

TOWN COUNCIL MINUTES
Town Hall Council Chambers
March 4, 2013, Monday

Present: Arthur Mathews, President
Patrick O'Connor, Vice President
Francis Burke, Councilor
Robert Conlon, Councilor
Kenneth DiFazio, Councilor
Jane Hackett, Councilor
Ed Harrington, Councilor
Brian McDonald, Councilor
Michael Molisse, Councilor
Michael Smart, Councilor

Not Present: Thomas J. Lacey, Councilor

Also Present: William McKinney, Chief Financial Officer
George Lane, Town Solicitor
Kathy Deree, Town Clerk
Richard Swanson, Town Auditor
James Clarke, Director of Planning & Community Development
Jeff Richards, Director, Building Department
Jeff Bina, Director, DPW
Walter Flynn, Planning Board
David Chandler, Chair, Planning Board
Mary Akoury, Planning Board
Sandra Williams, Planning Board
John McLeod, Construction Manager

Recording Secretary: Mary Barker

President Mathews called the meeting to order at 7:31 PM. After the Pledge of Allegiance, Town Clerk Kathy Deree called the roll, with one member absent. President Mathews reported Councilor Lacey was unavailable due to a work commitment.

ANNOUNCEMENTS

Councilor Smart announced a public hearing to be held at Old South Union Church on March 6, 2013 regarding the potential merger between South Shore Hospital and Partners Healthcare.

Councilor Burke announced the North Weymouth Civic Association will hold a public meeting on March 15, 2013 at the McCulloch building (181 Green Street) to review with Mayor Kay the state of North Weymouth. The agenda items include the Fore River Bridge replacement project and the status of the sea wall projects.

Councilor Harrington announced that Old South Union Church will hold its spring luncheons on Wednesdays for four weeks from 11 AM-1PM beginning on March 27, 2013. He also announced teams will be forming and fundraising for the Relay for Life event on the grounds of Weymouth High School on June 14-15, 2013.

Councilor Conlon announced he will hold office hours for constituent issues on March 5, 2013, from 10-11 AM in Council Chambers at Town Hall.

MINUTES

Budget/Management Committee Meeting minutes February 4, 2013

A MOTION was made by Vice President O'Connor to approve the minutes from the Budget/Management Committee meeting of February 4, 2013, and was seconded by Councilor Smart. UNANIMOUSLY VOTED, 10/0.

Ordinance Committee Meeting minutes February 4, 2013

A MOTION was made by Vice President O'Connor to approve the minutes from the Ordinance Committee meeting of February 4, 2013 and was seconded by Councilor Smart. UNANIMOUSLY VOTED, 10/0.

PUBLIC HEARINGS

13 008-National Grid Gas Main Petition-Carlson Cove Road

A motion was made by Vice President O'Connor to open the public hearing on measure 13 008-National Grid Gas Main Petition-Carlson Cove Road and was seconded by Councilor Smart. Abutters were notified on February 25, 2013. UNANIMOUSLY VOTED, 10/0.

National Grid representative, Dennis Regan, presented the petition for consent to install and maintain approximately 70 feet, more or less of 2 inch gas main on Carlson Cove Road, from the existing 3/4 inch gas main at house #14, southerly to house #20 for a new gas service.

Council President Mathews noted the DPW comments. Councilor Smart asked how soon construction would begin. Mr. Regan responded that it will begin when weather permits. Council President Mathews noted the moratorium to April 15, 2013 for non-emergency work. Councilor Burke asked about specifics on the service.

Council President Mathews asked for comments from the public, to which there was no response.

A motion was made by Vice President O'Connor to close the public hearing on measure 13 008-National Grid Gas Main Petition-Carlson Cove Road and was seconded by Councilor Smart. UNANIMOUSLY VOTED.

A MOTION was made by Vice President O'Connor to CONSIDER measure 13 008-National Grid Gas Main Petition-Carlson Cove Road under 2-9 (b), same night action, and was seconded by Councilor Smart. UNANIMOUSLY VOTED, 10/0.

A MOTION was made by Vice President O'Connor to APPROVE measure 13 008-National Grid Gas Main Petition-Carlson Cove Road; that the Town of Weymouth consent to installation and maintenance of approximately 70 feet, more or less, of 2-inch gas main on Carlson Cove Road, from the existing ¾ inch gas main at house #14, southerly to house #20 for a new gas service-motion was seconded by Councilor Smart. UNANIMOUSLY VOTED, 10/0.

13 013-National Grid Gas Main Petition-Libbey Industrial Parkway

A MOTION was made by Vice President O'Connor to open the public hearing on measure 13 013- National Grid Gas Main Petition-Libbey Industrial Parkway, and was seconded by Councilor Smart. Abutters were notified February 25, 2013. UNANIMOUSLY VOTED, 10/0.

Mr. Regan presented the petition for consent to install 680' of 6-inch plastic main including use of directional drilling under the old Swamp River twin culvert/bridge.

Council President Mathews asked for comments from the public, to which there was no response.

A MOTION was made by Vice President O'Connor to close the public hearing on measure 13 013-National Grid Gas Main Petition-Libbey Industrial Parkway and was seconded by Councilor Smart. UNANIMOUSLY VOTED, 10/0.

