Vice President Molisse made a motion to refer measure 21 002 to the Budget/Management Committee and was seconded by Councilor Kiely.

A roll call vote was taken: Councilor Burga-Yes, Councilor DiFazio-Yes, Councilor Dwyer-Yes, Councilor Hackett-Yes, Councilor Happel-Yes, Councilor Harrington-Yes, Councilor Haugh-Yes, Councilor Heffernan-Yes, Councilor Kiely-Yes, Vice President Molisse-Yes, President Mathews-Yes. UNANIMOUSLY VOTED.

REPORTS OF COMMITTEES

Budget/Management Committee-Chair Michael Molisse

Chair Molisse reported that the Budget/Management Committee met on January 4, 2021 to deliberate the following measure(s):

20 120-Reserve Fund Transfer- COVID Testing Expenses

This measure was referred to the Budget/Management Committee on December 21, 2020. The committee met on January 4, 2021 and voted to forward the measure to the full Town Council with a recommendation for favorable action.

On behalf of the Budget/Management Committee, Vice President Molisse made a motion to approve measure 20 120; That the Town of Weymouth transfer the sum of \$238,000.00 from the FY21 Reserve Fund (02121008-578103) to the Asset Management Department, Miscellaneous Expenditures line item (11904405 578103), for the purpose of funding expenses related to

COVID-19 testing. Councilor Hackett seconded the motion. She noted that it was discussed at length at the Budget/ Management Committee earlier. This year the \$1.5 reserve fund was presumed to be used for COVID related expenses. The Town Council asked the administration to come before the Town Council for appropriation. The CARES Act was since extended, and will be used first. If it were in an 02 account it would not fall to free cash. They are allowed to deficit spend, so this is a prudent move. She thanked the administration and the hospital. Councilor Kiely thanked Mr. Langill in his efforts to see that the citizens of Weymouth are supported.

President Mathews pointed out the correct measure number is 20 120; there was a typo on the agenda. Vice President Molisse thanked Mr. Langill for setting this up. This was a lot of work and he appreciated the partnership with the hospital.

A roll call vote was taken: Councilor Burga-Yes, Councilor DiFazio-Yes, Councilor Dwyer-Yes, Councilor Hackett-Yes, Councilor Happel-Yes, Councilor Harrington-Yes, Councilor Haugh-Yes, Councilor Heffernan-Yes, Councilor Kiely-Yes, Vice President Molisse-Yes, President Mathews-Yes. UNANIMOUSLY VOTED.

20 119-The Purchase of a New Fire Engine and New Ladder Truck

This measure was referred to the Budget/Management Committee on December 7, 2020. The committee met on December 21, 2020 and voted to forward to the full Town Council with a recommendation for favorable action pending the outcome of the public hearing. A public hearing was held and closed on January 4, 2021.

On behalf of the Budget/Management Committee, Vice President Molisse made a motion to approve measure 20 119; that the town of Weymouth transfer the sum of \$1,778,906 from the Stabilization Fund to a capital project fund for the purpose of funding costs associated with the purchase of a new (2020) fire engine and a new (2020) ladder truck. Councilor Kiely seconded the motion.

Vice President Molisse noted he is very happy to see this move forward. This is much needed equipment. Councilor Kiely noted that with an aging fleet, it is a great thing. Councilor DiFazio added that he is especially happy to hear negotiations are ongoing that might result in the reopening of Station 2.

A roll call vote was taken: Councilor Burga-Yes, Councilor DiFazio-Yes, Councilor Dwyer-Yes, Councilor Hackett-Yes, Councilor Happel-Yes, Councilor Harrington-Yes, Councilor Haugh-Yes, Councilor Heffernan-Yes, Councilor Kiely-Yes, Vice President Molisse-Yes, President Mathews-Yes. UNANIMOUSLY VOTED.

Ordinance Committee-Chair Ken DiFazio

Chair DiFazio reported that the Ordinance Committee met on January 4, 2021 to deliberate the following measure(s):

20 114-Traffic Regulations Regarding Access to Sacred Heart School

This measure was referred to the Ordinance Committee on November 9, 2020. The committee met on and voted to forward the measure to the full Town Council with a recommendation for favorable action. A public hearing was held and closed on December 21, 2020.

On behalf of the Ordinance Committee, Councilor DiFazio made a motion to approve measure 20 114; that the Town of Weymouth, through Town Council, pursuant to G.L. Chapter 40, §22, and the Town of Weymouth Code of Ordinances, Section 13-103 (b) and Section 13-104 (a) authorize the placement of signs regulating motor vehicle movement as follows:

Parking Restricted			
Street	Side	Location	Regulation Type
Commercial Street	Southeast	Between points 175' northeast of Washington Street and 310' northeast of Washington Street	No Parking 7:00 to 9:00 AM and 2:00 to 4:00 PM, Monday through Friday, Except Holidays

Blocking Driveway Prohibited	
Address	Direction of Traffic
70 Washington Street	Southbound

And cause the above regulations to be listed in the Town of Weymouth Code of Ordinances, Chapter 13, Regulations Affecting Motor Vehicles, Attachment 1- Appendix A under Schedule III, Parking Restricted, and Schedule VIII, Blocking Driveway Prohibited. Vice President Molisse seconded the motion.

A roll call vote was taken: Councilor Burga-Yes, Councilor DiFazio-Yes, Councilor Dwyer-Yes, Councilor Hackett-Yes, Councilor Happel-Yes, Councilor Harrington-Yes, Councilor Haugh-Yes, Councilor Heffernan-Yes, Councilor Kiely-Yes, Vice President Molisse-Yes, President Mathews-Yes. UNANIMOUSLY VOTED.

Councilor Happel made a motion to add a late agenda item. There was no second. President Mathews responded that the matter Councilor Happel referred to will be put on the agenda for the next meeting.

ADJOURNMENT

The next regularly scheduled meeting of the Town Council will be Tuesday, January 19, 2021, due to the Martin Luther King, Jr. Day Observance. At 9:00 PM; there being no further business; Vice President Molisse made a motion to adjourn the meeting and was seconded by Councilor Kiely.

A roll call vote was taken: Councilor Burga-Yes, Councilor DiFazio-Yes, Councilor Dwyer-Yes, Councilor Hackett-Yes, Councilor Happel-Yes, Councilor Harrington-Yes, Councilor Haugh-Yes, Councilor Heffernan-Yes, Councilor Kiely-Yes, Vice President Molisse-Yes, President Mathews-Yes. UNANIMOUSLY VOTED.

Attachments:

- Memo dated 1/4/21 from Mayor Hedlund to Town Council – Veto of Measure #20 100

Respectfully Submitted by Mary Barker as Recording Secretary

Approved by Arthur Mathews as President of the Town Council
Voted unanimously on 1 February 2021