Town Council Minutes Town Hall Council Chambers April 1, 2024

Present:	Michael Molisse, President Pascale Burga, Vice President John Abbott, Councilor Rick Coughlin, Councilor Kenneth DiFazio, Councilor Fred Happel, Councilor Gary MacDougall, Councilor Arthur Mathews, Councilor Greg Shanahan, Councilor
Absent:	Chris Heffernan, Councilor Maureen Kiely, Councilor
Also Present:	Mayor Robert Hedlund Ted Langill, Chief of Staff Richard McLeod, Town Solicitor John McLeod, Director of Finance Kenan O'Connell, DPW Director Jim McGrath, Assistant Town Engineer, DPW Kathleen Deree, Town Clerk Robert Wargo, Superintendent of Schools Brian Smith, Asst. Superintendent of Schools
Recording Secretary:	Kim McCutcheon

President Molisse called the meeting to order at 7:30 p.m. Following the Pledge of Allegiance, Town Clerk Kathleen Deree called the roll, with Councilors Heffernan and Kiely both absent. President Molisse reported that both Councilor Heffernan and Councilor Kiely had family commitments and would not be in attendance.

ANNOUNCEMENTS

Councilor MacDougall announced Community Clean Up Day on April 27th, 2024. We looking for volunteers to join us at our annual community cleanup day being held on Saturday, April 27 2024. From 9am to noon. Residents, civic associations, businesses, church groups, youth sports groups, parent councils, schools, and town employees are all invited to encourage to organize cleanups in our neighborhoods, parks, beaches, libraries, schools, grounds, walking trails, and squares for the upcoming warm weather season. This cooperation effort promotes town pride and

positively contributes to the overall appearance of our town. All participants must register by calling the mayor's office at 781-682-3618. Gloves and yard waste bags will be available at the DPW located at 120 Winter Street from 8am 9am. On the morning of the event for all registered projects. Volunteers are encouraged to bring their own yard cleanup equipment such as rakes, leaf blowers and brooms. Lunch will be provided for all volunteers from noon to 1:30pm at King Oak Hill Park Emery lane. For more information about Weymouth community cleanup day in register to this great event, please contact the mayor's office at 781-682-3618 Thank you.

Councilor Coughlin announced to our residents that the Norfolk County Registry of Deeds. Registrar William O Donnell will be here on this Wednesday, on April 3rd, 2024 from 10am until noon. He and his staff are able to provide residents with certified copies of land documents such as deeds and homesteads. In addition, the registry personnel are able to confirm whether or not a mortgage discharge has been recorded for mortgages that had been paid off. Finally, staff was able to bring original land documents for residents back to the registry for recording. So, if you have documents or if you'd like to get a certified copy of your deed, by all means stop buying between 10am and noon time on Wednesday. That's this Wednesday, April 3rd 2024.

Councilor Mathews announced The Herring Run Clean Up Day on Saturday April 6th from 7:30 AM to 12:00PM rain or shine. If you want to meet up with the Herring Run wardens at the Stephen Rennie Herring Run Park in lower Jackson Square being Niko's at the intersection of Broad and Commercial Streets.

Councilor Abbott announced Fiesta Shows carnival makes it annual return. The Town of Weymouth will host the Weymouth Carnival from Wednesday April 17th through Sunday April 21st 2024 at the Weymouth High School parking lot during April school vacation. Parking is free. Kick of your spring vacation with loads of fun at this year's carnival provided by Fiesta shows. For more information on this event, please contact the Mayor's office at 781-682-3618.

MINUTES

Ordinance Committee Meeting Minutes of March 6, 2024

Vice President Burga made a motion to approve the Ordinance Committee meeting minutes of March 6, 2024. Motion was seconded by Councilor Mathews. UNANIMOUSLY VOTED.

Budget/Management Committee Meeting Minutes of March 11, 2024

Vice President Burga made a motion to approve the Budget/Management Committee meeting minutes of March 11, 2024. Motion was seconded by Councilor Mathews. UNANIMOUSLY VOTED.

Budget/Management Committee Meeting Minutes of March 11, 2024

Vice President Burga made a motion to approve the Town Council meeting minutes of March 11, 2024. Motion was seconded by Councilor Mathews. UNANIMOUSLY VOTED.