A MOTION was made by Vice President O'Connor to CONSIDER item 13 013-National Grid Gas Main Petition-Libbey Industrial Parkway under 2-9 (b) same night action and was seconded by Councilor Smart. UNANIMOUSLY VOTED, 10/0.

A MOTION was made by Vice President O'Connor to APPROVE item 13 008-National Grid Gas Main Petition-Libbey Industrial Parkway; that the Town of Weymouth consent to the installation of 680" of 6-inch plastic main including use of directional drilling under the Old Swamp River culvert/bridge and was seconded by Councilor Smart. UNANIMOUSLY VOTED, 10/0.

13 011- Proposed Zoning Amendment-Moratorium on Medical Marijuana Treatment Centers-Joint with Planning Board

A MOTION was made by Vice President O'Connor to open the public hearing on measure 13 011- Proposed Zoning Amendment-Moratorium on Medical Marijuana Treatment Centers and was seconded by Councilor Smart. This was published on February 13 and 20, 2013. UNANIMOUSLY VOTED, 10/0.

At 7:42 PM, Chairman Flynn called the Planning Board meeting to order.

A MOTION was made by Sandra Williams to open the public hearing on measure 13 011- Proposed Zoning Amendment-Moratorium on Medical Marijuana Treatment Centers and was seconded by Mary Akoury. UNANIMOUSLY VOTED.

Council President Mathews invited Vice President O'Connor to present the measure. Vice President O'Connor had provided the members with a packet which included his remarks, an FAQ from the Department of Public Health, commentary on an overview of Question 3, from its supporters, a commentary on medical marijuana with a delay support from Rick Collins-Chief of Staff for the Joint Chairman of Public Health on medical marijuana with a delay support, Question 3 overview by the supporters of the project, and the text of the initiative petition.

“When Massachusetts voters went to the ballot box on November 6, 2012, they voted in favor of legalization, in the form of a ballot question, that legalized medical marijuana as well as medical marijuana dispensaries. The language associated with Question 3 that is now law is very vague. If you actually look at the initiative petition attached to this, it is a template provided by the Marijuana Policy Project, essentially sent to states in the hope of getting legislation passed. Once the legislation is passed, they put the entire onus on the Department of Public Health of those specific states, to come up with these regulations. The timeframe which they give the DPH, with all they’re going through, is 120 days.

A few weeks before Question 3 passed, I sat down with my fellow Councilor, Michael Smart, to discuss options our community had to make sure we’re protected, We looked into zoning changes, similar to the adult entertainment facilities. We looked into what other cities and towns, and states that have passed similar legislation such as Colorado and California, and we looked into a moratorium. We addressed our concerns to the Mayor, and she wholeheartedly agreed we needed to do something. We came to the conclusion that the risk of not doing anything in the face of the unknown is far too great. The Mayor spoke with other communities, and also addressed this concern with the Massachusetts Municipal Association. The consensus was that other communities were looking for protection, and the MMA was urging other communities to look for such protection.

As the new legislative session began at the State House this past January, state senators and state representatives across the Commonwealth filed dozens and dozens of pieces of legislation dealing with medical marijuana dispensary zoning. It was at this time that we accelerated the process, and with a 10 taxpayer petition, filed an ordinance to this body to place a moratorium on medical marijuana dispensaries in the Town of Weymouth until one year after regulations have been set by DPH. Regulations are due by May 1st from the Department of Public Health. They have already expressed concerns that they are really up against the clock in trying to get these regulations in place. This moratorium would last until May 1, 2014.

This is not a stance for or against medical marijuana. It is simply giving the Town of Weymouth time to digest the unwritten DPH regulations. I have no doubt that these regulations will be changed multiple times and we must be proactive to make sure our community is not a guinea pig of the DPH in these rushed regulations. One of the regulations that we know of is the licenses for dispensaries are going to be distributed county based. There are going to be 35 licenses given out throughout the state, with a maximum of 5 per county. It’s my opinion that Suffolk County will be the most desirable, and second most

desirable will be Norfolk County. We also don't know what the future holds for medical marijuana and marijuana itself in the Commonwealth. With first the decriminalization a few years ago and now the legalization for medical purposes, one could assume that Massachusetts is on a path towards full legalization. The medical dispensaries that are in this legislation are nonprofit organizations and would not pay taxes to the community.

There are a lot of unknowns and we need to protect our community. This moratorium will give us time to make sure that, if this is going to be done in our community, it's going to be done right. It gives us the chance to digest the regulations that are still unwritten, strategize with local and state officials and come up with a common sense, well thought out plan to make sure the quality of life for our residents are not affected by the passage of this ballot question. I thank you all for the time and consideration of this measure. "

President Mathews invited James Clarke, Planning Director, and Solicitor Lane to the table. Solicitor Lane reported that a question arose at the committee meeting on the legality of a moratorium. He stated that this particular matter was decided in a case in 2002 in Cambridge (W.R. Grace Company vs. City of Cambridge) in which a 2-year moratorium was upheld and found to be reasonable under the circumstances. The town needs to identify the particular issue that's involved, and the rational basis for the moratorium- there are a number of issues that need to be resolved before there's an effective regulation of this particular matter. They have defined debilitating conditions in the act of the law, which include cancer, glaucoma, Lou Gehrig's disease, ALS, AIDS, and Parkinson's, however there are other matters that must be studied, must be regulated. There's a certain line of argument to hiding them away like adult entertainment, but on the other hand, there's an argument to keeping them in view so that they can be regulated by police and health authorities. The matter of certification is a real problem under the law.

