

TOWN COUNCIL MINUTES
Town Hall Council Chambers
Zoom # 846 6408 5805
December 7, 2020, 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
Kathleen Deree, Town Clerk
Joseph Callanan, Town Solicitor
Richard Swanson, Town Auditor
James Malary, Chief Financial Officer
Robert Luongo, Director of Planning

Recording Secretary: Mary Barker

President Mathews called the meeting to order at 7:30 PM. After the Pledge of Allegiance, Town Clerk Kathleen Deree called the roll, with all members present.

ANNOUNCEMENTS

Councilor Happel read a letter he sent to the Mayor on November 18, 2020 requesting relief for restaurant owners in town. He was planning to ask the Council to deliberate the matter; however the Mayor has now implemented the policy that Councilor Happel was seeking.

Councilor Kiely announced that the Weymouth Fire Department is collecting donations for the Toys For Tots program. Response has been great so far and she urged the public to support since all charities have been affected by the pandemic.

MINUTES

Environmental Committee Meeting minutes of October 26, 2020

A motion was made by Vice President Molisse to approve the minutes from the October 26, 2020 Environmental Committee meeting 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.

Ordinance Committee Meeting minutes of October 27, 2020

A motion was made by Vice President Molisse to approve the minutes from the October 27, 2020 Ordinance Committee meeting 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.

Public Safety Committee Meeting minutes of November 23, 2020

A motion was made by Vice President Molisse to approve the minutes from the November 23, 2020 Public Safety Committee meeting 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.

Budget/Management Committee Meeting minutes of November 9, 2020

A motion was made by Vice President Molisse to approve the minutes from the November 9, 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 November 9, 2020

A motion was made by Vice President Molisse to approve the minutes from the November 9, 2020 Town Council meeting and was seconded by Councilor Harrington.

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

20 117-Town Council Zoning Ordinance Amendment to Section 120-64.7.1 Billboard Relocation Overly District (One Year Moratorium on New Permit Issuance)

A motion was made by Vice President Molisse to open the public hearing on measure 20 117 and was seconded by Councilor Kiely. This was published on November 23 and November 30, 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.

Chair Sandra Williams called the Planning Board Meeting to order and called the roll with all members present.

A motion was made by Mr. Agnew to open the public hearing on measure 20 117 and was seconded by Mr. Rotondo.

A roll call vote was taken: Mr. Agnew-Yes, Mr. Rotondo-Yes and Chair Williams-Yes. UNANIMOUSLY VOTED.

President Mathews read the language in the measure, including the new section E. An agreement between the Mayor, three neighborhood representatives, and the owner of Cove Outdoor, LLC was signed December 19, 2019, and it listed the responsibilities that Cove agreed to meet to mitigate the effects on the neighborhood. None of the actions Cove agreed to have been done. Before an additional billboard goes up, the company needs to do the items they agreed to. It is their intent to erect a second electronic billboard before addressing the initial board's problems, and this is unacceptable. A number of public meetings have been held on this subject.

Councilor Haugh pointed out that this was supposed to be a reduction in the number of billboards in town, and now the documentation disputes that. The objective was to take the boards down in North Weymouth and relocate them, and that isn't happening.

Chair Williams asked if any of the Planning Board members had any questions at this time. She asked if the town has any recourse since they haven't lived up to the initial agreement. President Mathews responded that the North Weymouth boards were to be down within a year, but if not, then Cove would have to pay the town and that hasn't happened. Some of the leases are multiyear, with the most recent in 2024. They were told they would come down in a year; however a document that was received between August 18 and 20th indicates Cove had no right to take down boards that are Clear Channel's property. If the second face is allowed, they will have more than they started with.

Chair Williams responded in her observation, this is fraud. President Mathews responded that many things were not as they were led to believe and a number of misrepresentations were made. They should fix the existing board, and live up to the terms of the neighborhood agreement first.

The Council was led to believe the boards would come down and that the town had control over the content of the advertisements.

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

Alyson Dossett, 56 Belmont Street reported that since the last meeting, she reached out to other billboard companies and engineers across the US. She explained her role to them as a resident who is looking for information on light blocking technology as mitigation. The entire process was simple, and she was asked targeted questions. No one that she spoke used it, and others hadn't heard of it. The common theme from those she talked with when she showed photos of 611 was jaw-dropping shock. They did not believe light blocking technology would mitigate the problem and that the structure would have to be rebuilt. She will forward the information she gathered to the Council. As a means for mitigation-- fencing, arborvitaes and light blocking technology are all inadequate. The glare and glow is not ever meant to be near residents' homes.

