

TOWN COUNCIL MEETING MINUTES
Weymouth Town Hall
Council Chambers
October 19, 2015, Monday

Present: Patrick O'Connor, President
Michael Smart, Vice President
Robert Conlon, Councilor
Kenneth DiFazio, Councilor
Jane Hackett, Councilor
Ed Harrington, Councilor
Rebecca Haugh, Councilor
Thomas J. Lacey, Councilor
Arthur Mathews, Councilor
Brian McDonald, Councilor
Michael Molisse, Councilor

Also Present: Kathleen Deree, Town Clerk
Carolyn Murray, Interim Town Solicitor
James Clarke, Director of Planning
Kenan Connell, DPW Director
Eric Schneider, Principal Planner

Recording Secretary: Mary Barker

President O'Connor 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

Vice President Smart acknowledged the actions by seven members of Boy Scout Troop 9 and their leaders, who while on a hike on Mt. Monadnock in New Hampshire, rescued an injured hiker and got her to safety. They will be commended by the Council and presented with a citation at the next Town Council meeting.

He also announced that the Southfield Neighborhood Association will host a Candidates' Night for mayoral candidates on October 20, 2015 and for at-large candidates on October 21, 2015.

Councilor Harrington announced Trick or Treat hours set by the Police Chief for the hours between 4:30 – 7 PM on Saturday, October 31, 2015.

MINUTES

Public Parks and Recreation Committee Meeting of September 28, 2015

A motion was made by Vice President Smart to approve the minutes from the September 28, 2015 Public Parks and Recreation Committee meeting and was seconded by Councilor Mathews. UNANIMOUSLY VOTED.

Special Town Council Meeting of September 28, 2015

A motion was made by Vice President Smart to approve the minutes from the September 28, 2015 Special Town Council meeting and was seconded by Councilor Mathews. UNANIMOUSLY VOTED.

PUBLIC HEARINGS

15 090-Amendment to the Animal Control Ordinance Section 6-700 through 6-801

A motion was made by Vice President Smart to open the public hearing on measure 15 090 and was seconded by Councilor Mathews. This was published on October 9, 2015. UNANIMOUSLY VOTED.

Animal Control Officer Mike Parker was invited to the table. There were some basic changes proposed in the Animal Control ordinance. He provided a comparison with the current and new section. There were some numbering changes. He reviewed the major changes that were to the livestock, cat and health regulations and kennel licensing classification changes to align with the state's regulations and to allow for some enforcement powers.

Councilor DiFazio reported that the Ordinance Committee deliberated and requested further information. The committee will reconvene after the public hearing is closed. President O'Connor asked for comments from the public, to which there was no response.

A motion was made by Vice President Smart to close the public hearing on measure 15 090 and was seconded by Councilor Mathews. UNANIMOUSLY VOTED.

15 110-Special Purpose Stabilization Fund –Purchase and Operation of Whitmans Pond Harvester

A motion was made by Vice President Smart to open the public hearing on measure 15 110 and was seconded by Councilor Mathews. This was published on October 9, 2015. UNANIMOUSLY VOTED.

James Clarke and Kenan Connell were invited to the table to review the request to purchase a harvester. Mr. Connell reviewed the approaches that were studied for managing the weeds in the town's drinking supply. \$120,000 was allocated in the Host Community Agreement in 2005 to develop a plan to control invasive weed growth in the town's bodies of water which contribute to the drinking supply. Several approaches were studied. Kenan Connell reported that the cost includes the equipment, shipping, trailer, loader, and stacker; manpower and training. The machinery would be owned by the town,

and managed by the DPW on a schedule that the Conservation Commission will around the herring spawn cycle.

Councilor Mathews thanked the Mayor for putting the measure forward. He agrees with owning the equipment versus renting it. They need a long-term investment to remove weeds. He explained how the equipment works like a lawn mower. They can treat areas and go back over it again. The action will add nutrients to the sediment and encourages growth.