Solicitor Lane further stated that outstanding issues to be resolved are regulation of treatment centers, dispensary agents, cultivation requirements and qualifying patients. We look forward to working hand-in-hand with the State Department of Public Health and their regulations to also craft what is proper for zoning ordinance for this community.

He has concerns that the law is with us on establishing a moratorium and feels that we also need to look at any adverse impact to schools, churches, day care centers or residential areas. There also has to be an analysis of cultivation under the zoning laws, although it appears that it is not simply an exempted use; it is to be a confined use both under that statute and also the legislations. Solicitor Lane confirmed that a moratorium is both legal and reasonable under the circumstances.

Jim Clarke clarified that the moratorium is a part of the zoning and the text is set up to make it clear that currently medical marijuana treatment centers are not identified in zoning text and it's not an allowed use, and then the moratorium which goes to May of next year. This allows the community to do whatever they need to do; if the town makes decisions and want to move forward prior to then, with some subsequent legislation, they can do so, or if a longer period of time is needed, they could do that also. Mr. Clarke concurs that a moratorium makes the

most sense. The moratorium language is crafted so that it can withstand any type of a challenge.

Councilor DiFazio asked for clarification with regard to the moratorium not having any effect on the current regulations on personal cultivation. He also asked about its effect on possession. It was clarified that the moratorium is simply on the centers themselves.

Councilor Smart reported that he received written comment from Maureen DelPrete that he read into the record:

“Dear Councilors and Planning Board,

We are writing today in support of measure 03-011, presented on behalf of Councilor O’Connor and Councilor Smart and a 10-citizen petition, for an amendment to the Weymouth Zoning Ordinance, Article 28, to place a moratorium on medical marijuana treatment centers in Weymouth. The law, as written, gives the Department of Public Health until April 1, 2013 to adopt regulations governing medical marijuana and treatment centers. We believe that adoption of the moratorium will allow Weymouth a chance to review the Department of Public Health regulations and make a more educated decision on how to best regulate medical marijuana in Weymouth.”

*Maureen DelPrete, Chairperson
Weymouth Board of Health*

Councilor Smart asked Solicitor Lane to clarify that the moratorium encompasses all of the guidelines including cultivation and possession. There was a brief discussion of interpretation of the regulations relating to cultivation, possession and sales. Councilor Harrington noted the regulations would likely need to include safety issues. Vice President O’Connor reviewed the steps the DPH will need to take before it can set regulations by May 1st. He also noted the many areas that the regulations will need to encompass.

Mary Akoury of the Planning Board thanked the Councilors for bringing the issue forward. She noted that this will have a significant effect on the community; noting in particular the impact on Weymouth of illegal use of prescription medication, which is heavily regulated. Whatever the town defines, it will have present and future implications on the town.

The following constituents spoke:

Charles Stewart, 170 Washington Street

He noted he understood the concerns and the need for the moratorium, but questioned the length of it. He asked if the Council has looked at regulations outlined in California and Colorado as a blueprint. He also asked quick resolution for those who need the services. He asked that individual Councilor votes on the matter be transparent. President Mathews responded that all votes are matters of public record and available in the Town Clerk’s office. Vice President O’Connor responded about the length of the moratorium; he noted it’s one year from the DPH deadline, but that if the town crafts its own sooner, the moratorium will be

likewise lifted. He further raised the issue of taxes and Vice President O'Connor responded that these centers are nonprofit and not taxed.

Lyn Frano, 31 Eisenhower Road, and Substance Abuse Prevention Coordinator for the town

She thanked Councilors O'Connor and Smart for proposing the measure. She noted as a community that has a large problem with misuse of prescription drugs and high rates of hospitalization and overdose, the Abuse Prevention team appreciates it being brought forth. Proponents often compare marijuana use with other tightly regulated drug and alcohol use. Even with tight regulations availability leads to an increase in use, especially amongst youth. She noted the community's risk assessment survey has already shown an increase in marijuana use since decriminalization in 2008. The substance abuse prevention team spoke before the DPH and she noted they are getting information from Colorado and California and from coalitions and concerned citizens across the state. There will not be prescriptions issued, but physician recommendations.

Robert Montgomery Thomas, 848 Washington Street

Advised the council to be prudent as an act of the law allowed for this. The state and town could have been more proactive. It is now being challenged as a faulty ballot question. People need this device due to medical issues, and almost seem to be being denied the relief they need.

Rita Walsh, employed at Chapman Middle School and Cohasset resident

She is concerned with preventing problems. This isn't a debate about whether it should be used, but the availability of legal or illegal drugs shouldn't be increased. Since the language is vague, it is necessary to have as much time as possible so that those who need it or able to access it, but those who should be protected should also be.