RESIDENT AND COMMUNITY COMMENT

<u>Discuss Proposed Amendment to Zoning Ordinance – In Law Residences, Robert Elder, 60</u> <u>Grant St.</u>

Mr. Elder stated he has come before the Council this evening because at the last meeting discussing this zoning ordinance the public was not allowed to speak and he and his neighbors were not happy with how the meeting went. The issue is in regards to in law bylaws and zoning as it pertains to an addition made to a home in his neighborhood at the corner of Grant and Hill Streets. Mr. Elder wanted to know why the Town did not do any research. He understands it's done and they have to live with it but if it was built near one of the Councilor's homes, they would not like it. He stated they are in a predicament now because of the Massachusetts MBTA multi-family zoning housing requirement to come into play where the in-law residence will be allowed to be used as multi-family housing instead of its intended use. Mr. Elder has dealt with in law apartments as a builder and as an owner. When his resident passed away, he had to put the house back to the way it was, that is the law. Mr. Elder would like to see the issue corrected and that an in-law apartment is built with specific look, specific square footage and a specific way it attaches to the main dwelling. Mr. Elder is unaware if anyone on the Council has seen the in law built in his neighborhood but he wants the zoning ordinance corrected so that in law dwelling cannot be used for another purpose other than an in-law apartment and the MBTA multi-family zoning requirement does not come into play. The in-law apartment built in his neighborhood was supposed to be in law apartment downstairs and an unfinished second floor, now the addition is four rooms on the second floor finished with a full bathroom and to him that is not an in-law apartment. An in-law apartment should be 600 sq ft maximum with two bedrooms and one bathroom. The in law in this neighborhood has four bedrooms, two bathrooms on the first floor, four rooms and two more bathrooms on the second floor for a total of 3,260 sq ft. Mr. Elder believes someone dropped the ball and wants to make sure that someone cannot come in and change the zoning so the addition can be changed into a B&B, halfway house, or some other option.

President Molisse stated that the last meeting Mr. Elder was not allowed to speak because it was not a public hearing. Mr. Elder said that he and his neighbors listened to what was said at the last meeting and has a list of signatures from neighbors who were upset by what was built. The neighborhood was unaware of what was planned, and figured the house was bought for the land, the house torn down and rebuilt, but instead they built a house with a house and it is not right nor does it look right.

President Molisse stated that the Council had received a letter from the Mayor in September of 2023 proving an update on what was going on in the Hill Street neighborhood. A measure was on October 2, 2023 and was referred to the Ordinance Committee and the Planning Board on October 16, 2023. The Ordinance Committee met November 1, 2023 and November 27, 2023 and there was a public hearing on November 13, 2023 and then the measure was withdrawn by the Mayor on December 7, 2023. The Council has not heard anything back from the Mayor on

where it stands. President Molisse agrees that it is a problem, but the Building Department is under the jurisdiction of the Mayor so the Council would need something to come from the Mayor.

Mr. Elder stated he understands that but that there should be a way to not allow that house to become part of the new MBTA Multi Family zoning. A covenant was signed that the addition was strictly an in-law and the second floor was going to be unfinished.

President Molisse agreed there was an issue with the size of the addition and the owner is not in compliance with the neighborhood.

Mr. Elder said for the protection of himself and the rest of the neighborhood they want to make sure that this in-law apartment the size of a full house cannot be used for anything other than an in law, either having to do with the MBTA Multi Family Zoning or used as something like a B&B. President Molisse responded that the MBTA Multi Family Zoning was coming from the State and Mr. Elder responded that he understood but as a Town it is in the Town's best interest to protect the residents and people who live in that neighborhood.

Councilor DiFazio stated that as far the Ordinance Committee sits, this was a measure proposed by the administration and supplied a draft of what they wanted passed as an ordinance. The Planning Board had a public hearing and voted in favor of the Administration's proposal. When the Ordinance Committee met and reviewed the proposal several issues came up during the deliberation and in his opinion, instead of having something to share with the full Town Council the administration pulled the measure without prejudice. It is his belief the administration is working on another proposal and maybe are taking into consideration the MBTA Multi-Family Zoning and see how that will fit in as well. The Town Council, if they chose to, could draft and be a proponent of a new ordinance, otherwise the administration should have to propose a new ordinance.

