

TOWN COUNCIL MINUTES
Town Hall Council Chambers
December 5, 2011 - Monday

- Present: Arthur Mathews, Council President
Patrick O'Connor, Vice President
Robert Conlon, Councilor
Edmund Harrington, Councilor
Thomas J. Lacey, Councilor
Michael Molisse, Councilor
Victor Pap, III, Councilor
Michael Smart, Councilor
- Not Present: Kenneth DiFazio, Councilor
Brian McDonald, Councilor
Kevin Whitaker, Councilor
Richard Swanson
- Also Present: William McKinney, Chief Financial Officer
George Lane, Town Solicitor
Richard Swanson, Town Auditor
Franklin Fryer, Town Clerk
Kathy Deree, Assistant Town Clerk
James Clarke, Director of Planning and Development
Michael Gallagher, Director of Administrative Services
Walter Flynn, Chair, Community Preservation Commission
George Loring, Conservation Commission
Scott Dowd, Conservation Commission
- Recording Secretary: Mary Barker

President Mathews called the Town Council Meeting to order at 7:30 PM. Following the Pledge of Allegiance, Town Clerk Franklin Fryer called the roll with three members absent. President Mathews reported that he spoke with the three absent members. Councilors DiFazio and McDonald have work commitments, and Councilor Whitaker has a family obligation.

ANNOUNCEMENTS

Councilor Pap announced for the viewing public that the Town Council voted to send a letter to MassDOT in response to the 25% Fore River Bridge Design and he confirmed the letter has been sent. He also encouraged North Weymouth residents to take the opportunity to pick up and complete the survey available at the Sea Street Post Office urging the branch be kept open.

MINUTES

Economic Development Committee Meeting, November 21, 2011

A MOTION was made by Vice President O'Connor to APPROVE the minutes of the November 21, 2011 Economic Development Meeting and was seconded by Councilor Smart. UNANIMOUSLY VOTED.

Town Council Meeting, November 21, 2011

A MOTION was made by Vice President O'Connor to APPROVE the minutes of the November 21, 2011 Town Council Meeting and was seconded by Councilor Smart. UNANIMOUSLY VOTED.

PUBLIC HEARINGS

11 129-Community Preservation Committee-Whitmans Pond Vegetation Management Plan

A MOTION was made by Vice President O'Connor to OPEN the public hearing on item 11 129 Community Preservation Committee-Whitman's Pond Vegetation Management Plan, which was published on November 25, 2011 and was seconded by Councilor Smart. UNANIMOUSLY VOTED.

Jim Clarke and Walter Flynn presented the measure. Mr. Clarke reported that the proposal is for \$24,800 for a study on a Vegetation Management Plan for Whitman's Pond. The application was proposed by the Conservation Commission in conjunction with some of the working group members that have evolved over the last year; looking at ways to protect the interest of the pond but also deal with the invasive weeds. The proposal was initially reviewed by the Community Preservation Committee on September 8, 2011; there were some questions from several committee members and the public, including the Council President.

Subsequently, the Conservation Commissioner took back the application and held another meeting with the public on November 1, 2011. Based on suggestions and comments at this meeting, the application was reworked. The CPC reviewed the revised application and approved the funding from the Reserve Fund for the project. One year ago, the Council approved \$51,000 (from CPC and Whitman's Pond Association) for chemical treatment of the weeds in the pond, which was going to be done in the spring; however, when the proposal was before the Conservation Commission, the issue was raised with the timing in relation to spawning of herring and approval was not granted.

A working group was then formed, which strived to meet the concerns of the commission as well as the inhabitants around the pond who have been concerned for many years with the invasive weeds in the pond. The goal of the study is to move forward to develop a program which would abate the current conditions while maintaining long term control of the problem and while protecting the spawning habitat of the herring.

If this item passes, an RFP will go out to hire a consultant to work with the working group over the spring and summer with the intent to recommend some action in the fall and move forward in the next calendar year (2013) with actual activities. The intent is to

come up with a management plan that will address the problems. The working group has come up with suggestions for alternatives to chemical treatment to consider that include winter drawdown of the water, dredging, diver-assisted harvesting, spot and full herbicide treatment, aeration and other biological controls.

There have been several prior studies done over the last thirty years. The intent is not to redo work already done, but to take the material, assess the quality and present a plan that can be actively moved forward. Weed harvesting and chemical treatment has already been done, so the results from that will be incorporated. When the Conservation Commission turned down the proposal, the committee went to the state. The Division of Marine Fisheries is in the process of a two-year river herring habitat assessment. The first year is complete; the second year data will be available to compile by the time a management plan is being prepared to eradicate noxious weeds while maintaining a healthy spawning habitat. Mr. Clarke noted that George Loring and Scott Dowd from the Conservation Commission were in attendance and available to answer questions.

Mr. Flynn noted that President Mathews publicly commented at the CPC meeting and based on recommendations from him, the committee chose not to act at that time but to also reconvene the working group. Suggestions brought back to the CPC from the working group were allayed, and the committee then acted favorably to move it forward.

Councilor Smart asked if the \$51,000 previously approved would be returned to the CPC. Mr. Clarke responded that it would remain encumbered in the project line, and will be assessed as the management study goes forward. If the funds cannot be used for the original intent, it will come before the Council through the Mayor to adjust the application. Councilor Smart asked that the prior studies be made available to the Council and the public and requested a list from the Conservation Commissioner be provided for review at Budget/Management Committee.