John Delany 147 Belmont Street stated that the administration has not provided information for 0 Finnell Drive. Although the Mayor was asked for a meeting, they received no response. A request sent to Ms. Howe was ignored. He questions the legality of the access point, Gagnon Park. The deeded easement from Eversource is for power lines only. Peter McClary asked the state for a waiver before the public meeting was held. The town is not losing a free public park; it is forgoing the revenue to purchase the land. He is against moving 611 to 613, but the rationale is faulty since 0 Finnell is closer. The residents have been waiting long enough. He is in support of the moratorium.

Mary Delorey 134 Mill Street noted that this is approx. 20 months into remediation. Four people signed an agreement that was made after many months' discussion, but Bristol and LoRusso were not included. They are making a conscious choice to place billboards. She hopes the landlords would be good neighbors, if they can imagine themselves on the receiving end. The members of Friends of Finnell request to meet with Mr. Bristoll and LoRusso. Could the Town Council assist in this? President Mathews responded that they could reach out.

Amy Kabilian, 7 Kipling Road, reported the first time the neighbors met was in September of 2019. They signed a remediation agreement on December 18, 2019, in which Cove agreed to lower the height of the board, add light blocking technology, plant trees and an evergreen barrier and erect fencing. Not one of these has been completed. In June, Cove began operating the board until 11 PM. The neighbors met with the Mayor and Cove, and Cove was to meet with the manufacturer to get the tree cutting done. There was no timeline for the installation. It was dimmed for a time, but is now back to full bright. The only meeting held was to discuss moving, not mitigation. The remediation agreement is not binding, advertising is supposed to be controlled content. At a meeting on January 29, President Mathews and Councilor Haugh both asked about content control and the Mayor responded that they were able control it. In February 2018, at a presentation before the full Council and the Planning Board, Councilor Heffernan and two members of the Planning Board asked this again, and the Mayor and Eric Schneider both responded that the content could be controlled. They were all misled. Another problem is the North Weymouth billboards. The current ordinance was established for the removal and

relocation of legally established billboards to achieve an overall reduction throughout the town. Since learning the North Weymouth boards will not be coming down for at least another four years, and Clear Channel has not agreed to allow them to come down, how is this not a violation of the ordinance? There won't be a reduction; there won't be content control and the town ends up with more billboards. She asked the Council and the Planning Board if they had known this when the ordinance was deliberated, if they would still have voted it? She asked that they insert their authority to provide some relief to her neighborhood and to prevent this from happening to another. At the last negotiation, the Mayor gave them an out, telling Cove they didn't need to lower the sign if they couldn't get the trees cut--this was in writing. They had agreed to lower the sign; they need someone to enforce what they agreed to.

Garry MacDougall, 131 Southern Avenue supported Friends of Finnell and wants the Council to recognize the scam is on. They will try to move it to 0 Finnell; they have a deal going with Bristol, and all because the town got into business with an individual who took advantage of the town. The town is now looking at more billboards than they were going to get. He asked the Council if they would have signed this if they knew the data? His worry is they will get a billboard on Finnell, in order to appease Cove. They were taken advantage of by an entity that doesn't have the money to fulfill the things they promised. He appreciates what the Council is trying to do with a moratorium.

President Mathews responded that he himself would not have approved the ordinance knowing what he does now.

Councilor DiFazio responded that they asked whether the Council would have voted it. The Council passed the ordinance, establishing the overlay district. The billboard agreement was made by the Mayor, without any input whatsoever from the Council. President Mathews clarified his point that he would not have voted for the ordinance change.

Tim Mudie of 96 Sunnyplain supported the amendment; Cove has not fulfilled its obligation to the residents around 611 Pleasant Street. There is no contractual agreement or method of enforcement. Again, there is no reason to issue any further permits to Cove and a moratorium is a good start.

Ruth Pacino, 34 Kipling Road spoke in support of the moratorium. She has been working with Amy for almost two years. Cove isn't going to follow through and they haven't in the past. She is in full support.