Solicitor McLeod asked to address some of the concerns raised by Mr. Elder. First, the current ordinance allows discretion by the building inspector to permit for an in-law residence. The requirement is subject to the owner recording a covenant agreeing to restrict that addition to family members. The covenant Mr. Elder referred to was for an in-law residence but they also signed a conditional covenant restricting the home from ever being used as a rooming or boarding house. After discussion between the Mayor's office and taking into consideration the Councilors, the owner's and committee's comments it did not seem right to go forward with the ordinance because the comments the Ordinance Committee were suggesting was going to create ambiguity in the ordinance that was drafted and that was one of the major reasons for withdrawing the measure. Mr. McLeod is confident that working with the Mayor's office and Planning Department they will submit an ordinance measure in the future that will address in-law set up and hopefully incorporating the Council's comments that were made.

Vice President Burga addressed Mr. Elder's concerns regarding the MBTA required density. Vice President Burga is not sure than in-law apartment would satisfy the requirements and looked to Councilor DiFazio for clarification.

Councilor DiFazio stated he can only tell you about what was discussed at the time the issue was deliberated. The state regulation had not been voted yet so they had not looked into whether or not they believed it was going to be decided and what detrimental effects it would have on something they passed ahead of time. Now that the regulation is out, he is confident the administration is looking at both the regulation and the new proposed ordinance to make sure there are no conflicts. But to answer the question, the committee had not thought about looking at the two at the same time.

Councilor MacDougall agreed with Councilor DiFazio and believes there is confusion around the MBTA housing bill that was passed as well as something called Accessory Dwelling Units that was also being discussed by the Healy Administration to increase housing production across Massachusetts. The discussion surrounded whether or not a decision would be made on that as they debated the in-law ordinance. The MBTA housing bill or Housing Community Act is already in effect and he does not want to confuse the two. Councilor MacDougall wanted Mr. Elder to understand that the committee had started working on the measure and codified the sizes in the percentage as well as some language but as Solicitor McLeod mentioned an impasse which Councilor MacDougall believed could have been rectified a solved but the measure was pulled and they have not been presented with another measure.

Mayor Hedlund stated he wanted to clarify one point that the Solicitor could correct, if need be, that as the administration went through the process with the Ordinance Committee the changes suggested by the committee, the interpretation from the planning department and Town Solicitor, was the changes would be substantial enough that it would have required a new round of public hearings and start the process from the beginning. The administration felt the changes were not close to what was proposed. The measure was modeled after a half dozen surrounding communities that have an ordinance on the books relative to in-law apartments. The interpretation by Legal and the Planning Department was the changes suggested by the Ordinance Committee resembled an accessory dwelling measure versus an in-law residence which would have required starting the process over which is why the administration withdrew the original measure.

Mayor Hedlund continued that as Councilor McDougal pointed out, the State was discussing a statewide accessory dwelling law, which he does not believe is taking effect unlike the MBTA Communities Law, before the measure was submitted. Mr. Elder could be confusing the state proposed accessory dwelling and the MBTA communities Housing Act. Mayor Hedlund stated the administration does want to address the issue, but does not believe they can resubmit the same measure within a certain amount of time after the measure is withdrawn. The administration is not interested in an accessory dwelling ordinance, the administration is interested in an in-law ordinance. The administration does not see eye to eye with the Ordinance Committee in terms of what needs to be addressed for strictly an in-law and not accessory dwelling ordinance and Mayor Hedlund stated he believes there is period of time before a measure can be resubmitted that relates to the original measure but deferred to Solicitor McLeod for his opinion.

Solicitor McLeod stated that Mayor Hedlund's recollection of the process was accurate. As far as the changes creating a need for further public hearings, the proposed changes from the Ordinance Committee were so substantially different from what was originally proposed that the public was going to be misled going from an in-law residence ordinance to an accessory dwelling use. The administration would need to back and resubmit, but if the new measure is substantially the same, they would not be able to resubmit it for a certain timeframe that Solicitor McLeod did not know off the top of his head. The changes the Ordinance Committee had would have impacted multiple zoning districts, more so the R1 District.

