

TOWN COUNCIL MINUTES
Town Hall Council Chambers
March 18, 2013, Monday

Present: Arthur Mathews, President
Patrick O'Connor, Vice President
Francis Burke, Councilor
Robert Conlon, Councilor
Ed Harrington, Councilor
Thomas J. Lacey, Councilor
Brian McDonald, Councilor
Michael Molisse, Councilor
Michael Smart, Councilor

Not Present: Jane Hackett, Councilor
Ken DiFazio, Councilor

Also Present: William McKinney, Chief Financial Officer
George Lane, Town Solicitor
Kathy Deree, Town Clerk
Richard Swanson, Town Auditor
Michael Gallagher, Director of Administrative & Community Svcs.
James Clarke, Director Planning & Community Development

Recording Secretary: Mary Barker

President Mathews called the Town Council meeting to order at 7:30 PM. After the Pledge of Allegiance, Kathy Deree called the roll, with Councilors Hackett and DiFazio absent. President Mathews reported that Councilor Hackett called to say she could not attend.

ANNOUNCEMENTS

Councilor Burke announced a meeting on March 26, 2013, 6:30-8:00 PM, with MassDOT, regarding the Fore River Bridge replacement project and plans going forward.

Councilor Smart announced Troop 9 Boy Scouts will hold a can & bottle drive on March 30, 2013, 9 AM-1 PM in the parking lot of the Pond Plain Improvement Center on Pond Street.

MINUTES

Budget/Management Committee Meeting minutes February 19, 2013

A MOTION was made by Vice President O'Connor to approve the minutes from the Budget/Management Committee meeting of February 19, 2013, and was seconded by Councilor Smart. UNANIMOUSLY VOTED.

Town Council Meeting minutes February 19, 2013

A MOTION was made by Vice President O'Connor to approve the minutes from the Town Council meeting of February 19, 2013, and was seconded by Councilor Smart. UNANIMOUSLY VOTED.

Joint Budget/Management Committee and Public Parks and Recreation Committee Meeting minutes February 19, 2013

A MOTION was made by Vice President O'Connor to approve the minutes from the joint Budget/Management Committee and Public Parks and Recreation Committee meeting of February 19, 2013, and was seconded by Councilor Smart. UNANIMOUSLY VOTED.

PUBLIC HEARINGS

13 019-Street Acceptance/Tanner Terrace

13 020-Street Acceptance/Fredith Road

13 021-Street Acceptance/Echo Avenue

13 022-Street Acceptance/Duncan Circle

13 023-Street Acceptance/Okala Road

13 024-Street Acceptance/Paris Street

13 025-Street Acceptance/Joan Terrace

A motion was made by Vice President O'Connor to OPEN the public hearing on measures 13 019-Street Acceptance/Tanner Terrace, 13 020-Street Acceptance/Fredith Road, 13 021-Street Acceptance/Echo Avenue, 13 022-Street Acceptance/Duncan Circle, 13 023-Street Acceptance/Okala Road, and 13 025-Street Acceptance/Joan Terrace and was seconded by Councilor Smart. UNANIMOUSLY VOTED.

Jim Clarke, Planning Director, presented the requests. Accepting private roads has been done several times since the new form of government was established, although none have been in the last few years. By accepting a private way as a public road, it allows the town to count them in calculating road improvement funding from the state. On a private way, the abutter owns to the center line of the street and the town does plowing and trash

pick up but not improvements. Once accepted, the town becomes responsible for the improvements of the road. They do not generally propose acceptance if a roadway needs a lot of work to make it acceptable. All of these roads are less than 1000 feet long. Mr. Clarke reviewed each:

