

***Town Council Meeting
November 12, 2013 at 7:30 PM
Town Council Chambers***

Present: Arthur Mathews, President
Francis Burke
Robert Conlon
Kenneth DiFazio
Jane Hackett
Ed Harrington
Thomas J. Lacey
Brian McDonald
Michael Molisse
Michael Smart

Also Present: Richard Swanson, Town Auditor
Kathy Deree, Town Clerk
George Lane, Town Solicitor
Kenan Connell, Proposed DPW Director
Robert O'Connor, Interim DPW Director
Captain Joseph Comperchio, WPD

Recording Secretary: Diane Hachey

President Mathews called the Town Council Meeting to order at 7:33 PM.

Following the Pledge of Allegiance, Kathy Deree conducted roll call with all present.

Minutes:

Ordinance Committee Meeting Minutes of October 7, 2013

Councilor O'Connor motioned to approve the Ordinance Committee meeting minutes of October 7, 2013, motion seconded by Councilor Smart and voted unanimously.

Town Council Meeting Minutes of October 7, 2013

Councilor O'Connor motioned to approve the Town Council Meeting minutes of October 7, 2013, motion seconded by Councilor Smart and voted unanimously.

Public Works Committee Meeting Minutes of October 8, 2013

Councilor O'Connor motioned to approve the Public Works Committee Meeting minutes of October 8, 2013, motion seconded by Councilor Smart and voted unanimously.

Special Town Council Meeting Minutes of October 8, 2013

Councilor O'Connor motioned to approve the Special Town Council Meeting minutes of October 8, 2013, motion seconded by Councilor Smart and voted unanimously.

Public Hearings

7:35 PM 13 126-National Grid-Gas Main Petition-Donnellan Circle

President Mathews stated that the paperwork was received to install a gas main at 144 Donnellan Circle on October 16, 2013, the constituent requesting the installation had previously contacted National Grid to cancel the work order and unfortunately the town was never notified. The town proceeded to notify abutters and post the public hearing as is the procedure. On November 7th the constituent contacted the Town Council office stating that he no longer wants the work to go forward. Since the request for a gas main installation has been rescinded, it is not necessary to hold the public hearing.

Councilor O'Connor motioned to withdraw measure number 13 126, seconded by Councilor Harrington and unanimously voted.

Councilor Hackett motioned to take "Reports of Committees" out of order, seconded by Councilor Smart and voted unanimously.

Reports of Committee

Ordinance Committee-Chairman Michael Smart

13 113-Rezone 1267 Washington Street

-Application Submitted by Michael Krause of ETI Realty LLC

-Map 35,Block 446,Lot 17-from Highway Transition and Industrial 1 to Industrial 1

Chairman Smart noted that this measure was referred on August 12, the committee met on October 7, and also held a joint public hearing that evening. The committee met again this evening and voted unanimous favorable action. He read the Planning Board's recommendation into the record as follows:

"The applicant, Michael F. Krause, owner of the subject property at 1267 Washington Street has petitioned the Town of Weymouth to rezone his property from its current designation as Highway Transitional (HT) and Limited Industrial (I-1) to all I-1. The parcel, sheet 35, block 446, lot 17, is zoned HT from the Washington Street property line 240' into the lot. The remaining portion of the lot is zoned I-1. The I-1 zone is currently over 60% of the total lot area which is 77,254 square feet.

There was a joint public hearing on this request by the Planning Board and Town Council on October 7, 2013. The applicant stated that he intended to erect a building on the site for the repair of automobiles. He stated that he met with neighbors on September 21, 2013, and has tried to address several concerns stemming from a prior use of the property. No one from the public spoke at the hearing.

This property abuts Weymouth Industrial Park to the south and west. That land is zoned I-1. The HT designation was passed by Town meeting in 1990. The area had been a General Business (B-2) zone. The HT zoning district, and other districts created in 1990, was enacted to address concerns over rapid development along the major highways in the Town.

