

SPECIAL TOWN COUNCIL MEETING MINUTES
Town Hall Council Chambers
July 14, 2014, Monday

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

Not Present: Thomas J. Lacey, Councilor
Michael Molisse, Councilor

Also Present: George Lane, Town Solicitor
Kathy Deree, Town Clerk
Richard Swanson, Town Auditor
Richard Swanson, Town Auditor
James Clarke, Director, Planning & Community Development
Walter Flynn, Chair, Community Preservation Committee

Recording Secretary: Mary Barker-transcribed meeting
There was no recording secretary in attendance

President O'Connor called the meeting to order at 7:30 PM. After the Pledge of Allegiance, Town Clerk Kathy Deree called the roll, with two members absent. Council President O'Connor noted that both Councilor Lacey and Molisse contacted him earlier to report they would not be available this evening.

MINUTES

Budget/Management Committee Meeting of May 21, 2014

A motion was made by Vice President Smart to approve the minutes from the May 21, 2014 Budget/Management Committee meeting and was seconded by Councilor Mathews.
UNANIMOUSLY VOTED.

Joint Planning Board and Ordinance Committee Meeting Minutes of May 27, 2014

A motion was made by Vice President Smart to approve the minutes from the May 27, 2014 Joint Planning Board and Ordinance Committee meeting and was seconded by Councilor Mathews. UNANIMOUSLY VOTED.

Budget/Management Committee Meeting Minutes of June 2, 2014

A motion was made by Vice President Smart to approve the minutes from the June 2, 2014 Budget/Management Committee meeting and was seconded by Councilor Mathews. UNANIMOUSLY VOTED.

Town Council Meeting Minutes of June 2, 2014

A motion was made by Vice President Smart to approve the minutes from the June 2, 2014 Town Council meeting and was seconded by Councilor Mathews. UNANIMOUSLY VOTED.

Budget/Management Committee Meeting Minutes of June 9, 2014

A motion was made by Vice President Smart to approve the minutes from the June 9, 2014 Budget/Management Committee meeting and was seconded by Councilor Mathews. UNANIMOUSLY VOTED.

Budget/Management Committee Meeting Minutes of June 11, 2014

A motion was made by Vice President Smart to approve the minutes from the June 11, 2014 Budget/Management Committee meeting and was seconded by Councilor Mathews. UNANIMOUSLY VOTED.

Long-Range Planning Committee Meeting Minutes of June 18, 2014

A motion was made by Vice President Smart to approve the minutes from the June 18, 2014 Long-Range Planning Committee meeting and was seconded by Councilor Mathews. UNANIMOUSLY VOTED.

RESIDENT AND COMMUNITY COMMENT

Starwood's Proposed Revisions to the Enabling Legislation – Robert Montgomery Thomas of 848 Washington Street

Mr. Thomas addressed the Council regarding the proposed enabling legislation. He compared the lack of commercial development movement at the established Crown Colony location in Quincy with the lack of movement at Southfield, due to the economic climate and not the lack of water and sewer. He presented his many concerns regarding the proposed legislation and the Starwood Corporation, the effects on local obligations- Net School Spending and OPEB.

He suggested adding a local amendment to the bill which would allow the public to present it to all registered voters.

PUBLIC HEARINGS

14 090-Community Preservation-First Church Meeting House

A motion was made by Vice President Smart to open the public hearing on measure 14 090-Community Preservation-First Church Meeting House and was seconded by Councilor Mathews. UNANIMOUSLY VOTED.

Jim Clarke and Walter Flynn presented the measure to raise and appropriate the sum of \$71,042 from the Community Preservation Fund-Historic Resources to fund the costs associated with restoration, preservation, replacement and regilding needed at First Church Meeting House. The committee recommended favorable action on the eligible items.

Nancy Cameron, 161 Pilgrim Rd. and Tom Woburn, Hingham, both members of First Church, provided a brief overview of the history of the church; its contributions past and present to the town. Mr. Woburn provided a brief summary of the proposed work that includes seven items; a case for the bible preservation, repair/replacement/ADA code requirements for the church: the top and base of the pulpit and steeple, scaffolding, roof, weathervane, front doors, and pew veneer. Mr. Woburn is a registered architect who will oversee the repairs. The church will be working with the Abigail Adams Society and National Park Service to reenact historic events at the church, including a reenactment of the wedding ceremony of John and Abigail Adams' wedding in October.