Ken Cahoun, 1221 Pleasant Street

He asked for clarification regarding medical treatment centers versus dispensaries; these are two different things. Marijuana is a plant and there are those, including himself who would benefit from its use and he does not want to see the process delayed. Solicitor Lane responded that the medical treatment center will provide the product through the use of a dispensary agent. Mr. Cahoun asked if the town will issue permits for agents or centers. He also commented that security would be a burden on those who choose to grow it at home for their personal use. President Mathews noted that if the town has its own regulations in place earlier, it can lift the moratorium sooner. Mr. Cahoun asked if the town intends to wait until DPH has its regulations set before starting to craft its ordinance. Vice President O'Connor responded that he and Councilor Smart have been working on this for several months already. Councilor Smart noted the town will need to review the guidelines DPH proposes in order to have a framework from which to work.

Maureen DelPrete, Chair, Board of Health

She noted it's an incredible board that wants to do what's best for citizens and not keeping anything from the public. The town has always done the best as far as public health. This is

about protecting people's safety and security. The town has had so many mandated services handed down and the town has always stepped up and done it right.

Robert Montgomery Thomas again spoke. He asked if the town has the talent to provide a thought process to pass along to the DPH to obtain input on how the regulations should be crafted, or wait for them to provide it. He volunteered for any committee that wants to do it. He is not opposed to the moratorium; he does not want to see the town wait for the state to dictate what will be done. President Mathews responded that Lyn Frano has testified before the DPH on this matter. Lyn Frano responded that the Substance Abuse Coalition has also sent a letter to the DPH.

A MOTION was made by Vice President O'Connor to close the public hearing on measure 13 011- Proposed Zoning Amendment-Moratorium on Medical Marijuana Treatment Centers and was seconded by Councilor Smart. UNANIMOUSLY VOTED, 10/0.

A MOTION was made by Vice Chairman Chandler to close the public hearing on measure 13 011- Proposed Zoning Amendment-Moratorium on Medical Marijuana Treatment Centers and was seconded by Sandra Williams. UNANIMOUSLY VOTED.

The Planning Board recessed to consider the matter.

13 010-Special Purpose Stabilization Fund-Legion Field Design and Construction Plans

A MOTION was made by Vice President O'Connor to open the public hearing on measure 13 010- Special Purpose Stabilization Fund-Legion Field Design and Construction Plans, noting its publication on February 22, and was seconded by Councilor Smart.

Councilor Hackett requested as a point of order that each of the public hearings: 13 010-Special Purpose Stabilization Fund-Legion Field Design and Construction Plans, 13 014-Pingree Field-Legion Design and Construction-Community Preservation Fund, and 13 015-Pingree Field -Legion Design and Construction-Special Purpose Stabilization Fund be opened before a presentation is begun.

13 010-Special Purpose Stabilization Fund-Legion Field Design and Construction Plans

A MOTION was made by Vice President O'Connor to open the public hearing on measure 13 010- Special Purpose Stabilization Fund-Legion Field Design and Construction Plans, noting its publication on February 22, and was seconded by Councilor Smart. UNANIMOUSLY VOTED, 10/0.

13 014-Pingree Field-Legion Design and Construction-Community Preservation Fund

A MOTION was made by Vice President O'Connor to open the public hearing on measure 13 014-Pingree Field-Legion Design and Construction-Community Preservation Fund and was seconded by Councilor Smart. This was published on February 22, 2013. UNANIMOUSLY VOTED, 10/0.

13 015-Pingree Field –Legion Design and Construction-Special Purpose Stabilization Fund

A MOTION was made by Vice President O'Connor to open the public hearing on measure 13 015-Pingree Field –Legion Design and Construction-Special Purpose Stabilization Fund and was seconded by Councilor Smart. This was published on February 22, 2013.
UNANIMOUSLY VOTED, 10/0.

James Clarke and Jeff Bina presented the overview of the turf/grass study. The Stantech Company was hired to conduct a study and make recommendations for improvements. Twenty fields were studied, and six were identified as appropriate locations for major upgrades, turf or grass and based on issues with overuse, parking and maintenance. Mr. Clarke reviewed the locations via a power point presentation in December. At this time, they would like to put forward a start to the improvements beginning with Legion and Pingree fields as these fields can be taken off -line now to get the work started.

Jeff Bina outlined the improvements that have already been completed at Pingree. Since 2007, the site has had several improvements including preloaded with fill from the Greenbush site, contoured, drainage, graded, loamed and hydroseeded wetland replication, stand demolition, and the memorial wall and gates have been refurbished. Last August, Matt Soule presented an architectural plan developed for the site with good public feedback and Stantech incorporated it into an improvement plan which includes a synthetic playing field, walking and running trails, and uses natural grasses and landscaping. Public feedback to the plan is good.

He then reviewed the Pingree plan, noting that improvements call for turf fields; two major playing fields, seven smaller ones, a central play area, practice areas, and an enhanced entrance and parking design. Some of the public feedback included making improvements to Legion and Pingree at the same time in order to lower design costs. Mr. Bina noted that the Mayor is looking to plan for continued maintenance of the fields as part of the improvement plan.