Councilor Harrington asked if it will have any effect on winter drawdowns. Mr. Clarke responded no, but there are several proposals, and they are pursuing permitting for winter drawdown sometime from October through November. The harvester will be used from June through October.

Councilor DiFazio asked if this was on the original mitigation list and is eligible for funding from the stabilization fund. Councilor Mathews responded yes. There is also funding available from state funding provided if not cut by the governor; \$100,000 that can be used for the pond.

Vice President Smart noted that this has been a lifelong effort by Councilor Mathews and thanked him. He asked if the funding includes training for the equipment's use. Mr. Connell responded that the cost includes training. Vice President Smart asked if purchase was through the state procurement process and where the weeds will be brought after harvesting. Mr. Connell responded that the weeds will be hauled offsite to a final destination. Leaving them would cause an odor problem.

The following are the comments from the public:

Wayne Mathews, 952 Commercial Street spoke in support of the measure. He grew up at Whitman's Pond. He reported the spot is a treasure and in use year round for different activities. It's also host to unique species of birds and a major spawning ground for the herring. Weeds and invasive species are choking out the wildlife.

Marie Feeley, 49 Cranch Street, and Vice President of the Whitman's Pond Association read a letter of support of the measure:

"On Thursday, October 15, 2015, the Whitman's Pond Association voted unanimously to support the request for Measure #15-110 Special Purpose Stabilization Funds for the appropriation and operation of a weed harvester to be used on Whitman's Pond.

We are all aware of the deterioration of Whitman's Pond due to the overgrowth of invasive weeds that are overtaking this natural resource for fish and other wildlife. Whitman's Pond is the spawning ground for one of the most productive herring runs in the region and is a source of much local pride on the South Shore. River herring are a keystone species that supports the commercial fishing industry and is an important part of the Greater Boston Harbor ecosystem. The weed harvester will help us in the removal

of the weeds that have plagued the pond for decades. And the weed harvester would be an integral part to the Pond Management plan.

We trust the Town Council will support the appropriation of funds necessary for Measure 15 110.

As our President, Trish Pries is unable to attend tonight's meeting due to a prior commitment, the Association respectfully requests this letter be read aloud at tonight's meeting and formally entered into the written minutes of the meeting."

A motion was made by Vice President Smart to close the public hearing on measure 15 110 and was seconded by Councilor Mathews. UNANIMOUSLY VOTED.

15 111- Re-appropriation-Police Department Cruisers

A motion was made by Vice President Smart to open the public hearing on measure 15 111 and was seconded by Councilor Mathews. This was published on October 9, 2015. UNANIMOUSLY VOTED.

Chief Grimes reported on the request that funding was appropriated in FY15 and the vehicles were ordered for a May 2015 delivery date. The GM production line shut down unexpectedly in May and delayed their completion. He spoke to Mr. McKinney who suggested moving the funds so that they can be spent as originally intended.

Vice President Smart asked if the state procurement or best pricing mechanisms and practices are in place. Chief Grimes responded that the recommendation was to buy these off the state bid rather than purchase independently.

Councilor Molisse reported that this measure, the previous one (harvester) and the next were discussed earlier in committee.

A motion was made by Vice President Smart to close the public hearing on measure 15 111 and was seconded by Councilor Mathews. UNANIMOUSLY VOTED.

15 113-CPC-Preservation and Digitization of the Hannah Vinson Sampler

A motion was made by Vice President Smart to open the public hearing on measure 15 113 and was seconded by Councilor Mathews. This was published on October 9, 2015. UNANIMOUSLY VOTED.

Jim Clarke and Library Director Rob McLean presented the measure. Mr. McLean provided a handout. The request was presented by the Library through the Community Preservation Committee in their September meeting and voted unanimously to approve the cost to preserve and digitize the sampler that was gifted to the town by a resident. Weymouth resident Hannah Vinson stitched the sampler in 1799, when she was 8 years old. Preservation will protect the sampler for generations to come and the library will be able to share via their website.

