

**Ordinance Committee Minutes
Town Hall Council Chambers
March 6, 2024, 6:30 p.m.**

Present: Kenneth DiFazio, Chairperson
Arthur Mathews, Vice Chairperson
Rick Coughlin
Fred Happel
Gary MacDougall

Also Present: Rick McLeod, Town Solicitor

Recording Secretary: Kim McCutcheon

Chair DiFazio called the Ordinance Committee meeting to order at 6:30 p.m.

Chair DiFazio entertained a motion to take the agenda items out of order. Councilor Mathews moved to make motion, seconded by Councilor MacDougall. UNANIMOUSLY VOTED.

Proposed Quiet Hours Noise Ordinance - Southfield

Chair DiFazio welcomed Southfield resident Karen Sabine Richter, of Manchester St.

Ms. Richter stated she had proposed a quiet hours noise ordinance in November of 2023. Ms. Richter noticed that the Town of Weymouth does not have such an ordinance for the entire town. Her proposal is not only for the Southfield area, but was inspired by it. Ms. Richter spoke of loud parties in the parking lot of the sports complex that can go on for long periods of time, especially at night. Ms. Richter's concern is that the area is densely populated and there is more development to be had and the residents should not have to deal with the noise and disruptions, especially after 10:00pm in the evening. Ms. Richter stated she believes with the forthcoming development, having an ordinance in place would be a good idea. She believes it would also attract more residents to the Town. The proposed ordinance would make it so before the hours of 7:00am and after 10:00pm on weekdays there should not be excessive noise, on the weekend those hours would be before 8:00am and after 10:00pm. Ms. Richter also proposed no excessive noise during Federal holidays.

Chair DiFazio opened the floor up to questions from the Councilors.

Councilor Coughlin asked Ms. Richter if she has spoken to the SRA (Southfield Redevelopment Authority) to address the issue as it primarily stems from the sports complex. Ms. Richter stated she has not because she believes the whole town can benefit from the proposed ordinance and she did not want to limit it to one specific part of town. Councilor Coughlin then asked if she had spoken to the police at all and Ms. Richter stated she had not. Councilor Coughlin responded by stating he believes there are already public nuisance regulation on the books and if the police were contacted, they would be able to handle the situation right away and the people would need to disperse. Ms. Richter stated she had not called the police but stated one neighbor had. Ms.

Richter also stated she was unaware there was a regulation in place that would give them the right to call the police because there isn't a quiet hours ordinance in place.

Councilor MacDougall confirmed there is a public nuisance regulation in the health codes with the Department of Health. Sound is considered a nuisance when it is 10 DB over ambient background noise, so Ms. Richter does have the right to call the police if there is a large amount of noise there. Councilor MacDougall stated that since there is already a regulation with the Health Department, and the proposed ordinance would have to be for the whole town, and would require a lot of discussion and debate on whether or not it would work for the town, so it is his opinion that he would not be in favor of creating an ordinance at this point.

Ms. Richter responded that she is glad to hear there is a regulation but also suggested signage and closed gates to prevent gatherings after certain hours. Ms. Richter stated there is no current signage and is aware there is signage in other areas of Southfield such as the dog park. Councilor Happel stated the signage posted restricts usage from dusk until dawn. Councilor MacDougall noted that signage is under the SRA's purview and they would handle putting up those signs and maybe could do so in the area of the sports complex.

Councilor Coughlin stated that this issue is something the SRA could take care of and neighborhood associations can do things, in some cases, far more efficiently than the Town could do.

Councilor Happel asked what the hours of operation are for the sports complex, and if there was an order of conditions when they opened. The question was directed to Solicitor McLeod who stated that it was a question for the SRA, but the legal department did perform an investigation and found there is men's soccer played there up until 1am. He stated persons may be in the parking lot and even though they may not be loud, voices travel and may sound very loud at that time of night. Solicitor McLeod also stated they asked the Police Department to run all the reports for that particular location for the last year and not a single call concerning noise complaints were received.

Ms. Richter reiterated she spoke for herself as well as other residents and they did not call the police because there is no town law in place to regulate quiet hours and she does not want any conflict with anyone. She is not a person who wants to call the police on people and would rather have a code, especially as the density of residents in the area increases.

Councilor MacDougall explained if there was an ordinance that was being violated, the police would have to be called. If the SRA posted signage with specific hours of operation and there were people hanging around after that time, the police would need to be called. The police would need to be called to enforce the rules or laws regardless of whether there is an ordinance. Southfield is under the jurisdiction of the SRA and they could post signs which gives residents the opportunity to use law enforcement to enforce the rules.