Mayor Hedlund stated the administration believed that their intentions and the original measure addressed the concerns Mr. Elder and the neighborhood, as well as another neighborhood where there was a similar issue. The accessory dwelling piece that this has morphed into the administration felt would not address the concerns the neighbors had.

President Molisse asked the members of the Council if they had any questions.

Councilor MacDougall asked Solicitor McLeod if the measure cannot be resubmitted by the Town, is the administration looking for the Town Council to present something?

Solicitor McLeod replied no, the administration will work on it and he would like to work on it with the administration and Planning Department to see if they can come up with something that would be more presentable, understanding the comments made by the Ordinance Committee.

PUBLIC HEARINGS

24 020 Borrowing for Road/Sidewalk Improvements

Vice President Burga made a motion to open the public hearing for the measure and was seconded by Councilor Mathews. Public hearing was published March 22, 2024. UNANIMOUSLY VOTED.

Mr. Langill stated this request was a continuation of Mayor Hedlund's Pave the Wey program. Measure 24 020 requested \$5M for borrowing. There could be more funding for roads and sidewalks through free cash and other means, but the administration is still working out the details of the budget and the impacts the Town faces before those decisions are made as to how much more money could be spent to invest in roads and sidewalks this year. Mr. Langill stated Kenan Connell would go through the details of this year's program.

Mr. Connell stated that in his career in Public Works this has been the most aggressive paving program, he believes, on the South Shore. The Town has been improving 25 to 30 roads per season and it has made a tremendous difference. Mr. Connell stated that they do not normally provide a list of roads ahead of time as there are many facets involved including utilities that are making any capital improvements such as gas, electric or phone lines, water and sewer work, etc. All factors are entered into a pavement management program that the Town pays an engineering firm to handle. This gives the information needed about the age and conditions of the roads

which are then ranked and the administration and Public Works make decisions on the most appropriate roads to work on. This year the following roads will be part of the program:

Middle Street from Libbey Parkway up to Route 18- including curbing and sidewalk work

Pleasant Street from the intersection of Park Ave. down to Libbey Parkway

Fieldstone Lane - will get an overlay

Lochmere Road - Repave after sewer work and construction

Bell Road - complete restoration, will be completed removed and replaced

<u>Myrtle, Raymond, School and Grove Streets</u> Subdivision – Hawthorne will be left out of this project at this time as it is big enough to be its own project after the others are completed

<u>Belmont, Progress, Adorn, Jacquelyn and Fairway Roads, Petrell Park–</u> gas company has completed work at intersection of Summer and Belmont

Mountain Lane - from Pleasant to Washington Streets, one side is already completed

East Street - Significant restoration due to sewer problem, piping work has been completed

Mr. Connell restated what Mr. Langill stated that there may be some additional roads beyond this list that they can incorporate other funding sources into including Chapter 90 which becomes available in July, which is an annual reimbursement program after the projects are accepted and the work completed.

President Molisse asked the members of the Council if they had any questions.

Councilor Mathews stated to Mr. Connell that he is aware the price of asphalt has gone up dramatically in the last five years, so when he sees a \$5M bond project his first instinct is that it is great and will get a lot of streets, but five years ago there were more streets being worked on so it is unfortunate the price of inflation is what it is because five years ago they could have done more streets.

Mr. Connell stated that was correct and that during the Budget Management Committee meeting it was discussed how sidewalk work is more expensive due to the amount of hand work as well as the asphalt. One of the contracts, based on the daily low of the fuel in Boston, is how they come up to an increase or decrease in the asphalt charge. From the day it was bid. There's a formula that gets put together and released to MassDOT that adjusts that price.

Councilor MacDougall asked for clarification on Progress and Adorn Roads because they weren't included in the earlier presentation. Mr. Connell confirmed there are part of the project, and omitted that in error.

President Molisse asked if there were any questions or comments from the public, to which there were none.

President Molisse asked if Anybody on the Zoom simulcast that would like to speak, to which there were none.

With no other members of the public wishing to speak, Vice President Burga motioned to close the public hearing for measure 24 006 Opioid Settlement Special Revenue Account and was seconded by Councilor Coughlin. UNANIMOUSLY VOTED.

24 021 Transfer Funds for Adams School Repurposing

Vice President Burga made a motion to open the public hearing for the measure and was seconded by Councilor Mathews. Public hearing was published March 22, 2024. UNANIMOUSLY VOTED.