Councilor DiFazio asked if the Council would hear from Auditor Swanson on funding. President Mathews suggested it wait as it is not on the agenda.

Councilor Molisse noted that construction on these two fields will take the pressure off the other fields, and then rotated.

Councilor Conlon noted that at the meeting in August the plan presented for Legion called for grass fields, and this plan now calls for synthetic. He reported that neighbors would not be in favor of a synthetic field and asked what had changed. Mr. Clarke responded that the initial plan suggested grass as a possibility, but this plan also includes a large grass play area, and passive areas which will make use of natural grasses and materials. Grass surface will require additional subsoil studies. The proposal is based on feedback on the use of the field and the cost. Councilor Molisse responded that the Legion Field facility has always been a recreational facility and the turf option deserves to be explored. Mr. Clarke noted that the town will also have to develop a permitting process for field use. Councilor Hackett asked if a proposed plan will include a permitting framework. Mr. Bina responded that it will be studied.

Councilor Smart thanked the committees and the administration for the public process. He urged the public continue to be informed in a public meeting forum. Council President Mathews noted that fields were recently installed at Braintree High School and it might be worth exploring how they were able to obtain lower costs.

The following are comments from the public:

Robert Montgomery Thomas, 848 Washington Street

He noted that whether turf or grass is installed at Legion, there could be an issue with the subsoil that warrants soil sampling before a plan is in place. Mr. Bina responded that part of the design will include soil exploration and analysis. Mr. Thomas asked if Stantech specializes in grass or turf and stands to make more money by recommending either option. Mr. Clarke responded that the suggestion is the result of initial feasibility studies and that Stantech recommended turf based on the amount of use the field will incur.

Steve Reilly, 107 Old Country Way, and Weymouth Recreation Committee

He noted the committee voted its support at their meeting last week. He responded to Councilor Conlon's comments about a synthetic field and feels that the turf is an aesthetically pleasing field and can be incorporated into an overall pleasing space.

Matt Buccella, 215 Roosevelt Rd., and Presidents Hill Neighborhood Association

He is concerned that the study does not address the medical considerations such as carcinogens and blood borne pathogens from synthetic fields. He is happy to see a plan going forward, but there are medical considerations. He also noted security issues will also need to be addressed and availability of the fields to not only special interest groups. It appears the fields are being designed with one group in mind, and the rest of the community will be responsible for paying for it. The fields will have to generate revenue and if they are rented out to do so, then it limits the availability to the rest of the town. He also commented on sustainability. Councilor Smart reported that the Mayor is committed to provide what is needed in terms of manpower and resources to maintain fields. He is comfortable the concerns will be met.

Seamus Moriarty, 19 Sherrick's Farm Road

He noted that he is a soccer coach and that the current fields have not been maintained for over 30 years-there are no grass fields in Weymouth. He is involved in Weymouth soccer programs and their athletes play all over the state. He has seen no health issues as a result of playing on turf fields.

Julie Clark, lifelong resident

She noted her embarrassment with the condition of Legion Field. The town fields are dirt where kids can get injured. Legion was a nice green space; it isn't now, and that a plan to improve them is long overdue.

George Berg, 74 Summer Street

Is a lifelong resident and noted that he is not proud that his children are playing on the same fields. The Council funded a feasibility study to evaluate the fields that incorporated all town departments. Good projects in the town are killed by picking them apart. If all departments are in agreement that this is a good plan then it should go forward. It has been adequately vetted through the public processes. By not moving forward at this stage, the town loses the potential for private partnerships and additional funding mechanisms. He urged the Council to move forward and then determine a method to funding.

Brian Smith, 29 Pierce Road

He noted that he works in Wellesley at Babson College, and he conducted research on the disposition of the fields, the divots in natural grass cause injuries, and synthetic surfaces diminishes it. He also noted that the aesthetics of a turf field may bother Councilor Conlon, but the condition of Central Field, following spring rains, is just as aesthetically displeasing.

Mark DelRosso, 452 Pleasant Street

He stated that the fields aren't primarily being designed for soccer special interest groups; they are larger than all of the others so they can fit other sport uses. If this is approved, it will provide the opportunity to bring in revenue by bringing in tournament play.

Cindy Morrison, 47 Dana Road, and Public Health nurse for the town

She has two children who played soccer; one who was a goalie. They were excited when WHS installed a turf field. The current grass fields are dangerous. As a public health nurse, she has not heard of any blood borne pathogens or communicable diseases as a result of playing on turf.

Robert Montgomery Thomas

Noted that if the town votes to spend the funds; part of it will be test borings. If it is found that the soil will not support the turf, then the matter should come back before the Council prior to spending any more money.

Janelle Quinn, 29 Tamarack Trail

Reported that she spent many years at the Weymouth fields. It's time for the town to take a stand and move forward to improve the fields. This will increase property values.