- Tanner Terrace is off of Thicket Street and the Holly Estate subdivision approved in 2004. Homes were built and the roadway completed over the last few years.
- Fredith is off of Pleasant Street in East Weymouth and was laid out in the 1950's. This request is the result of a citizen request. There are just a handful of houses and the street is about 400 feet long and in decent shape.
- Echo Ave. was part of the Redevelopment Authority project on the south cove of Whitman's Pond and is 610 feet in length. Construction on this and two others (Joan and Paris) was completed in 2006.
- Duncan Circle is part of a subdivision created around 2008. It has 5 house lots on the circle, it comes in off of Pleasant Street and is 647 feet long.
- Okala Road is located by the commuter rail line in East Weymouth and was part of the MBTA project and provided a new access point from an existing driveway of one property in 2007. The roadway is 267 feet long.
- Paris Street is located in the Whitman's Pond area and runs between Joan Terrace and Echo Avenue, and is part of the Redevelopment Authority project at 475 feet long.
- Joan Terrace is about 520 feet long.

Mr. Clarke noted that accepting these roadways does not indicate any work is being done. The layouts will remain without changes and acceptance includes easements. The town engineer has reviewed each street. The town currently has 142 accepted miles of streets which are calculated in Chapter 90 funding. Solicitor Lane noted that by adopting, by order of taking and invoking powers of eminent domain, the roadway becomes the property and responsibility of the town of Weymouth.

Councilor Burke asked if any of these roadways were counted in the recent pavement study. They were not, because they are currently considered private ways. Mr. Clarke noted a visual check of these roads was performed. Councilor Burke asked how these roads would fit into the paving schedule. Mr. Clarke responded that none of them need work-many were recently paved and in good shape.

Councilor Smart asked if there are any open bonds for these. Mr. Clarke responded that as part of the subdivision process, all work must be done and signed off by the developer. All work was completed and these were released. The Planning office reviewed the punchlists.

Councilor Conlon noted many of the roads are in fairly new developments- and questions why they aren't accepted when the development was done. Mr. Clarke responded that acceptance is not always done as part of completion of a subdivision project. Councilor Conlon asked if they all met the regulations to be accepted when they were built. Mr. Clarke noted that not all meet the 40' right-of-way, but were exempted.

Councilor Burke asked if the process usually is initiated by the residents. Mr. Clarke responded that it sometimes is; other times it's part of a restoration. There are signoffs on any easements; engineering is careful to put those in place.

Solicitor Lane noted the process has developed into an economic process now. It wasn't that way ten years ago. Title exams and recording plans cost less because with advancements in technology, title work can be done by computer. Registered land recording reference costs were also prohibitive then. Recent subdivision plans can be used as the plan in the taking process, which saves money. The town will not accept roads without ungranted interior easements.

Councilor Lacey asked the costs that accelerate or slow down the process. He asked the number of miles still private and thereby opportunities for the town for additional funding from the state. He asked that it be prioritized given the budget restraints the town is working with. Jim McGrath will get that information to the Council.

The following comments were made by the public:

Rick Tantillo, 17 Joan Terrace noted that the walls on Joan Terrace are leaning and the caps are falling off. Jim McGrath noted that the walls were built in 2006 and are single individual block walls. DPW and Planning will inspect. Council President Mathews asked the DPW to review this before the next public hearing.

Gary Snell 22 Alatura Road noted his address will change as a result of the taking and asked at what point in the process that will occur. Jim McGrath and Jim Clarke noted they will coordinate it. Mr. Snell asked if it will be registered on the deed. Jim McGrath responded that deeds are usually identified by parcel not address description. Solicitor Lane noted that in the eventual process, the order of taking will include each name affected, and on the order of taking it will indicate the proposed new address on the document recorded with the Norfolk Registry of Deeds.

Council President Mathews reviewed the acceptance process. The request is initially a measure requiring a public hearing. Abutters are notified 7 days prior to a scheduled public hearing. Once the initial public hearing is closed, the town has 120 days in which to take the following action:

- Refer to the Ordinance Committee for consideration of the request for approval of the layout
- Referral to the planning board
- Planning board holds public hearing and makes its recommendation to the town council
- Ordinance committee meets again after second public hearing
- Town Council makes its recommendation whether or not to accept the taking.