Peter McClary, Cove Outdoor LLC stated they are skirting some issues. When the 2019 agreement was signed, it was carefully selected not to read the first paragraph. There were two reasons for not making it a binding agreement; they didn't know if they could get 0 Finnell or tree-cutting permits from the state and Conservation Commission to cut enough trees to lower the sign. Since the start, they negotiated with the town and neighbors in good faith to move forward. They are taking every step to get the mitigation completed. He also knows the Friends of Finnell (K. Swain, et al) say if they do get permits to cut trees, the group will appeal it. It's not their business. He doesn't understand why they don't want to see mitigation. His intention is to do all of this and it isn't being brought up. If they do remediate, one unrelated group plans to

oppose that. He is trying to propose many options- attempting to come up with ways to lower, and install light blocking technology. It does work. He will order it put on the sign. The issue is, what is the truth? Why not read the first paragraph of an agreement? It's not the Conservation Commission or the state. He can't sign for something they have to approve. There is no money to pay for open space without the revenue from one billboard. Where is the town going to get the money to alleviate commercial development? They've spent many years trying to get the North Weymouth billboards removed. They already took one down, and have to wait until the lease is up on the others. He doesn't know how a moratorium or making ordinance changes retroactively will help, when they are illegal. He doesn't understand what the benefits of not mitigating the existing billboards are and how it will appease the residents.

President Mathews responded. The intent of the moratorium is to make a binding document. As for whether he can get Conservation Commission approval, Cove has had almost a year to apply for a permit and have a public hearing to see if they can obtain a permit to cut additional trees. They have had over a year and now he states he needs a new deal with the administration first. He is wrong. Mr. McClary should have already gone to the commission. A moratorium gives him time to do that; it doesn't cost that much. An appeal, given hypotheticals, he assumes would go to the DEP. President Mathews acknowledged that he allowed Mr. McClary to speak beyond the 5-minute Council rule, and he will not go into a back-and-forth.

Robert Delaney, 27 Belmont Street, supports taking down the 611 billboard. They have all been a part of the fiasco since day one. As for would the Council have voted affirmatively if they knew what they do now? He knows they would not and if residents had known, they would never have supported it in a public forum. The administration outlined what would have occurred with their support. None of it has happened. They are not getting the truth. He spoke again to Mr. Southworth regarding Mr. McClary's misrepresentation to Eversource. It was the truth. Mr. Southworth informed him that Ms. Howe called Mr. Southworth after the Ordinance Committee meeting to clarify that Mr. McClary was not representing Weymouth in any fashion whatsoever in a presentation for access to the easement. Mr. McClary had refuted the statement. He also spoke to Mr. Wechter at Clear Channel and asked if documents still represented Clear Channel's position with their business association- and he responded that they stand on the merit of the letters themselves. His statements were not erroneous. Mr. Delaney thanked the Planning Board and the Council for supporting the petition, and believes the moratorium is the only way to have any control over billboards. It's a shame what 611 Pleasant area residents are going through. It's the only way to get anyone to live up to their word and do what they signed to mitigate the heartache they put 611 through and potentially will do to 613 and 0 Finnell. To him, it's reprehensible that the solicitor and administration have afforded Cove and McClary every opportunity to rework an agreement that was negotiated in good faith. He asked why does the town solicitor and program manager bend over backwards for a business, instead of the residents of the town?

Kathy Swain, 134 Mill Street, said she was not planning to speak until McClary said she would appeal the remediation of 611. She called him once to go see the location and the second time for a discussion of moving 611 to 613. It sounded like it would be less harmful from the way it was presented because that is what they were told. By the next meeting, 613 was off the table. She did not call him the number of times he claims, or say she was against the mediation. In the

beginning, at one of the first meetings in the Mayor's office, Mr. McClary said right off that they had never talked about 0 Finnell, inferring they may have, but in a Freedom of Information request, there is an email from February 12 asking for a waiver for 0 Finnell. Mr. McClary was also quoted in a meeting in the Town of Freetown that "the state would revoke their permits if local permits are lost." She wanted the chance to correct the record.

Ed Palmer, 93 Century Road said the reason the resident group signed the remediation agreement to have the board moved was that, based on conversations with administration, neighbors and Cove, after the agreement was signed, with the understanding that Cove needed an amendment with the town to get financing to remediate. He explained his understanding of the sequence of events that need to happen to resolve the problem; to lower 611 and install light blocking technology. Cove is financially motivated to resolve and mitigate and they need a revised amendment to get financing required to perform mitigation. He is not sure where that stands at this point and asked if the solicitor could advise them of the status.

