

**TOWN COUNCIL MINUTES  
ORDINANCE COMMITTEE  
Town Hall Council Chambers  
May 5, 2008**

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

Not Present: Brian McDonald

Also Present: Robert Conlon, Councilor  
Kenneth J. DiFazio, Councilor  
Thomas J. Lacey, Councilor  
George Lane, Town Solicitor  
Patrick O'Connor, Councilor

Recording Secretary: Janet Murray

Chairperson Whitaker called the Ordinance Committee meeting to order at 6:50pm.

Communications and Reports from the Mayor, Town Officers, and Town Boards

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

Councilor Whitaker stated the administration provided a map indicating the areas of the town where the residency restriction would apply.

Councilor O'Connor stated that the only changes made to the final version was a deletion of a repetitive sentence and the addition of the words "resulting in".

Councilor Whitaker stated the Council has the authority to impose fines. He stated that no additional enforcing officer is being created.

Solicitor Lane stated that he could research this further if necessary. He also stated that the Council could recommend that a fine be imposed.

Councilor O'Connor stated that the recommendation of a fine is acceptable to him rather than the imposing of a fine. He stated that he would look to the Mayor to come back with an amendment to the ordinance with a final version of the penalty included, prior to the ordinance taking place.

Councilor Lacey stated that the penalty should be pointedly stated. He recommended that this measure be brought out of committee this evening and debated at the full Town Council.

Councilor Mathews stated that the first sentence would be changed to "The following penalties will be imposed by the Town of Weymouth".

A MOTION was made by Councilor Mathews to recommend favorable action on item number 07 130 as amended and was seconded by Councilor Smart.

Councilor Harrington stated that earlier this evening a study was brought to his attention that suggests that other things need to be taken into consideration in regards to sex offenders. He pointed out that the study suggests that a convicted offender trying to rehabilitate himself needs to have a support network which would include living with family members. He stated that he could not in good conscience vote either way on this measure.

Councilor Harrington made a SUBSTITUTE MOTION to put off the vote in order to review this study. The substitute motion was not seconded.

The MOTION passed 3-0 with Councilor Harrington abstaining.

**08 042-Confirmatory Deed-Sportsmen's Club**

Mr. Baldasini stated that he represents Finnell Realty LLC which owns property acquired by the Weymouth Sportsman Club. This parcel is 30 acres

Mr. Baldasini stated that following a title search it would appear that there is a typographical error dating back to 1949. He requested that the Town execute a confirmatory deed.

Solicitor Lane commented that research was done by DPW which confirmed that the deed 12/9/49 has a typographical error as follows:

Parcel 12 – should be 663 – 665 not 663 - “655”. He stated that his recommendation is to report back to the Council with favorable action as the paperwork is in order.

Councilor Mathews asked if this required a public hearing. Solicitor Lane stated that it did not.

A MOTION was made by Councilor Smart to recommend favorable action on item number 08 042 to the Town Council and was seconded by Councilor Mathews and UNANIMOUSLY VOTED.

**08 043-Confirmatory Deed/Plan-Holmes Avenue**

Councilor Whitaker stated this is a request to correct a reference to a sketch instead of a plan.

Councilor Mathews asked if this type of problem is common as he does not recall this type of measure coming before the Council.

Solicitor Lane stated that these issues come up during the course of a title search.

A MOTION was made by Councilor Mathews to recommend favorable action on item number 08 043 to the Town Council and was seconded by Councilor Harrington and UNANIMOUSLY VOTED.

**08 044-15 Winter Court-Water Supply Land**

Solicitor Lane stated that what is now known as Winter Court used to be Winter Street. In 1961, the County Commissioners made a relocation of Winter Street. An 8200 square foot piece of land was cut off. In 1989, the land was deemed no longer needed by the town as water supply land and could therefore be sold.

This property was not sold at auction as it was not in tax title. The town entered into an agreement to sell the land for \$ 11,000.

An act of the legislature is required but was never completed. The Board of Selectman was the town body at the time responsible for the sale of the property. There were a number of attempts to rectify this situation but it never occurred. The current owner would like to sell the property.

A MOTION was made by Councilor Mathews to recommend favorable action to the Town Council and was seconded by Councilor Harrington and UNANIMOUSLY VOTED.

**08 047-Mullin Rule Acceptance**

Councilor Whitaker explained that this measure allows a member or a board member to miss a single meeting and still be able to vote on an issue as long as they review the transcripts, tapes, or recordings of the meeting missed.

Councilor Mathews asked if this applies to the Board of Zoning Appeals and the Planning Board. Solicitor Lane stated that this was true.

Councilor Whitaker suggested the addition of “commission members” following “committee” to the measure.

A MOTION was made by Councilor Smart to recommend favorable action on item number 08 047 as amended to the Town Council and was seconded by Councilor Mathews and UNANIMOUSLY VOTED.

**ADJOURNMENT**

At 7:35 pm, 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: \_\_\_\_\_  
Kevin Whitaker, Chairperson