President O'Connor asked for the project timeframe-if work will be completed before the wedding reenactment. The earliest the Town Council approval can be granted is September 2, 2014- will it allow sufficient time? Mr. Woburn replied that most improvements will take a small amount of time.

Councilor McDonald suggested a Special Town Council Meeting be scheduled as quickly as possible to expedite.

Councilor Hackett asked if it has been referred yet to committee; it was noted that this measure is currently in the Budget/Management Committee.

Councilor Conlon asked if the congregation is too small to raise funds for the work. Mr. Woburn responded that the membership is 65- they struggle, but are in the black for the first time.

Councilor Hackett asked about the balance in the Historical resources line item Mr. Clarke responded that the current balance is over \$200,000 and money is still available for other historic items. She asked if there are any other requests pending. There are not. Council President O'Connor tentatively scheduled a Special Town Council and Budget/Management Committee meetings for August 4, 2014.

The following were the comments from the public:

Robert Montgomery Thomas, 848 Washington Street recommended the church contact the Weymouth and Quincy Lions Clubs and the Rotary for funding until it is forthcoming from the Council.

A motion was made by Vice President Smart to close the public hearing on measure 14 090- Community Preservation-First Church Meeting House and was seconded by Councilor Mathews. UNANIMOUSLY VOTED.

14 091-National Grid Gas Main Utility Petition/Francis Road

A motion was made by Vice President Smart to open the public hearing on measure 14 091-National Grid Gas Main Utility Petition/Francis Road and was seconded by Councilor Mathews. Abutters were notified on July 7, 2014. UNANIMOUSLY VOTED.

Dennis Regan, Permit Representative from National Grid, presented the measure for the consent to install and maintain approximately 130 feet more or less of 2-inch gas main in Francis Road from the existing 2-inch gas main at house #17 southerly to house #24 for a new gas service.

Councilor Smart reminded Mr. Regan to abide by the ordinance requirements and properly notify residents regarding the work and that the work is done correctly. All issues will be addressed by the DPW director as the work goes forward.

A Motion was made by Vice President Smart to Close the Public Hearing on item 14 091-National Grid Gas Main Utility Petition/Francis Road and was seconded by Councilor Mathews. UNANIMOUSLY VOTED.

A motion was made by Vice President Smart to consider measure 14 091-National Grid Gas Main Utility Petition/Francis Road under 2-9(b) same night action and was seconded by Councilor Mathews. UNANIMOUSLY VOTED.

A motion was made by Vice President Smart to approve measure 14 091-National Grid Gas Main Utility Petition/Francis Road and was seconded by Councilor Mathews. UNANIMOUSLY VOTED.

REPORTS OF COMMITTEES

Ordinance Committee/Chair Kenneth DiFazio

Councilor DiFazio reported that the committee has met and deliberated three measures.

14 078-Amendment to the Zoning Ordinance-Registered Marijuana Dispensaries

Councilor DiFazio reported that this measure was referred to the Ordinance Committee on April 22, 2014. A joint public meeting was held with the Planning Board on May 19, 2014. The Ordinance Committee met on May 27, 2014. The Planning Board issued its recommendation on May 28, 2014 (4/0/1 vote). The Ordinance Committee voted on June 7, 2014 and voted to forward to the full Town Council with a recommendation for favorable action; therefore, on behalf of the Ordinance Committee, a motion was made by Councilor DiFazio to approve measure 14 078-Amendment to the Zoning Ordinance-Registered Marijuana Dispensaries; that the Town of Weymouth Zoning Ordinances is hereby amended by inserting the following:

Article 2, section 120-6, Definitions-Weymouth Zoning Ordinance is hereby amended by inserting in Article 2, section 120-6, after the definition of "Recreational Equipment, Major," the following new definition:

“Registered New Marijuana Dispensary (RMD) – a building or structure used for a Medical Marijuana treatment center approved and licensed by the Massachusetts Department of Public Health pursuant to 105CMR 725.100 and the local board of licensing commissioners that acquires, cultivates, possesses, processes, including development of related products such as marijuana infused products, tinctures, aerosols, oils or ointments; transfers, transports, sells, distributes, dispenses or administers marijuana, products containing marijuana, marijuana related supplies or educational materials to registered qualifying patients or their personal caregivers. Unless otherwise specified, RMD refers to the sites of the dispensing, cultivation and preparation of marijuana.”