President Mathews responded that the problem is some of the proposals were all subject to Cove obtaining financing. That is the reason for the delay. Cove has financial problems. They have a preliminary injunction filed against them by Needham Bank, with the permits for 611 and 613 attached to the filing. This was discussed at the Ordinance Committee meeting. They clearly have financial problems and any mitigation for 611 is subject to it. It is disappointing to him how troubled the company is.

Tim Mudie, 96 Sunnyplain Avenue responded to two contradictory points McClary mentioned. He claimed their agreement was not legally binding, and was dependent on using the money to buy land to donate to the town. That isn't legally binding either. If there is nothing legally binding, there is no reason for Cove to follow through. He does not trust Mr. McClary. There is nothing to prevent Cove from building and keeping all profit.

Tricia Pries, 15 Woodbine Road asked for clarification- it was mentioned that Cove LLC should have gone before Conservation Commission first? President Mathews responded that they have not done it. Cove needs a permit to cut trees to lower the board. Ms. Pries continued that she is confused that the project has gotten to this point; with the proximity of the herring run, should it have been considered an abutter? She asked should the Town Council consider an approval for performance so they don't end up in a situation where mitigation efforts are lost to a bankruptcy.

Peter McClary, Cove LLC pointed out that he spoke in person, by phone and email with Ms. Swain and Mr. Delaney, and in Councilor DiFazio's law office when they met regarding the 0 Finnell issue. As far as applying for the permit, it isn't that easy. He talked to Administrator Schloss; they know they have to cut trees in the buffer zone or wetlands. Why would they go through that process? There are plans to move 611 to 613 and to put up a single face at 611 and relinquish the other two permits to the state, and build the two at 0 Finnell. He was present with a few of the Councilors at a drive by at Finnell to see the impact. Cove is trying to get a final agreement. The other is moot. They shut the sign down for 16 months while trying to work on it. Cove took a significant financial hit trying to come up with a solution. They have constructed an agreement to purchase open space for the town. Not sure why what he says is false. How can he

go through an expensive process- it isn't cheap to go to Conservation Commission and his fear is appeal by Friends of Finnell, as they are being disingenuous. He asked for facts; not suppositions. He is trying to mitigate the situation since 2 days after the sign was built. It isn't easy to survive without the revenue. They remediated the situation in Abington.

Amy Kabilian noted that it was stated the reason the neighborhood agreement couldn't get executed was because of the Finnell permit. The residents made sure it was left out. They know the Finnell neighbors don't want a billboard there. Mr. McClary mentioned he didn't apply to lower the sign because there was a plan to move it. There is no plan from December 2019 to October 2020 (10 months). He said he acted in good faith, but to her that is clearly not. The meeting in Councilor DiFazio's office occurred in October 2019. They also met with neighbors after June and told them they would put plantings in and didn't. She doesn't want to go back and forth, but Mr. McClary said the billboard didn't operate for 16 months-- been up for nineteen months and there were short periods when it was off. Whether Cove got revenue for advertising or not, it has been fully functional since June. There was supposed to be an immediate payout when that happened. Where is that money? They have 6 months of revenue they could have used to mitigate. Despite what he said, the billboard owners in North Weymouth are not all under agreement for removal.

President Mathews responded that the Council was told by the administration the town would forego the revenue to put it to mitigation. The town hasn't received it. He hoped Cove would be putting some of it to mitigation.

Tricia Pries asked Mr. McClary since he offered to get whatever information they needed, she would be interested in seeing what information he has regarding light blocking technology and its impact on migratory fish passages.

Robert Delaney reported that Mr. McClary mentioned he was present at meetings at KDF office. Prior to October there were meetings with Ms. Swain and him. That is true. He omitted that everything he agreed to do in that meeting has not happened. In every meeting in the Mayor's office he stated he would put a crane with a ball on the end of 0 Finnell so that everyone could see the impact. He referenced an agreement with Bristol, Cove and the administration and asked if it is binding and can he provide it? Third, if he wanted to lower the sign at 611, why doesn't he do it?