A motion was made by Vice President Smart to close the public hearing on measure 15 113 and was seconded by Councilor Mathews. UNANIMOUSLY VOTED.

President O'Connor reported that the first of the public hearing items is still in committee; the other three items will be deliberated later on the agenda.

OLD BUSINESS

15 102- Proposed Amendment to Southfield Zoning and Land Use By-Laws

- **Council awaiting recommendation from Planning Board**
- **General discussion amongst Councilors**

President O'Connor reported that a memo was sent to the Mayor and the Council is pending the administration's report out on the review by the Abrams Group. The Planning Board will meet on October 27, 2015 to make its recommendation. The Council will wait for the recommendation before taking action.

Request / Petition for Moratorium on New Construction Pending Review of Zoning By-Laws

President O'Connor reported that the request was presented by resident Wayne Mathews, 952 Commercial Street, and he requested a legal opinion from the town's legal counsel; specifically regarding the legality of the moratorium excluding a certain part of town from it. The response is that there definitely is a past precedent. The Interim Solicitor provided a brief summary of the legal review. With the review intact, he invited the Council to deliberate. Solicitor Murray noted they would have to look at specific text before moving forward or making a definitive determination. There is a precedent within the town; in 1989 a moratorium was placed which affected only Routes 18 and 53 and certain business uses. There is also case law that suggests that certain parts of town or certain uses in certain districts would be legally valid to do. A unique situation exists here where Southfield operates under its own by-laws and subjects to its own zoning although it is very much a part of the boundaries of the town of Weymouth. She will work with the Council with whatever action they should choose to take.

Council President O'Connor suggested the Council move the item to the Ordinance Committee for deliberation.

A motion was made by Councilor Hackett to refer the request to the Ordinance Committee and was seconded by Vice President Smart.

Councilor Harrington noted that upon further discussion with Mr. Mathews, the moratorium in and of itself is the only focus of the action. There are other issues to be discussed that could get lost if this is the sole focus of the referral. Vice President Smart responded that that is the purpose for the referral; to take a look at the ordinance and see where to make adjustments if necessary; not only this specific item. President O'Connor noted the genesis of the moratorium and the larger scope of the zoning will be the focus

of discussion for referral. Councilor DiFazio noted he read the solicitor's memo; the first thing they need to know is what their objective will be; what are they looking for? They will need to be very clear if there is to be a moratorium, he noted that this could be a monumental task. He suggested the Ordinance Committee come back to the full Council with its determination of what the objective should be and how they will achieve it. Councilor Lacey noted that the opinion from the Solicitor is comprehensive. This is a response to a petition by citizens. There are two scopes and the response to the first will provide the gateway to the second. He suggested having the Ordinance Committee work with the petitioner. He will support the referral. Councilor Molisse also noted he will support it and he thanked Mr. Mathews. UNANIMOUSLY VOTED.

REPORT OF COMMITTEES

Budget/Management Committee- Chair Michael Molisse

Chairman Michael Molisse reported that the Budget/Management Committee met prior to the Town Council meeting on October 19, 2015.

15 110-Special Purpose Stabilization Fund-Purchase and Operation of Whitman's Pond Harvester

This item was referred to the committee on September 21, 2015. The committee met on October 19, 2015 and voted to forward to the full Town Council with a recommendation for favorable action. A public hearing was held on October 19, 2015.

On behalf of the Budget/Management Committee, a motion was made by Councilor Molisse to approve measure 15 110; that the Town of Weymouth appropriate the sum of \$120,000 from the Special Purpose Stabilization Fund for Capital Projects for the purpose of funding the cost associated with the purchase of the Whitman's Pond weed harvester and was seconded by Councilor Smart. UNANIMOUSLY VOTED.