Councilor Harrington asked for further clarification on the contingency costs. Mr. Clarke provided a breakdown of the estimated costs. The cost of maintenance is not built into the plan. Councilor Harrington asked if there is a source of revenue currently identified for the maintenance of the fields. There is not, but Mr. Clarke responded that it is part of a process; the issue will be addressed when the construction of the project is presented. The Mayor is committed to a plan to that includes continued maintenance. There was a brief discussion of costs to maintain, revenue stream to accommodate and as Councilor DiFazio noted, the Mayor is committed to including maintenance in the plan and has presented a measure to establish a revolving account.

George Berg addressed the revenues based on his knowledge and involvement with sports groups. He noted that he has been approached many times with requests for use of Weymouth's fields. This is an opportunity for the town to obtain revenue from private organizations.

Councilor Conlon noted the presentation not including the cost of grass fields is a glaring omission. Mr. Clarke reviewed general costs for grass options and Councilor Conlon noted that at such a lower cost, it would leave more funding available for maintenance.

Robert Montgomery Thomas suggested the creation of an enterprise fund for the ultimate maintenance and replacement costs as opposed to running them through the general fund.

A MOTION was made by Vice President O'Connor to close the public hearing on measure 13 010- Special Purpose Stabilization Fund-Legion Field Design and Construction Plans and was seconded by Councilor Smart. UNANIMOUSLY VOTED, 10/0.

A MOTION was made by Vice President O'Connor to close the public hearing on measure 13 014-Pingree Field-Legion Design and Construction-Community Preservation Fund and was seconded by Councilor Smart. UNANIMOUSLY VOTED, 10/0.

A MOTION was made by Vice President O'Connor to close the public hearing on measure 13 015-Pingree Field –Legion Design and Construction-Special Purpose Stabilization Fund and was seconded by Councilor Smart. UNANIMOUSLY VOTED, 10/0.

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

13 027-Local Options Meals Excise

Chief Financial Officer William McKinney requested on behalf of the Mayor that the Town of Weymouth accepts MGL Ch.64L §2(a) to impose a local meals excise.

A MOTION was made by Councilor Smart to refer measure 13 027-Local Options Meals Excise to the Budget/Management Committee and was seconded by Councilor McDonald. VOTE PASSED, 9/1 (Vice President O'Connor-NO).

13 028-Reserve Fund Transfer-Town Clerk for Senate Special Election

Chief Financial Officer William McKinney requested on behalf of the Mayor that the Town of Weymouth transfer the sum of \$44,300 from the Reserve Fund (Program 132) to the following line items for the purpose of funding the costs associated with the US Senate Special Election:

Salary	11614118-510001	\$37,100
Election Supplies	11614418-541111	\$3,000
Rental Expenses	11614418-527104	\$300
Telephone Expenses	11614418-534101	\$600
Misc. Expenses	11614418-578103	\$3,300

Total

\$44,300

A MOTION was made by Vice President O'Connor to refer item 13 028-Reserve Fund Transfer-Town Clerk for Senate Special Election to the Budget/Management Committee and was seconded by Councilor Smart. UNANIMOUSLY VOTED, 10/0.

13 027-Appointment to the Commission on Disabilities-Henry Goldman

Chief Financial Officer William McKinney presented the request on behalf of the Mayor that the Town of Weymouth appoint Henry Goldman of 33 Old Country Way to the Commission on Disabilities, for a term to expire on June 30, 2014. This appointment is to fill the vacancy created by the resignation of Janet Walsh.

A MOTION was made by Vice President O'Connor to refer measure 13 029-Appointment to the Commission on Disabilities-Henry Goldman to the Budget/Management Committee and was seconded by Councilor Smart. UNANIMOUSLY VOTED.

REPORTS OF COMMITTEES

Ordinance Committee- Chairman Michael Smart

13 011-Proposed Zoning Amendment-Moratorium on Medical Marijuana Treatment Centers

Councilor Smart reported that this measure was put forward by Council Vice President O'Connor, Councilor Smart and the Mayor. The Ordinance Committee reviewed the measure on March 4, 2013, and voted to forward to the full Town Council with a recommendation for favorable action. A joint public hearing with the Planning Board was held on March 4, 2013.

Councilor Smart reported that the Planning Board reconvened after the public hearing to review measure 13 011-Proposed Zoning Amendment-Moratorium on Medical Marijuana Treatment Centers and APPROVED the proposed zoning amendment by unanimous vote and read the decision into the record:

"The Planning Board has reviewed this proposed measure and listened to the comments and questions at the public hearing. Medical marijuana treatment centers are a new proposed land use in the Commonwealth, and although there are other states where centers are legal, the specific implementation of the ballot question approved in November 2012 is uncertain at this time. The state Department of Public Health has been tasked with developing regulations to implement the ballot initiative, and until those regulations are issued, it would not be prudent to formulate local rules without guidance from the state. The Planning Board understands the need to carefully study the placement of those treatment centers in town, and gauge whether there is any impact to adjacent neighborhoods. For those reasons, we feel that it would be appropriate to take the necessary time to study this issue, and then proceed with well-crafted regulations to address this issue; therefore the Planning Board has voted unanimous approval of measure 03 011-Moratorium on Medical Marijuana Treatment Centers."