A motion was made by Vice President Molisse to close the public hearing on measure 20 117 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.

On behalf of the Planning Board, a motion was made by Mr. Rotondo to close the public hearing on measure 20 117 and was seconded by Mr. Agnew.

A roll call vote was taken; Mr. Agnew-Yes, Mr. Rotondo-Yes, Chair Williams-Yes.
UNANIMOUSLY VOTED.

At 9:04 PM, a motion was made by Mr. Agnew to adjourn the Planning Board meeting and was seconded by Mr. Rotondo.

A roll call vote was taken; Mr. Agnew-Yes, Mr. Rotondo-Yes, Chair Williams-Yes.
UNANIMOUSLY VOTED.

20 111-CPA Funding Request for Consulting Services for the Management Strategy of Whitmans Pond

A motion was made by Vice President Molisse to open the public hearing on measure 20 111 and was seconded by Councilor Hackett. This was published on November 27, 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.

Conservation Administrator Schloss presented the measure with Matt Ladewig, from ESS. Ms. Schloss gave an introduction of the application. This was a joint application with DPW, the Planning Board and Conservation Commission to study the options. She appreciated the positive work the Council has done for Whitmans Pond and the herring run. There is a minor change in the proposal to what is before them now. She reported the inception was due to a letter President Mathews wrote about his concerns with the state of the pond, particularly the invasive weeds and what the town was doing to manage the situation. Several staff members met with him to discuss his concerns. They discussed the vegetative management; what's working and not, and what other measures could still be pursued. They moved forward with many strategies to deal with the pond, which is a complex system that supports many uses. The town contracted for hydro-raking services, herbicide application, and the feasibility study of lake drawdown in winter months.

Councilor Mathews wanted to know what options remained and what could be done, specifically with herbicide treatment and dredging. Both were recommended as options by ESS in 2013, but have not been pursued. After the meeting the administration discussed asking ESS to provide additional services that would focus on these options and they could look at feasibility and costs. Dredging is expensive but may be a worthwhile option. CPC voted favorably on it, and the Budget/Management Committee reviewed the measure.

Matt Ladewig reviewed the scope of work developed to streamline the management recommendations that came out of the 2013 report. The scope is not a new study but uses the existing data collected from previous studies and should be sufficient. They are just refining the management plan. What they produce will reflect new regulatory and technological changes that will impact how they address any action. The focus will mainly be dredging and herbicides; some that were not available previously. Input from the town will be important. A series of 3 meetings will occur to share information, and share functional management zones. Last meeting

will be a presentation of findings. Report will include goals, recommendations for action to achieve them, and plans to produce some concrete recommendations for the town.

President Mathews pointed out it was a difficult year in drought conditions, trying to operate the weed harvester. It was a challenging year for the pond.

Councilor Harrington asked whether it will take into consideration swimming and recreational use; the pond used to be used for swimming but isn't any longer because of swimmers itch condition.

Ms. Schloss responded that she has raised this issue. It would be wonderful to bring it back. Mr. Ladewig responded that it is something that can be addressed as part of the project. It wasn't covered heavily in the initial report. They will take a look at the options, but he isn't sure what will be.

Councilor Dwyer noted they mentioned the kickoff meeting in December and completed in March. Is that still the timeframe? Ms. Schloss asked Mr. Ladewig to respond how much time will be needed to proceed after receiving the notice to proceed. Mr. Ladewig responded that the original timeline indicated a November 30th start. They can bump it by whatever date a contract is signed, but a March completion seems reasonable.

Vice President Molisse noted he is happy to see this. The measure was presented to the Budget/Management Committee on November 9, 2020. They made headway on the pond with the harvester a few years ago, but it seems to have gone downhill since. He is glad to see this going forward.

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

Trish Pries, 15 Woodbine Road thanked everyone for recognizing the stewardship of this remarkable national heritage. It's one of the most productive in the Northeast. There is an interesting number that Whitmans Pond is one of the most productive spawning grounds per acre anywhere (if the numbers are correct, 100 times greater than the Middleboro Run). She is happy to see ESS continue the work of the working group from 2017. After reviewing all options then, hydro-raking and harvesting were considered the first best option. Her last conversation with Mayor Hedlund was how to fund a full-time person to man the harvester, with the funding to come from the expected increase in property values around the pond. Residents living around the pond would see the benefit. She was happy to hear there is new information on herbicides, and as for drawdown, nature has provided a natural drawdown with recent rains. She urged support and to continue efforts, but is most concerned about the scope considering herbicides. Follow up on the prior work needs to be done as they didn't follow through. In the second, was a mistake in where it was applied. She urged they focus on new herbicide and technology. She thanked them again for recognition of the stewardship.