In this case, the split zone impedes the efficient use of the lot. The shape of the lot, with a frontage of 40' going into the lot approximately 130', limits development opportunities near the street. More intensive uses on the lot will be confined to the rear portions.

The public hearing was closed on October 7, 2013 and deliberation was continued to the October 29, 2013 Planning Board meeting. The Planning Board notes the following reasons in support of the application:

- 1. Over 60% of the lot is zoned I-1 and industrially zoned parcels are located to the south and west of the applicant's property.*
- 2. The frontage and access off Washington Street has limited potential for development.*
- 3. Unifying the zoning on the lot will allow for more efficient use of the lot.*
- 4. Previous rezoning by the Town has tried to reduce split zone conflicts where appropriate.*
- 5. This request is not inconsistent with the Master Plan or other specific plans for the Town.*

For these reasons, the Planning Board voted 4-0-1 (Flynn, Williams, Chandler, Hurley voted in favor, Akoury abstained) to recommend favorable action on Measure 13-113."

Chairman Smart motioned on behalf of the Ordinance Committee for favorable action on measure number 13 113, motion seconded by Councilor O'Connor. President Mathews noted that this requires a 2/3 vote- voted unanimously.

13 119-Licensing of Junk Dealer and Dealers in Precious Metals Ordinance Amendment

Councilor Smart noted that this measure was referred on September 3, the committee met on October 7 and held a public hearing. The committee met again this evening and voted unanimous favorable action. He noted that this change will increase rules for selling precious metals and help the police department track sales. It was noted that approximately 5 shops (of 19) actively are involved. The current ordinance is outdated and needs to be amended. Councilor Smart motioned for favorable action, on behalf of the Ordinance committee on measure number 13 119-motion seconded by Councilor McDonald and voted unanimously.

13 123-Public Consumption of Marijuana Ordinance

Councilor Smart noted that this measure was referred on September 23, the committee met on October 7 and held a public hearing. The committee met again this evening and voted unanimous favorable action. He motioned on behalf of the Ordinance Committee, for favorable action on measure number 13 123 as follows: “That the Town of Weymouth, through Town Council, amend the Code of Ordinances, Chapter 6: Preservation of Public Peace and Order, Section 6-102: Public Consumption of Marihuana (Marijuana), Tetrahydrocannabinol or Marihuana (Marijuana) Infused Products.

Motion seconded by Councilor O’Connor and voted unanimously.

Intermunicipal Agreements

Chairman Smart noted that this issue was referred by Councilor Lacey and Solicitor Lane subsequently issued his written opinion dated October 3, 2013. There is no need for a vote as this is considered an issue and he is reporting out for housekeeping purposes.

Councilor Lacey respects Solicitor Lane’s work and opinion but questions the decision and Solicitor Lane’s interpretation of the Mass. General Law as he has a differing interpretation.

Council President Mathews confirmed that he agrees with Councilor Lacey and noted that he is not comfortable either. MGL and the town’s charter have differences.

Solicitor Lane noted that the charter speaks to this (namely section 1-6) and authorizes the Mayor to act jointly with other governing agencies-and supersedes Chapter 40 section 4A. Additionally, Solicitor Lane confirmed this with Charter Counsel.

Councilor Lacey responded that Solicitor Lane reiterated his opinion but for the record appreciates his opinion but is not in agreement.

Budget/Management Committee-Chairman Kenneth DiFazio

13 125-Appointment as Department of Public Works Director-Kenan Connell

Mr. O’Connor presented Kenan Connell to the Town Council, on behalf of Mayor Kay, noting that he was her selection.

Mr. Connell stated that he is a Marshfield resident with more than 26 years of experience in the field. He previously held the position of DPW Superintendent for the town of Abington. Prior to that he held the position of operations foreman for the town of Marshfield.

Councilor DiFazio noted that this measure was referred on September 23, 2013, the committee met on November 12, 2013, and voted unanimous favorable action. On behalf of the Budget/Management Committee, he requests favorable action to appoint Kenan Connell as the Director of Public Works, motion seconded by Councilor O’Connor.