and Article 9, Limited Industrial District I-1, section 120-28, Permitted Uses, the town of Weymouth Zoning Ordinance is hereby amended by inserting the following new line I. Registered Marijuana Dispensary:

“I. Registered Marijuana Dispensary- provided not within 500 feet of a public or private primary or secondary school, licensed day care center, public library, public park, public playground, or any facility in which children commonly congregate in a structured scheduled manner. The 500-foot distance is measured in a straight line from the nearest point of the facility in question to the nearest point of the proposed RMD. “

The motion was seconded by Vice President Smart.

Councilor Harrington noted he is concerned but would like to see the town protected and suggested the facility should only be allowed in a drugstore.

Councilor Conlon noted his concern with resale transactions occurring in neighborhoods and recommended patrols are implemented.

Councilor DiFazio noted the committee discussed with the administration the three objectives regarding the locations- limiting, excluding locations and excluding visibility.

Councilor Harrington suggested the objectives were not well thought out.

Councilor DiFazio responded that by limiting the location, the objectives were met.

Councilor Haugh received confirmation from the administration that no applications are pending in Weymouth.

Councilor Smart noted that the Police Chief was involved in the deliberation in committee.

Councilor Mathews noted that without actions taken by the committee, the town is restricted to what the state decides.

Council President O'Connor noted the months of work to bring this to a vote. He supports the motion. Vote PASSED 8/1 (Councilor Harrington-NO).

14 079-New Proposed Ordinance Section 9-700-Licensing of Registered Marijuana Dispensaries

Councilor DiFazio reported that this measure was referred to the Ordinance Committee on April 22, 2014. The committee met in a joint public hearing with the Planning Board on May 19, 2014. The Ordinance committee met on May 27, 2014 and again on June 23, 2014 when it voted to forward the measure to the full Town Council with a recommendation for favorable action.

On behalf of the Ordinance Committee, a motion was made by Councilor DiFazio to approve measure 14 079-New Proposed Ordinance Section 9-700-Licensing of Registered Marijuana Dispensaries; that the Town of Weymouth adopt the new proposed Ordinance Section 9-700 in its entirety. Councilor DiFazio noted that he would not read the measure in its entirety due to its length, but reported that all Councilors were provided with a copy of the full measure. Councilor Mathews noted one of the important changes to note in the proposed language is the reduction in the number of allowed locations from three to one. UNANIMOUSLY VOTED

Issue: Proposed Revisions to Section 6-801 of the Code of Ordinances "Dogs and Cats"

Councilor DiFazio reported that this measure was referred to the Ordinance Committee on June 16, 2014. The committee met on June 23, 2014 and voted to forward to the full Town Council with a recommendation for "No Action".

Long-Range Planning Committee-Chair Ed Harrington

Councilor Harrington reported that although two meetings have been scheduled, the committee has not yet met formally. The meeting scheduled for July 14, 2014 was postponed due to the lack of a recording secretary; however the members briefly discussed goals, creation of a mission statement, and protocol to bring information and ideas to the Council for confirmation or affirmation. The meeting will be rescheduled to sometime in September. He asked the members to provide their ideas on the committee's mission.

NEW BUSINESS

14 092-Call of the State Primary on September 9, 2014/ Action Requested under 2-9(b)-Council President Patrick O'Connor

Vice President Smart made a motion to consider 14 092-Call of the State Election on September 9, 2014 under 2-9(b) same night action and was seconded by Councilor Hackett. UNANIMOUSLY VOTED.

A motion was made by Vice President Smart to approve 14 092-Call of the State Primary on September 9, 2014; that *the Town of Weymouth is hereby required to notify all inhabitants of said town who are qualified to vote in the state election to vote on Tuesday, November 4, 2014.* The motion was seconded by Councilor Mathews. UNANIMOUSLY VOTED.

ADJOURNMENT

At 8:32 PM, there being no further business, a motion was made by Vice President Smart to adjourn the meeting and was seconded by Councilor Mathews. UNANIMOUSLY VOTED.

Respectfully submitted by Mary Barker as Recording Secretary (transcribed only)

Approved by Patrick O'Connor as Council President
Voted unanimously on 1 December 2014