

**TOWN COUNCIL MINUTES
ORDINANCE COMMITTEE
Town Hall Council Chambers
March 3, 2008**

Present: Kevin Whitaker, Chairperson
Arthur Mathews, Vice-Chairperson
Ed Harrington
Michael Smart

Also Present: George Lane, Town Solicitor
Patrick O'Connor

Not Present: Brian McDonald

Recording Secretary: Janet Murray

Chairperson Whitaker called the Ordinance Committee meeting to order at 6:30pm.

08 003 – Proposed Ordinance Revision – Tax Title Payment Agreements

Councilor O'Connor expressed reservations regarding the tax title abatement. He stated that he understands the pros and cons; he is concerned that there will be massive numbers of abatement requests.

Councilor Harrington stated that this is an abatement of 8% per year. The interest is normally 16% per year. He noted that there is a sunset clause which means that the abatement will only be available for a specific amount of time.

A MOTION was made by Councilor Mathews to recommend Favorable Action on item number 08 003 and was seconded by Councilor Smart and UNANIMOUSLY VOTED.

08 015 Revisions to Municipal Code – Chapter 4

Mayor Kay stated that she has submitted changes to the Municipal Code.

Councilor Mathews asked if the position of Treasurer/ Collector would continue to be held by Mr. Wilson. Mayor Kay stated that Mr. Wilson will assume the Treasure/Collector position and the duties will be assigned to an Assistant Treasurer and Assistant Collector. This has resulted in cost savings and will continue unless there are problems.

She stated that the Human Resource position has been offered to an individual but she is awaiting acceptance and completion of a physical before announcing the hiring.

It was noted that there will be a public hearing on 3/17/08 for this ordinance revision.

Councilor Whitaker stated that Solicitor Lane will assist with language and rewriting of the ordinance as needed.

A MOTION was made by Councilor Mathews to recommend FAVORABLE action on item number 08 015 pending a favorable public hearing and was seconded by Councilor Smart and UNANIMOUSLY VOTED.

07 131 – Proposed Ordinance Revision to Section 3-326 – Community Preservation Committee

Councilor Mathews stated that this matter is still progressing and no action is requested.

A MOTION was made by Councilor Smart to CONTINUE item number 07 131 and was seconded by Councilor Mathews and UNANIMOUSLY VOTED.

07 130 – Proposed Ordinance Revision to Chapter 6/Section 1300-Sex Offender Registry

Councilor Whitaker stated that Councilor O'Connor presented this measure along with Councilor Lacey. The intent of the bill is to put a residency restriction on Level 3, high risk offenders to stay 1500 feet away from schools, parks, playgrounds, and other recreation areas.

Councilor O'Connor stated that the revisions are as follows:

- Stronger penalties recommended to the Mayor
 - \$150 Non-criminal fine, after written notice is sent
 - \$300 Notification to parole officer and sex offender registry board

There are at least six (6) level 3 offenders living in Weymouth. Because of state laws, a level 3 offender who currently lives within the area would be grandfathered at that location.

Councilor O'Connor stated that he does not seek for this measure to move out of committee today as he expects more questions. Also he expects questions from the Mayor, Town Solicitor, the Chief of Police and the Legislative delegation. He stated that he wants a thorough review of the ordinance.

Councilor Smart asked Councilor O'Connor if he had discussed this ordinance with Solicitor Lane.

Solicitor Lane responded that he has attended a seminar regarding this. He stated that the the towns/cities of Marlboro, Chelsea, Fitchburg, Revere, and Springfield have all adopted similar ordinances. Solicitor Lane stated that the ordinance is legal as it stands now.

Solicitor Lane stated that he would like to further discuss a paragraph regarding penalties, and also the reference to Massachusetts General Law (MGL) 272 section 59 as to whether this is applicable. He pointed out that this is an 1871 statute that may be outmoded and unenforceable. He stated that he supports the mission and would like to have further discussion with the Chief of Police.

Councilor O'Connor stated that he plans to submit another revision which would remove the reference to MGL 272.

Councilor Mathews asked for copies of the ordinances from other towns. Solicitor Lane stated that he would provide this information to the Town Council Office.

Councilor Smart asked if removing MGL 272 section 59 would in any way weaken the ordinance. Councilor O'Connor stated that he did not believe that it would.

Councilor DiFazio renewed his request to have our legislative delegation respond either in person or in writing on this topic.

There will be a public hearing on this matter. Councilor Whitaker suggested that the Committee wait until after the public hearing before making any specific recommendations.

Councilor Whitaker expressed concern regarding the recommendation of penalties as opposed to imposing penalties. He asked that Solicitor Lane investigate this further.

A MOTION was made by Councilor Smart to CONTINUE item number 07 130 and was seconded by Councilor Mathews and UNANIMOUSLY VOTED.

Issue – Notice from utility companies prior to work commencement

Councilor Whitaker updated the Committee that he contacted the Administration regarding this issue. He stated that he has forwarded a list to Administration who in turn forwarded the list to Mr. O'Connor, Director of DPW. Mr. O'Connor is currently reviewing the list. Councilor Whitaker stated that Mr. O'Connor pointed out that there are unofficial reciprocity agreements involved.

Councilor Mathews asked if Mr. Murstein could give input on this issue even though this is a public meeting not a public hearing. Councilor Whitaker agreed to allow Mr. Murstein to speak before the Committee.

Mr. Murstein of Broad Street, stated that he had a number of documents concerning notice from the utility companies prior to work commencement. He commented that there should be liability insurance and a performance guarantee. He noted that \$100 will provide a \$10,000 guarantee. Mr. Murstein also recommended that fines be imposed when problems arise.

Councilor Whitaker stated that all of the documents submitted by Mr. Murstein have been forwarded to the Mayor. This issue will be reviewed and recommendations will be made.

Councilor Mathews asked Mr. Murstein if there was anything new since this issue was brought to the Council on 9/21/07. Mr. Murstein stated that the requirement for a performance guarantee is a new piece of information.

Solicitor Lane asked if this was about utility companies putting the streets back into prior condition after work is complete. He stated that he has questions regarding the ability to enforce the payment of fines. He referenced to a case with the City of Newton.

Councilor Whitaker stated that he would forward the paperwork regarding this issue to Solicitor Lane for review.

Councilor Whitaker pointed out that the Rules Committee is made up of the same members as the Ordinance Committee. The next Rules Committee meeting will be Monday, 3/10/08, at 7pm with an Ordinance Committee meeting to follow at 7:15pm.

A MOTION was made by Councilor Mathews to CONTINUE this issue and was seconded by Councilor Smart and UNANIMOUSLY VOTED.

At 7:15pm there being no further business, A MOTION was made by Councilor Mathews to ADJOURN and was seconded by Councilor Smart and UNANIMOUSLY VOTED.

Approved by: _____
Councilor Whitaker, Chairperson