A motion was made by Vice President Molisse to close the public hearing on measure 20 111 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.

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

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

On behalf of Mayor Robert Hedlund, Chief Financial Officer Malary requested 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.

Note: the amount of this stabilization transfer will be replenished with FY21 Free Cash, which is expected to include the unappropriated \$10 million received via the Host Community Agreement with Algonquin Gas Transmission, LLC.

A motion was made by Vice President Molisse to refer measure 20 119 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.

REPORTS OF COMMITTEES

Budget/Management Committee-Chair Michael Molisse

Vice President Molisse reported that the Budget/Management Committee met on December 7, 2020 to deliberate the following:

20 116-Appointment to Planning Board-Ben Faust

The measure was referred to the Budget/Management Committee on November 16, 2020. The committee met on December 7, 2020 and voted to forward the measure with a recommendation for favorable action. Mr. Faust was introduced to the Town Council and invited to present his interest in the appointment.

On behalf of the Budget/Management Committee a motion was made by Vice President Molisse to approve measure 20 116; that the Town of Weymouth, in accordance with Section 2-10 of the Town Charter, appoint Ben Faust of 11 Laurel Street for appointment to the Planning Board. This is a 5-year term that will expire on June 30, 2025. This is to fill the vacancy created by the resignation of B. D. Nayak. Councilor Hackett seconded the motion.

A roll call vote was taken:

Councilor Burga-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.

20 111-CPA Funding Request for Consulting Services for the Management Strategy of Whitmans Pond

The measure was referred to the Budget/Management Committee on October 19, 2020. The committee met on November 9, 2020 and voted to forward the measure with a recommendation for favorable action.

On behalf of the Budget/Management Committee a motion was made by Vice President Molisse to approve measure 20 111; that the town of Weymouth raise and appropriate the sum of \$18,750 from the Community Preservation unreserved fund balance account for the purpose of funding consulting services for the management strategy of Whitmans Pond, as amended. Councilor Hackett seconded the motion.

A roll call vote was taken:

Councilor Burga-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

Councilor DiFazio reported that the Ordinance Committee met on September 22, October 6, October 27, November 10, November 16, November 24 and December 1-- and a joint public hearing with the Planning Board was conducted. A letter was received from the Solicitor regarding legality of the measure.

20 100-Citizen Petition-Request to Change Zoning Ordinances- Section 120-64.7.1

Councilor DiFazio presented the historical background. The measure was referred to the committee on September 8, 2020. The committee met on September 22, 2020; also at that time the committee received a letter from the town solicitor indicating that there were infirmities with the petition, due to the fact that this was a petition to change an ordinance that had previously had a request to change it within the last two years. The committee took note of that letter. On October 6, 2020, and October 27, 2020 the committee deliberated again, and on November 9, 2020 a joint public hearing was held with the Planning Board. On November 10, 2020 the Planning Board submitted its approval to the full Town Council. The recommendation was read into the record:

“The Planning Board met on November 18, 2020 to deliberate Citizens’ Petition 20 100. Following a joint public hearing with the Weymouth Town Council on November 9, 2020 the public hearing had been closed, no additional testimony was accepted. The board considered the opinion of the town solicitor, Joe Callanan, offered in a memo September 22, 2020, which deemed Citizen Petition 20 100 to be repetitive of measure 19 109; thus invalidating the current request. The board further discussed the negative visual impact of the billboards on adjacent neighborhoods, in the stated goal of lessening the unintended impact. In summary, the board

found consensus in supporting the residents most impacted of the existing ordinance while recognizing that measure 20 100 would not eliminate any existing billboards, the board voted unanimously, 3-0 to recommend favorable action to the town council.”

On November 24, 2020 the committee met again, and on December 1, 2020, the Ordinance Committee made several amendments to the citizens’ petition and voted unanimous favorable action on the amended language.