Mr. Langill stated that this project has been worked on since the new Chapman School project started and has the same reason for discussion as the previous measure, which is inflation and the increased costs of any project in Town. Initially the decision was that Adams' would become the ninth primary school but the Town did not need a ninth elementary school at that time and the decision was made to transform Adams' into the Early Education Center and move the Johnson school which would provide the ability for growth in the program in the coming years. There were four main contacts involved in the project, interior renovations, the accessible ramp and entrance, the maintenance garage roof, and architect and engineering services. The cost of those four projects was almost \$5.7M. There have been three different measures in the past, one wording one, the second was a funding measure, initially for \$3M on the original plan, and the third was for additional funding of \$1.525M back in 2021. Now, based on the progress made and contract bids more funding is required for this project. The measure is a residual account measure. A residual account is when money is borrowed for any project and any leftover funds are transferred into a residual account and is broken down by Town project, school project, water project or sewer project and that money can be reappropriated within those same categories. The school residual account balance is \$928,000 which is left over from a previous boiler project that the Town funded in full and then received reimbursement, which will be reappropriated for the Adams' project. The plan is for the project to be completed and the school open in the fall. There may be other costs along the way and Mr. Langill is looking to save money between now and then but there are other funding sources, ARPA for example for the remainder which is around \$200,000 for the remainder of contract costs. Mr. Langill referred to Mr. McLeod to go over the details of the project.

Mr. McLeod reviewed the bulk of the project, the biggest portion being classroom walls, ceiling and flooring, renovations in hallways and common spaces, complete bathroom renovations to accommodate different sized fixtures and water saving technology. Construction of an administration suite for the Early Childhood Center on the Academy Avenue entrance, security upgrades and general construction. During the plan development they replaced the roof on the maintenance garage as well as the ADA ramp that had been an issue for a number of years as a separate bid and contact. Auditorium repairs, library repairs and construction of the new parking lot were done in house with Town staff and the remainder was done via a bulk contract. Mr. Langill referred to Superintendent Wargo to discuss the program and how the Town is looking to grow the program over the years.

Mr. Wargo stated that when they took on the project one of the things looked at was centralizing the program as he had heard from many families that loved the Johnson program but it was too far of a commute even within the walls of Weymouth, it being tough to get from South Weymouth to North Weymouth so they could take advantage of the location of Adams'. Historically the Johnson program also has a waitlist as it is a program in demand without enough space, the centralized location provides a larger space to allow the program to grow and provide more opportunities for families. The Adam's building is a multipurpose space, central administration, the family engagement center, Adams' Academy students, maintenance and transportation, it is a well-used building. Mr. Wargo is very thankful for the opportunity to bring Johnson into Adams' and providing a state-of-the-art location for students.

President Molisse asked the members of the Council if they had any questions.

Councilor DiFazio asked Mr. Langill what the difference is between the original appropriation and what it will cost now. He understands that changes have been made, repairs have been made and the purpose of the school has change but the amount was much less.

Mr. Langill responded that Mr. McLeod could get into the details but the cost of plumbing for the building and what needed to be done to bring it up to code was a sticker shock due to the significant increase.

Mr. McLeod stated that the process was started in 2019 and it goes without saying that COVID did a number on the bidding climate and 25% or 30% was lost from the original plans right out of the gate. Originally the plan was for a K-5 school and the regulations are different from K-5 than they are for early childhood, so primarily the bathroom upgrades, every classroom requires a sink and to accommodate that it is costly. As he had stated in past meetings there is no problem getting water to places, but it is getting water out of places that is costly, finding the original stacks, the lines and sewer drains are under the floor, jackhammer on concrete, the price adds up quickly. There were also a few additions, the roof to the maintenance garage, the ADA ramp was especially important with the change over to early childcare, there is a significant amount of special needs transportation, which all came into play. The normal cost of escalation on a normal basis is 3% - 4% and believes we have seen 50% over the past 5 years.

Councilor DiFazio asked what the original number was and what it is now. Mr. Langill explained the original measure was \$3M in 2019, in 2020 the wording of the measure changed due to the scope of the project and 2021 another \$1.525 was requested and this current request is for just over \$900K

President Molisse asked if there were any questions or comments from the public, to which there were none.