Councilor Smart reported that Vice President O'Connor presented the measure to the committee and Solicitor Lane provided guidance. On behalf of the Ordinance Committee, a MOTION was made by Councilor Smart to APPROVE measure 13 011-Proposed Zoning Amendment-Moratorium on Medical Marijuana Treatment Centers and was seconded by Councilor Hackett. As a point of information, Council President Mathews noted that the full text of the motion out of ordinance be read into the record.

Councilor Smart made a MOTION to WITHDRAW his motion and was seconded by Councilor Molisse. UNANIMOUSLY VOTED.

On behalf of the Ordinance Committee, a MOTION was made by Councilor Smart; that the Town of Weymouth Zoning Ordinance is amended as follows:

“A. *Amend the Table of Contents by adding:*

*Article XXVIII
Moratorium – Medical Marijuana Treatment Centers*

B. *Amend the Zoning Ordinance text by adding the following as Article XXVIII:*

*Article XXVIII
Moratorium – Medical Marijuana Treatment Centers*

120-130. Purpose

The Massachusetts Medical Marijuana Initiative, also known as Ballot Question Three, was approved by voters at the Massachusetts State election on November 6, 2012. The law regulates the cultivation, distribution, possession, and use of marijuana for medical purposes. The law is effective on January 1, 2013 and the State Department of Public Health is directed to promulgate regulations regarding implementation of the law within 120 days after the law's effective date.

Under the current Zoning Ordinance, a medical marijuana treatment center is not defined and is not a permitted use in the town. The Department of Public Health regulations should provide guidance to communities regulating medical marijuana treatment centers at the local level. As this is a new type of land use in the state, there will be unique and new aspects to the use that could require oversight and regulations. These local impacts, which could be legal, land use, public safety, and public health, should be evaluated and addressed in a comprehensive manner in the Zoning Ordinance prior to the permitting of medical marijuana treatment centers. The moratorium, of a finite duration, will allow the town to carefully study the potential impacts, both primary and secondary, of such centers and, through a directed planning process, recommend zoning ordinance amendments to address the town's concerns in the context of the Master Plan and other town planning goals and objectives.

120-131. *Definition*

“Medical Marijuana Treatment Center” shall mean a “not-for-profit entity, as defined by Massachusetts law only, registered by the Department of Public Health, that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oil or ointments), transfer, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to qualifying patients or their personal caregivers.”

120.132. *Establishment and Duration*

A. *No building permit, special permit, variance, site plan or other permit may be issued under this zoning ordinance, and no use of land or structures shall be allowed for the purpose of establishing a medical marijuana treatment center or associated activities.*

B. *The moratorium shall be in effect through and including May 1, 2014, or until such time as zoning amendments are adopted that address medical marijuana treatment centers and associated activities, whichever shall be sooner.*

120-133. *Applicability*

This Article shall be effective in all zoning districts in the town, including overlay districts”.

The MOTION was seconded by Vice President O'Connor.

Vice President O'Connor noted there was a question at the public hearing regarding the vote on this measure, and he requested a roll call vote.

Councilor Conlon commended Vice President O'Connor and Councilor Smart for the proactive stance on the zoning amendment moratorium on medical marijuana treatment centers. Proponents of medical marijuana have a well-financed lobbying group. It is important that the town has control over treatment centers if they choose to locate in Weymouth.

Councilor Harrington noted that this is coming into being because it was a mandate of the people; about 2/3 of the people in the state wanted this to occur. He noted it is important to take into consideration that the drug will probably ease some people's pain and suffering and that being the case is something that has to be pursued, but not something that has to be done hastily. This is a big societal change and the town needs to take the time to do it right.

A ROLL CALL VOTE was taken by Town Clerk Kathy Deree: Councilor Burke-YES, Councilor Conlon-YES, Councilor DiFazio-YES, Councilor Hackett-YES, Councilor Harrington-YES, Councilor McDonald-YES, Councilor Molisse-YES, Vice President O'Connor-Yes and President Mathews-YES. UNANIMOUSLY VOTED, 10/0.

Budget/Management Committee –Chairman Kenneth DiFazio

13 017-Appointment to the Community Preservation Committee-Patricia O’Leary

This matter was referred to the Budget/Management Committee on February 19, 2013. The committee met on February 28, 2013 and voted to forward measure 13 017-Appointment to the Community Preservation Committee-Patricia O’Leary to the full Town Council with a unanimous recommendation for favorable action. Ms. O’Leary was not able to be present for the Budget/Management meeting; however, Councilor DiFazio noted she is well known to many of the council members.

On behalf of the Budget/Management Committee, a MOTION was made by Councilor DiFazio and in accordance with section 2-10 of the Town Charter, the Town of Weymouth appoints Patricia O’Leary of 999 Commercial Street to the Community Preservation Committee for a term to expire on June 30, 2014, and was seconded by Councilor Smart. This appointment is to fill the vacancy due to the resignation of Donna O’Sullivan.
UNANIMOUSLY VOTED, 10/0.