Councilor Mathews stated he has not received complaints from residents in his district over his tenure related to living next to sports fields, but had received other noise complaints and provided examples of noise complaint issues that have been enforced such as street sweeping and

dumpster waste removal. Councilor Mathews felt that this situation was an isolated complaint, and before he would consider an ordinance, he had two opinions. One, the SRA Board is the entity that issues the permit for the sports complex. Within the permit there should be conditions and if there are not, the Ordinance Committee should reach out to the SRA representatives to have conditions included in the permit for the sports complex that prohibits people from drinking in the parking lot after events. Second, the Southfield/Union Point Committee had a meeting December 7, 2023 where Councilor Mathews brought up that a resident in Union Point was concerned about people drinking in the parking lot at night after hours and that this resident was proposing a quiet ordinance for the whole town. In response, Chief Fuller stated there was a regulation already in place and was not aware of any calls regarding that concern. Councilor Mathew's opinion is the SRA Board needs to be involved first as well as residents reporting to the board and the SRA may need to have a meeting with the permit holder.

Councilor Happel stated there is private security in the area and they should be enforcing the rules.

Councilor Mathews stated his personal opinion is he believes the committee's suggestions may resolve the issue without having to develop a town wide ordinance. There are many fields in town used by various groups and games that go past 10:00pm. If there was an ordinance in place where activity was prohibited after 10:00pm the police could receive multiple calls for Legion, Lovell, Southfield, etc. There are only five sector cars in town and if they would be spread across town responding to multiple calls. There are other ways to address the issue before making a town wide ordinance.

Councilor Coughlin stated there is a level of responsibility, first contact the SRA initially to ensure that those regulations through the association are in place, next would be that enforcement, and if they have their own security, that security be the one to address it and then if needed, the police. The noise regulation currently in place with the Board of Health can be addressed without adding another layer of ordinance throughout the Town.

Ms. Richter questioned the hours of the regulation currently in place and Councilor Mathews responded that the Health Department has their own jurisdiction and the Council does not have jurisdiction over the Health Department and deferred to Solicitor McLeod. Ms. Richter responded that she is not sure many people would be attracted to an area where games can be played until 1:00am, and loud noise, and she would have thought twice if she had known. She knows other residents are disappointed and they do not want to call the police every time there is an issue to avoid conflict.

Councilor Mathews stated typically in different neighborhoods throughout town when someone is having a party late at night typically another neighbor will call the police department. If that party is too loud the police would advise them to either quiet down or break the party up, they are not respecting the neighbors.

Councilor MacDougall stated at the end of the day, the resident is still going to have to use law enforcement to enforce a rule, an ordinance, or a health code violation. Councilor MacDougall stated the health code section 11-101 Section B, bullet four, Noise over 10DB over ambient

background. Councilor MacDougall stated Councilor Coughlin made a good point, the SRA is her friend right now, and if she has issues with something in their neighborhood residents should reach out to the SRA and tell them there needs to be posted signs. At this point, he was not in favor of going any further with a noise ordinance at this point.

Councilor Mathews stated he would like to see the committee send a letter to the SRA stating the committee has received this inquiry from a constituent that has concerns about the hours of operation of the sports complex and the committee would like the SRA board to meet and discuss with the permit owner about hours of operation, disturbing the peace and they are experiencing interruptions in their quality of life in the late hours of the night from the people coming out of the complex and into the parking lot. The committee would like to see that enforced through the permit and if there is a private security firm to put them on notice. If the committee has to, they can invite the SRA delegation to an Ordinance Committee meeting and present them with the feedback the committee has received from constituents.

Ms. Richter stated that she is aware the sports complex was established before the residents, and they probably received a generous permit, but that does not mean they do not have to address the concerns. The residents are increasing in numbers and they have rights as taxpayers to quiet hours. Ms. Richter also stated she does not believe it's fair they have to fight out the issue by calling the police. Councilor Mathews reminded her that any constituent in Weymouth would have to call the police for the same reason. Councilor Mathews explained the police would not report to the homeowner who called specifically, but that a complaint was received.

Councilor Coughlin agreed that the complex was established before housing, but advised that until the issue is brought to the attention of the SRA it cannot be resolved. The SRA can enforce the rules through their own security. Ultimately, they are going to be concerned about their own permitting and being good neighbors and it would alleviate the need to call the police. but if needed the police would be called to be on record, if nothing else. The people attending these events will get the message, and they'll leave. If this is an ongoing problem, and people aren't calling the police, how can anything be done about it?