15 111-Reappropriation- Police Department Cruisers

This item was referred to the committee on September 28, 2015. The committee met on October 19, 2015 and voted to forward to the full Town Council with a recommendation for favorable action. A public hearing was held on October 19, 2015.

On behalf of the Budget/Management Committee, a motion was made by Councilor Molisse to approve measure 15 111; that the Town of Weymouth re-appropriate the sum of \$377,397.64 for the purpose of purchasing new police vehicles and associated equipment and was seconded by Councilor Smart. UNANIMOUSLY VOTED.

15 113-CPC-Preservation of Hannah Vinson Sampler

This item was referred to the committee on October 5, 2015. The committee met on October 19, 2015 and voted to forward to the full Town Council with a recommendation for favorable action. A public hearing was held on October 19, 2015, 2015.

On behalf of the Budget/Management Committee, a motion was made by Councilor Molisse to approve measure 15 113; that the Town of Weymouth raise and appropriate

the sum of \$1000 from the Community Preservation Fund; Historic set-aside for the purpose of conserving and digitalizing the Hannah Vinson sampler and was seconded by Councilor Smart. UNANIMOUSLY VOTED.

Joint Ordinance and Environmental Committees

Chairman Ken DiFazio reported that the Ordinance Committee met in joint session with the Environmental Committee prior to the Town Council meeting.

15 106-Amendment to the Zoning Ordinance Solar Photovoltaic Installations

This measure was referred to the committee on September 7, 2015. The committee met on September 14, October 5, 2015 and on October 19, 2015-- voted to forward to the full Town Council with a recommendation for favorable action. A public hearing was held on October 5, 2015 that was continued to October 13, 2015. On October 15, 2015, Planning Board's unanimous favorable recommendation was received by the Council.

On behalf of the Committee, a motion was made by Councilor DiFazio to approve measure 15 106; that the Town of Weymouth amends the zoning ordinances with the addition of Section 120-106.3 -Solar Photovoltaic Installations, and was seconded by Councilor Smart. Received affirmative rec from Planning Board. UNANIMOUSLY VOTED.

15 107-Building Construction-Adoption of Massachusetts "Stretch Energy Code"

This measure was referred to the committee on September 21, 2015. The committee met on September 14 and October 5, 2015 and voted to forward to the full Town Council with a recommendation for favorable action. A public hearing was held on October 13, 2015. On behalf of the Committee, a motion was made by Councilor DiFazio to approve--that the Town of Weymouth through the Town Council amends the Weymouth Code of Ordinances by inserting the following in Chapter 7; Regulations Affecting Use of Private Property; Section 7-101 Building Construction, by adding (i) below:

- (i) "Stretch Energy Code" for the purpose of regulating the design and construction of buildings for the effective use of energy applications, building permits shall conform to appendix 115. AA of the Massachusetts Building Code, 780 CMR, the Stretch Energy Code, including future editions, amendments, or modifications thereto.

The measure was seconded by Councilor Smart. UNANIMOUSLY VOTED.

Councilor McDonald reported that the Environmental Committee met with the Ordinance Committee on the previous two items and deliberated the following item as well.

Sustainable Environmental Initiatives at Southfield-Discussion

Councilor McDonald reported that the Environmental Committee deliberated the following item. He had a discussion with Kyle Corkum, President of LStar with some ideas he put forward for sustainable practices at Southfield and Mr. Corkum looks forward to the opportunity to discuss further with Council. Councilor McDonald

presented a memo in committee earlier and he looks forward to presenting for referral at a future time.

Councilor DiFazio reported that the prior items required expedited review to meet the application process deadline. He thanked the committees and the Council for the thorough review.

ADJOURNMENT

At 8:23 PM, there being no further business, a motion was made by Vice President Smart to adjourn and was seconded by Councilor Mathews. UNANIMOUSLY VOTED.

Respectfully submitted by Mary Barker as Recording Secretary

Approved by Council President Patrick O'Connor

Voted unanimously on 7 December 2015