There was a brief discussion with Solicitor Lane regarding the internal process; specifically whether to close the public hearing or continue. Mr. Lane recommended closing the public hearing at this time.

A motion was made by Vice President O'Connor to close the public hearing on measures 13 019-Street Acceptance/Tanner Terrace, 13 020-Street Acceptance/Fredith Road, 13 021-Street Acceptance/Echo Avenue, 13 022-Street Acceptance/Duncan Circle, 13 023-Street Acceptance/Okala Road, and 13 025-Street Acceptance/Joan Terrace and was seconded by Councilor Smart. UNANIMOUSLY VOTED.

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

13 031-Free Cash-Police Department Replacement Vehicle

Chief Financial Officer William McKinney requested on behalf of the Mayor that the Town of Weymouth raise and appropriate the sum of \$30,000 from free cash for the purpose of funding the costs associated with the purchase of a new Police Department replacement vehicle.

A MOTION was made by Vice President O'Connor to refer measure 13 031-Free Cash-Police Department Replacement Vehicle to the Budget/Management Committee and was seconded by Councilor Smart. UNANIMOUSLY VOTED.

13 032-Reserve Fund Transfer-Auto/Property/Liability Insurance

Chief Financial Officer William McKinney requested on behalf of the Mayor that the Town of Weymouth transfer the sum of \$5,000 from the reserve fund for the purpose of funding the costs associated with an increase in insurance rates.

A MOTION was made by Vice President O'Connor to refer measure 13 032-Reserve Fund Transfer-Auto/Property/Liability Insurance to the Budget/Management Committee and was seconded by Councilor Smart. UNANIMOUSLY VOTED.

13 033-Appointment to the WETC Board of Directors-Glenn Heath

Chief Financial Officer William McKinney presented the request on behalf of the Mayor that the Town of Weymouth appoint Glenn Heath of 44 Wood Avenue to the WETC Board of Directors, for a term to expire on June 30, 2016.

A MOTION was made by Vice President O'Connor to refer item 13 033-Appointment to the WETC Board of Directors-Glenn Heath to the Budget/Management Committee and was seconded by Councilor Smart. UNANIMOUSLY VOTED.

REPORTS OF COMMITTEES

Education Committee- Chairman Thomas J. Lacey

Determine Optimal Classroom Size

Councilor Lacey reported that the committee met earlier this evening with attendance from school administration, to discuss classroom size. A healthy discussion ensued regarding classroom size and net school spending. Councilor Harrington did a good job presenting the information.

The school administration will come back to the committee with financial figures to provide optimal class size, meet net school spending, and funding needed to maintain fields.

Public Works Committee/Chairman Ed Harrington

Department of Public Works Staff Reductions and Privatization of Town Services

Councilor Harrington reported the Public Works Committee met with DPW administration earlier in the evening and discussed staffing reductions from 1973 to today and the privatization of trash pickup services. There are unfilled positions that result in reduction in public services. The department will put together a list of needs and vehicle replacement schedule with costs and come back to the committee to further discuss.

NEW BUSINESS

03 030-Town Clerk-Call of the Special State Primary Election-April 30, 2013-action requested under 2-9 (b), same night action

A MOTION was made by Vice President O'Connor to consider 03 030-Town Clerk-Call of the Special State Primary Election-April 30,2013 under 2-9 (b), same night action, and was seconded by Councilor Smart. UNANIMOUSLY VOTED.

A MOTION was made by Vice President O'Connor to approve, as follows:

“In the name of the Commonwealth, the Town of Weymouth is hereby required to notify and warn the inhabitants of said town, who qualified to vote in the Special State Primary Election to vote on Tuesday, April 30, 2013.”

and was seconded by Councilor Smart. UNANIMOUSLY VOTED.

Council President Mathews noted that citizens can call the Clerk's office for information regarding registration to vote in this election.

ADJOURNMENT

The next Town Council Meeting has been scheduled for Monday, April 1, 2013. At 8:14 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