Ms. Richter reiterated that she did not call the police because she does not want conflict and knows there is no ordinance. She feels if there is no law on their side, she cannot call. She understands the committee's point of view but was hoping the committee would understand the point of the residents and she may need to speak to another institution to possibly get further with her proposed ordinance.

Councilor MacDougall thanked her for bringing the issue forward and that she was speaking to the right people. What the committee is saying is that the best course of action to solve the issue in that particular area is to go through a channel with the Ordinance and Southfield committees to work with the SRA and set up a situation where the permits can be looked at. With the plans to build more housing it makes sense to review the permit again and see what the SRA can do to change it. He appreciated her effort to solve a problem in particular to her area of town.

Councilor Mathews made a motion to send a letter to the SRA Board outlining the concerns discussed regarding the issues with the sports complex, hours of operation, and the activities that are occurring in the parking lot after hours. Motion was seconded by Councilor Happel.

Councilor Mathews amended his motion to include a recommendation to copy the Police Department to see if they could put the area on their sector patrol while patrolling Union point to see if they are hearing what the resident is reporting hearing during the evenings. Chair DiFazio asked for a second on the amended motion. Motion seconded by Councilor MacDougall.

Councilor Coughlin requested all Southfield/Union Point committee members would be copied on the letter. Councilor Mathews confirmed all Councilors would be copied on said letter and stated he believes putting something in writing to Police Chief Fuller would allow him to send someone over and patrol once in a while and move people along if needed.

Councilor DiFazio acknowledged the seconding of the motion and took a vote. VOTED UNANIMOUSLY.

Measure # 23 135 Ritual Slaughter Ordinance

Town Solicitor Rick McLeod reported that in June of 2023 the Mayor's office received a complaint of an incident where a neighbor witnessed another neighbor slaughter an animal. The Mayor's office asked the Solicitor's office to see if an ordinance could be prepared. Solicitor McLeod explained there was already a state law that protected religious rights. The Mayor's office requested an ordinance be created. Solicitor McLeod presented the committee with an ordinance that is identical to the state law that is currently on the books with the exception of the last two sentences. The ordinance was sent to other departments and the Health Department weighed in and wanted to make sure it was done to healthy animals and not to dying and decaying animals, and lastly, it should be done outside the view of the public. Solicitor McLeod asked the committee for their input. Solicitor McLeod also advised the complaint was the only one received by the Mayor's office. Solicitor McLeod called around to other towns to see if they had received complaints. Many other towns do not want to regulate it because there is a state law on the books.

Councilor Coughlin asked if the ordinance is necessary if there was already a state law on the books. Solicitor McLeod stated what they are proposing is adding additional language from the Health Department's perspective.

Councilor MacDougall stated he realized that it's to preserve the religious freedom of someone, using someone who is Kosher as an example. He is in support of the added line being out of the view of public as an animal person. He appreciates the additional lines and would support the ordinance.

Councilor Mathews asked for details behind the original complaint. Solicitor McLeod stated a live animal was brought into the back, slaughtered in a ritual fashion and consumed it. One of the reasons that the Health Department was called regarding this particular complaint is that the

animal carcass and some internal organs were left in the yard for a day or so until they were cleaned up.

Councilor Mathews asked if there was language within the ordinance or does language need to be added to say the carcass must be sanitarly disposed of within twenty-four hours.

Solicitor McLeod agreed the additional verbiage is a great idea.

Councilor MacDougall stated he would support the addition of this additional language as well.

Solicitor McLeod suggested additional language, "All remains of the animal shall be immediately removed within twenty-four hours."

Chair DiFazio reminded the committee there is a scheduled public hearing on March 11, 2024. The committee will wait for Solicitor McLeod's proposed amendment to the ordinance and the committee will vote at that time.

Councilor MacDougall questioned whether or not the language regarding blocking the public viewing of the slaughter violates a person's religion.

Solicitor McLeod responded that this is the benefit to the public hearing where someone with that religious background would be able to educate them on things they do not know, or have not thought about. The changes will be made and he will submit them to the committee.

At 7:18 p.m., there being no further business, Chair DiFazio entertained a motion to adjourn. Councilor MacDougall made a motion to adjourn which was seconded by Councilor Happel. UNANIMOUSLY VOTED.

Respectfully submitted by Kim McCutcheon as Recording Secretary

Approved by Chair Kenneth DiFazio/Ordinance Committee
Approved by Town Council on 1 April 2024