Councilor O'Connor welcomes Mr. Connell and noted the many challenges brought up at the Budget/Management Committee. Mr. Connell looks forward to his new role and Councilor O'Connor extended his gratitude to Mr. O'Connor for coming out of retirement to assume the role of Interim Director.

Councilor Molisse asked Mr. Connell what his vision is for the department. Mr. Connell's goal is for continuity of services and becoming familiar with the operations of the DPW.

Councilor Harrington welcomed Mr. Connell and as chair of the Public Works Committee would like him to appear to answer some questions.

Councilor Conlon welcomes Mr. Connell and will call him tomorrow with a constituent issue.

Motion passes unanimously.

Mayor Kay's New Automated Trash Recycle Program

Chairman DiFazio notes that this issue was referred on September 3 and the committee has met several times, again tonight and he will report out at a future Town Council Meeting.

(revert back to agenda –“Communications and Reports from the Mayor”)

13 127-Amendment to the Zoning Ordinance-“Exception by Board of Zoning Appeals” Section

Mr. O'Connor presented on behalf of the Mayor's Office and requests the zoning ordinance, as related to the subdivision of undersized lots in article XV, section 120-53 “exceptions by the board of zoning appeals is amended.

Councilor O'Connor motioned for referral to the Ordinance Committee, motion seconded by Councilor Smart, motion passes unanimously.

13 128-Appointment to the Board of Library Trustees-Vicki Kaufman

The Mayor requests in accordance with section 2-10 of the charter, that Vicki Kaufman of 55 Tall Oaks Drive be appointed to the Board of Library Trustees, with a term to expire on June 30, 2016.

Councilor O'Connor motioned for referral to the Budget/Management Committee, motion seconded by Councilor Smart, motion passes unanimously.

13 129-Appointment to the Youth Coalition-Mary Jordan-Roy

The Mayor requests that in accordance with section 2-10 of the town charter, that Mary Jordan-Roy of 31 Brae Road, be appointed to the Youth Coalition, with a term to expire on June 30, 2016.

Councilor O'Connor motioned for referral to the Budget/Management Committee, motion seconded by Councilor Smart, motion passes unanimously.

New Business-Proposed Enabling Legislation Changes from Starwood Capital

President Mathews wants to inform the public that this past Friday afternoon, the proposed enabling legislation was received in the Town Council Office and all Councilors are currently reviewing. He has spoken to representatives at Starwood and they will appear at a future meeting to discuss the proposed changes. The proposal has been posted on line for viewing by the public.

Councilor DiFazio requested that a narrative explaining each proposed change in the legislation is completed and distributed to the Council.

Councilor Burke noted that as chair of the Economic Development Committee he has been in constant contact with the Mayor, and he stresses that she is available to discuss. Many Councilors have met with both her and Mr. Glantz regarding estimates of revenue and numbers have not been validated by administration. As the proposed legislation was just received on Friday, everyone is still absorbing and Councilor Burke notes that Mayor Kay and Mr. Glantz are available for questions.

Councilor McDonald spelling asked about the status of the Council's request to Starwood for legal fee reimbursement. He cautions the time constraint issue June 30th or July 14 regarding filing of the regulation.

President Mathews stated that the Council has not received a response to the November 8, 2013 letter to Starwood requesting legal reimbursement, but it is forthcoming in the next few days. The Mayor and Solicitor Lane reviewed the letter and are in agreement; it was further noted that the code of ordinances states that the town solicitor is responsible for the hiring of outside counsel.

With no further business to attend to, Councilor O'Connor motioned to adjourn at 8:21 PM, noting that the next Town Council Meeting will be held on November 18, 2013, motion seconded by Councilor Smart and voted unanimously.

Respectfully Submitted by: Diane T. Hachey as Recording Secretary

Approved by: Council President Arthur Mathews