On behalf of the Ordinance Committee a motion was made by Councilor DiFazio to approve measure 20 100: that per M.G.L. Chapter 40A, Section 5, and at the request of the undersigned registered voters in the Town of Weymouth, make the following changes to the Town of Weymouth Zoning Ordinances:

§120.64.7.1Billboard Relocation Overlay District
Eliminate Section C.

Replace with Section C.

No more than two electronic billboards, either one or two faces, are the only permitted use within the Billboard Relocation Overlay District and are subject to the approval of a billboard reduction and relocation agreement or development agreement for the reduction and relocation of billboards in compliance with this Section.

The second modification, where the amendment takes place, is the insertion of a new Section E:

Section E.

Construction of billboards and related facilities and structures within the billboard relocation overlay district shall be subject to a special permitting process by the Board of Zoning Appeals.

A decision shall not be rendered on an application for a special permit until the Board of Zoning Appeals has made its findings. Said findings shall include but are not limited to the following:

1. Demonstrate compliance with the regulations of the Office of Outdoor Advertising
2. Demonstrate that no residentially zoned property or pre-existing nonconforming property or other property used for residential purposes, excluding hotels or motels, is within a one-thousand-foot radius of the proposed location.
3. Demonstrate that the proposed location does not adversely interfere with the use of adjacent properties, including but not limited to, increasing noise or vibration, casting a shadow on, or causing a flicker on adjacent properties.
4. Demonstrate that the proposed billboard is in harmony with or suitable for the surrounding area and would not do significant damage to the visual environment. In making the determination, the special permit granting authority may consider, among

- other factors, health, safety, general welfare of the public, the scenic beauty of the area, the physical, environmental, cultural, historical or architectural characteristics of the location and area, proximity of the proposed billboard to schools, or places of worship or open space. The total maximum height of the billboard must not exceed 35 feet from existing ground elevation with the board maximum dimensions not to exceed 10.5' tall by 36' wide and the number of signs on the premises and in the area where the billboard is to be located.
5. No flashing lighting shall be allowed. Flashing shall be defined as changing natural or artificial light or color effects by any means except as may occur when panels or messages change on electronic/digital billboards.
 6. Content displayed on billboard cannot be sexually graphic, tobacco, alcohol or marijuana related, including paraphernalia.
 7. The Board of Zoning Appeals shall determine the number of annual hours the billboard shall devote to public service announcements during a calendar year.
 8. The hours of operation cannot occur outside of the hours of 7 AM to 10 PM.
 9. Financial or other compensation to the Town, including but not limited to removal of existing nonconforming billboards, to mitigate the impact of the proposed billboard on the Town, in a form and/or amount identified in an agreement approved by the Office of the Mayor and the Town Solicitor.
 10. All electronic billboards must have light blocking sightline technology installed as approved by the Board of Zoning Appeals
 11. Proponent must provide notification to property owners located within 2000 feet of proposed billboard structures regarding a public hearing for any new installation or modifications to existing billboards. This notification will be sent via certified mail and will specify the address of the proposed/modified billboard with a GIS location.

Councilor Hackett seconded the motion.

President Mathews thanked the neighbors who put this together for the Council. By including protections that should have been in place before 611, this will defend against future proposals. It should have been put in place by administration. Cove has two permits with the state but a single building permit from the town. This will protect against the second permit. He thanked the committee and the constituents. They have put together something they should be proud of.

Councilor Burga thanked the committee. She agrees with the intent. She has concern with #4, "that the proposed billboard is in harmony with or suitable for the surrounding area and would not do significant damage to the visual environment." She agrees with the statement but it is

subjective. Who will determine it? She also questioned the statement restricting the content of the billboards. They have been informed that restriction or control of the content is unconstitutional. She supports the document and content otherwise.

President Mathews responded to her second question as it relates to the content. The committee met over 20 times. At no point, was it presented that they could not control content; it was never brought up until the other night when the solicitor brought up a 2015 supreme court decision. If it was a problem, then the Mayor and members of the administration and solicitor could have interjected. Unfortunately, it came up so late in the discussion, but he is comfortable leaving the language in place.

Councilor DiFazio responded to her first question on #4. They purposely left the language subjective. It allows the BZA the ability to make the determination. Before voting, he would like to thank the citizens for their patience. 9 months after the passage of the overlay district, the committee issued a report regarding the sequence of events since. Unbeknownst to them an agreement was issued. The report the Ordinance Committee produced indicated there were several deficiencies. It should have been more carefully scrutinized. The agreement to put up a board showed those deficiencies. The new section E is well thought out and will hopefully protect the citizens.