President Molisse asked if Anybody on the Zoom simulcast that would like to speak, to which there were none.

With no other members of the public wishing to speak, Vice President Burga motioned to close the public hearing for measure 24 021 Transfer Funds for Adams' School Repurposing and was seconded by Councilor Mathews. UNANIMOUSLY VOTED.

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

The following reappointments were grouped together and voted. There was no Councilor opposition to the reappointments:

24 044-Reappointment to Recreation Commission - Stephen Ames

24 045-Reappointment to Community Events Commission – Mary Roy

24 046-Reappointment to Commission on Disabilities - Cheryl Taylor

Vice President Burga made motion to accept the reappointment list, measures 24 044 through and including 24 046. Seconded by Councilor Mathews. UNANIMOUSLY VOTED.

24 047 - Appointment to Board of Assessors (Alternate) – Rachael Carlisle

Ted Langill, on behalf of Mayor Hedlund requested that in accordance with Section 2-10 of the Town Charter, I respectfully submit the name of Rachael Carlisle of 145 Forest Street Weymouth, MA 02190 for appointment to the Board of Assessors, Alternate. Filling a 3-year term due to expire on June 30th, 2026.

Vice President Burga motioned to refer measure 24 047 Appointment to the Board of Assessors (Alternate) Rachel Carlisle to the Budget Management Committee and was seconded by Councilor Mathews. UNANIMOUSLY VOTED.

24 048 - Free Cash for a New Fire Engine

Ted Langill, on behalf of Mayor Hedlund hereby submit the following measure for consideration by Town Council that the Town of Weymouth transfer the sum of \$750,000.00 from Free Cash for the purpose of funding costs associated with the purchase of a new fire engine for the Weymouth Fire Department.

Vice President Burga motioned to refer measure 24 048 Free Cash for a New Fire Engine to the Budget Management Committee and was seconded by Councilor Mathews. UNANIMOUSLY VOTED.

REPORTS OF COMMITTEES

Chair Shanahan reported that the Budget Management Committee met on April 1, 2024 to deliberate the following:

24 020 - Borrowing for Road/Sidewalk Improvements

The measure was referred to the Budget/Management Committee on March 7, 2024. The committee met and voted to forward the measure to the full Town Council with a recommendation for favorable action.

On behalf of the Budget Management Committee, Chair Shanahan motioned to approve measure 24 020; On behalf of Mayor Hedlund, Ted Langill requested that the Town of Weymouth appropriate the sum of \$5,000,000.00 to pay costs associated with repairing and reconstructing Town roads and sidewalks, and for the payment of all other costs incidental and related thereto, and that to mee this appropriation, the Town Treasurer, with the approval of the Mayor, is 1.authorized to borrow said amount under and pursuant to M.G.L. c.44 §7(1), or pursuant to any other enabling authority, and that the Mayor is authorized to contract for and expend any grants, aid, or gifts available for this project; and that the Mayor is authorized to take any other action necessary or convenient to carry out this project. Any premium received upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of costs approved by this vote in accordance with M.G.L. c.44, §20, thereby reducing the amount of authorized to be borrowed to pay such costs by a like amount.

This measure requires a legal notice, public hearing and a two-thirds vote of all members of the Town Council in accordance with M.G.L. c.44m §1.

A continuation of Mayor Hedlund's "Pave-The-Way" Road Improvement Program is need #6 on the 2025-2029 Capital Improvement Plan.

Vice President Burga seconded the motion. UNANIMOUSLY VOTED.

MOTIONS, ORDERS, AND RESOLUTIONS

Vice President Burga made a motion to change the Town Council meeting of April 16, 2024 to April 22, 2024 pursuant to the Weymouth Town Code of Ordinances Section 2-302 Meetings. Motion was seconded by Councilor Mathews. UNANIMOUSLY VOTED.

ADJOURNMENT

At 8:22 p.m., there being no further business, Vice President Burga made a motion to adjourn the meeting, motion was seconded by Councilor Mathews. UNANIMOUSLY VOTED.

Respectfully Submitted by Kim McCutcheon as Recording Secretary

Approved by Council President Michael Molisse Voted unanimously on 6 May 2024