Tricia Pries, Whitman's Pond Association thanked the CPC, Town Council and the Mayor's Office for support of the proposal. She also recommended that the proposal could benefit from a consultant firm that isn't one of the same groups responsible for the past studies and use the input from all to determine the commonalities. There have been many studies with no action but a common theme has been managing pond levels and avoiding herring slaughter. She reported that she wrote a letter of support for the project which was submitted with the package to CPC and disregarded. She stated that the letter was removed because President Mathews reported that the CPC did not vote specifically on support of the proposal; however, the Whitman's Pond Association had discussed supporting studies in the past. She noted she was disturbed that a member of the Council chose to remove a letter from a package that was supporting a measure to the local government.

President Mathews responded. He noted Ms. Pries was not in attendance at either CPC meeting in which this was discussed. He noted that he did not make any recommendation to the CPC about what action they took, nor did he have a letter removed. In the first meeting of the CPC where the proposal came up, the committee chair asked about the

Whitman's Pond Association's support of the proposal, and that this is in the record of minutes from the meeting. As the only member of the Whitman's Pond Association present at the meeting, President Mathews was asked if the Whitman's Pond Association supported the proposal. He responded "no" and that the proposal had never been discussed at a Whitman's Pond Association meeting prior to it coming before the CPC.

Ms. Pries rebutted that the Whitman's Pond Association has discussed supporting proposals for studies for Whitman's Pond, and in sending an email to the members to attend this meeting, their response was "of course we support it." She will forward the emails to President Mathews but noted that the Association has supported studies being done on the pond, and her point is that her letter was disregarded. She also noted that if the chair of the CPC had any question on the validity of the letter, he should have spoken with her as the president of the Whitman's Pond Association.

President Mathews responded that he did not pull the letter from the packet. Other proposals prior to this had been voted by the Whitman's Pond Association.

Tom Daru, 333 Columbian St., spoke in support of the proposal, and hoped it would be the final study, and then to be able to move forward with a plan.

A MOTION was made by Vice President O'Connor to CLOSE the public hearing on 11 129 and was seconded by Councilor Smart. Councilor Harrington noted that the letter presented to the Whitman's Pond Association was unsigned and therefore not accepted and it was unclear whether it was from Ms. Pries as president of the association or as a private citizen and if as the president, did she have the latitude to put forth the opinion that the whole association supported. She was not present to respond to these questions and the letter was therefore disregarded. UNANIMOUSLY VOTED.

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

11 130-Free Cash-Fire Department Turnout Gear

Mr. Gallagher requested on behalf of the Mayor that the Town of Weymouth raise and appropriate the sum of \$160,000 from Free Cash for the purpose of funding the costs associated with the purchase of fire department turnout gear. This measure requires legal notice and a public hearing. At the time of this measure the balance in Free Cash is \$3,699,892.

A MOTION was made by Vice President O'Connor to refer item 11 130 to the Budget/Management Committee and was seconded by Councilor Smart. Councilor Lacey noted that this item is under a time constraint, and recommend it be given priority. President Mathews reported the public hearing is scheduled for the December 19, 2011 Town Council meeting. UNANIMOUSLY VOTED.

11 131-Free Cash-Special Purpose Stabilization Fund

Mr. Gallagher requested on behalf of the Mayor that the Town of Weymouth raise and appropriate the sum of \$805,498 from Free Cash to be transferred to account 8352-Special Purpose Stabilization Fund-Capital Projects. This measure requires legal notice, a public hearing and a two-thirds vote of Council. At the time of the submittal of this measure the balance in Free Cash is \$3,699,892.

A MOTION was made by Vice President O'Connor to refer item 11 131 to the Budget/Management Committee and was seconded by Councilor Smart.
UNANIMOUSLY VOTED.

11 132-Free Cash-Reserve Fund

Mr. Gallagher requested on behalf of the Mayor that the Town of Weymouth raise and appropriate \$154,304 from Free Cash to be transferred to account 11325201-753100 (Reserve Fund). This measure requires legal notice and a public hearing. At the time of the submittal of this measure the balance in Free Cash is \$3,699,892.

A MOTION was made by Vice President O'Connor to refer item 11 132 to the Budget/Management Committee and was seconded by Councilor Smart.
UNANIMOUSLY VOTED.

11 133-Free Cash-Fire Replace Wood Chipper

Mr. Gallagher requested on behalf of the Mayor that the Town of Weymouth raise and appropriate the sum of \$50,000 for the purpose of funding the costs associated with the purchase of a new wood chipper. This measure requires legal notice and a public hearing. At the time of the submittal of this measure the balance in Free Cash is \$3,699,892.

A MOTION was made by Vice President O'Connor to refer item 11 133 to the Budget/Management Committee and was seconded by Councilor Smart.
UNANIMOUSLY VOTED.

REPORT OF COMMITTEES

Budget/Management Committee- Patrick O'Connor, Vice Chair

11 127-Appointment to the Conservation Commission-David Ericson, Jr.

Councilor O'Connor reported that this item was filed with the Clerk's Office on October 25, 2011 and referred to the Budget/Management Committee on November 4, 2011. The committee met on November 9, 2011 and deferred to Solicitor Lane for a legal opinion and a measure was submitted on December 2, 2011 withdrawing item 11 127.

President Mathews asked Solicitor Lane if formal action is required to accept the withdrawal of the measure by administration. Solicitor recommended action be taken.

A MOTION was made by Councilor O'Connor to ACCEPT the withdrawal of item 11-127 by the administration and was seconded by Councilor Smart. UNANIMOUSLY VOTED.

ADJOURNMENT

The next Town Council meeting will be held on Monday, December 19, 2011. At 7:57PM; 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 Mathews