13 018-Appointment to the Redevelopment Authority-Steven McCloskey

This matter was referred to the Budget/Management on February 19, 2013. The committee met on February 28, 2013 and voted to forward item 13 018-Appointment to the Redevelopment Authority-Steven McCloskey to the full Town Council with a unanimous recommendation for favorable action. Mr. McCloskey was invited to the table, and he reported on his interest in serving.

On behalf of the Budget/Management Committee, a MOTION was made by Councilor DiFazio, that under 2-10 of the Town Charter, the Town of Weymouth appoint Steven McCloskey of 38 Saunders Street to the Redevelopment Authority for a term to expire on June 30, 2018, and was seconded by Councilor Smart. Council Vice President O’Connor and Councilor Burke both reported they were familiar with the candidate and spoke in his favor. This appointment is to fill the vacancy due to the resignation of Thomas Vincent.
UNANIMOUSLY VOTED, 10/0.

Joint Meeting of Budget/Management and Public Parks and Recreation Committees-Chairs Kenneth DiFazio and Michael Molisse

Councilor Molisse reported that 13 010, 13 014 and 13 015 were referred to the Public Parks and Recreation Committee on February 19, 2013. The committees met jointly on February 28, 2013 and reviewed. He briefly reviewed some of the discussion that took place at the joint meeting. The Mayor also addressed publicly some of the concerns regarding the maintenance aspect. A public hearing was held on March 4, 2013.

13 010-Special Purpose Stabilization Fund-Legion Field Design and Construction Plans

Councilor DiFazio reported that this matter was referred to the Budget/Management Committee on February 19, 2013. The committee met and deliberated on February 28, 2013. A public hearing was held on March 4, 2013.

On behalf of the Budget/Management Committee, a MOTION was made by Councilor DiFazio to approve measure 13 010-Special Purpose Stabilization Fund-Legion Field Design and Construction Plans; that the Town of Weymouth transfers the sum of \$300,000 from the Special Purpose Stabilization Fund for the purpose of funding the costs associated with the design and construction plans for Legion Field and was seconded by Councilor Molisse.

Councilor Conlon stated that he would not support this measure.

Councilor Burke supports the measure and noted this is the next step in a process. Councilor Hackett said it's been nine years since Legion was decommissioned; it's past time to get this done. Councilor Molisse voiced his support; he noted it is time to move forward on the design process. Councilor Harrington reported that he has reservations with regard to the financial plan surrounding the maintenance, but that the improvements will enhance property values and everyone will profit. Councilor DiFazio reported that he could talk for hours on this- it's been a long process with incredible effort by many to get these three measures moved forward. He has long been an advocate for passage.

VOTE CARRIED, 9/1 (Councilor Conlon-NO).

13 014-Pingree Field-Legion Field Design and Construction Plans Funding-Community Preservation Fund

This matter was referred to the Budget/Management Committee on February 19, 2013. The committee met on February 28, 2013 and voted to forward to the full Town Council with a unanimous recommendation for favorable action. A public hearing was held on March 4, 2013.

On behalf of the Budget/Management Committee, a MOTION was made by Councilor DiFazio to approve 13 014-Pingree Field-Legion Field Design and Construction Plan Funding-Community Preservation Fund; that the Town of Weymouth raise and appropriate the sum of \$150,000 from the Community Preservation Fund for the costs associated with the design and construction plans for the Pingree and Legion Fields and was seconded by Councilor Smart. UNANIMOUSLY VOTED, 10/0.

13 015-Pingree Field-Legion Field Design and Construction Plans Funding-Special Purpose Stabilization Fund

This matter was referred to the Budget/Management Committee on February 19, 2013. The committee met on February 28, 2013 and voted to forward to the full Town Council with a unanimous recommendation for favorable action. A public hearing was held on March 4, 2013.

On behalf of the Budget/Management Committee, a MOTION was made by Councilor DiFazio to approve measure 13 015-Pingree Field-Legion Field Design and Construction Plans Funding-Special Purpose Stabilization Fund; that the Town of Weymouth raise and appropriate the sum of \$100,000 from the Special Purpose Stabilization Fund for the purpose of funding the costs associated with the design and construction plans for Pingree and Legion Fields and was seconded by Councilor O'Connor.

Councilor Hackett commended Councilors DiFazio and Molisse. She noted that a comment was made earlier that the town deserved Legion Field; the children of the town deserve Pingree.

Councilor Harrington noted that he still has concerns with maintenance. The town does not have a great record and he suggested that he would like to see a strong maintenance plan to move it to the next stage.

UNANIMOUSLY VOTED, 10/0.

NEW BUSINESS

Capital Improvement Plan for FY2014-Councilor Kenneth DiFazio

A MOTION was made by Vice President O'Connor to refer Capital Improvement Plan for FY2014 to the Budget/Management Committee, and was seconded by Councilor Smart. UNANIMOUSLY VOTED.

ADJOURNMENT

The next Town Council Meeting has been scheduled for Monday, March 18, 2013. At 10:25 PM; there being no further business, a MOTION was made by Vice President O'Connor to adjourn the meeting and was seconded by Councilor Smart. UNANIMOUSLY VOTED.

Respectfully submitted by Mary Barker as Recording Secretary

Approved by Council President Arthur Mathews