Councilor Haugh thanked the citizens and pointed out the original ordinance that was passed was too comprehensive and overwhelming. It should have been split up. She apologized to the residents that it was not scrutinized better and hopes this provides some relief to the citizens.

A roll call vote was taken:

Councilor Burga-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 Safety Committee- Chair Fred Happel

Councilor Happel reported that the Public Safety Committee met on November 23, 2020 to review the following measure:

20 113-Acceptance of G.L. C. 148, §26H and §26I Regarding Lodging or Boarding Houses; Automatic Sprinkler Systems and Multiple Dwelling Units; New Construction; Automatic Sprinkler Systems

This measure was referred on November 9, 2020. On November 23, 2020, the committee voted to forward the measure to the full Town Council with a recommendation for favorable action.

On behalf of the Public Safety Committee, a motion was made by Councilor Happel to approve measure 20 113; that the Town of Weymouth, through Town Council and with the approval of the Mayor, move to adopt and accept the provisions of General Law, chapter 148, §§ 26H and 26I, which authorizes the head of the fire department to enforce the installation of automatic sprinkler systems or other fire suppressant systems as prescribed by the state building code in every lodging house, boarding house, multiple dwelling unit and new construction. Councilor Hackett seconded the motion.

A roll call vote was taken:

Councilor Burga-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.

NEW BUSINESS

20 118-Appointment / Contract of Town Auditor for 2021- Council President Arthur Mathews

President Mathews reported that the town auditor agreed to extend his term of contract another year at the same rates. His current contract expires on December 31, 2020 and the new contract term is from January 1, 2021 through December 31, 2021.

A motion was made by Vice President Molisse to refer measure 20 118 to the Budget/Management Committee and was seconded by Councilor Hackett.

A roll call vote was taken:

Councilor Burga-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.

Follow up to memo to November 3, 2020 Memorandum to Mayor Hedlund Regarding Host Community Agreement Funding from Algonquin – Councilor Rebecca Haugh

Councilor Haugh reported that on November 2, 2020, after Mayor Hedlund signed an agreement with Algonquin, she had questions about how the \$10 million was going to be received and distributed, and reached out to the Auditor, who forwarded a list of questions to the administration on November 4, 2020. She followed up last week, but did not get a response, so asked the President to add it as an agenda item. At 1 PM today, Auditor Swanson received the answers.

Auditor Swanson noted that he reviewed the responses, and is satisfied with the answers.

Councilor Haugh asked if there is a way to get communication in a more timely manner. More than a month is excessive.

President Mathews reported they can be made available to the other Councilors through a shared screen.

Vice President Molisse reported that he had a meeting with Chief of Staff Langill who was working on this and was waiting for the tax rate to be certified to get everything in order.

President Mathews read the questions and responses.

Councilor DiFazio noted that regarding measure 20 100; at the last meeting the President had requested that if the petition was allowed, a copy of the new ordinance should be sent to John Romano, Director, Office of Outdoor Advertising, MassDOT. He asked if the President would want to call for a vote?

President Mathews responded that this was discussed in the Ordinance Committee. A motion couldn't be brought forward until the ordinance change was voted.

A motion was made by Councilor DiFazio to send correspondence to Mr. Romano notifying him of the ordinance change, and outlining the changes. The motion was amended, to additionally notify that a moratorium is under consideration and a public hearing was held. Councilor Haugh seconded the motion.

A roll call vote was taken:

Councilor Burga-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.

ADJOURNMENT

The next regular meeting of the Town Council has been scheduled for Monday, December 21, 2020. At 10:06 PM; there being no further business, a motion was made by Vice President Molisse to adjourn the meeting and was seconded by Councilor Kiely.

A roll call vote was taken:

Councilor Burga-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: List of Questions and Responses from Administration re: Host Community Agreement by and between town of Weymouth and Algonquin dated November 2, 2020.

Respectfully Submitted by Mary Barker as Recording Secretary

Approved by Arthur Mathews as President of the Town Council

Voted unanimously on 4 January 2021

Revoted as amended on 19 January 2021 (page 13 paragraph 4-amended three to two)