

TOWN COUNCIL MINUTES
ORDINANCE COMMITTEE & PUBLIC SAFETY COMMITTEE
Town Hall Council Chambers
October 16, 2007

Present: Patrick O'Connor, Chairperson of Public Safety (departed 8:05 pm)
Sue Kay, Chairperson of Ordinance (arrived 8:10pm)
Michael Smart
Arthur Mathews
Kevin Whitaker

Also Present: James Clarke, Director of Planning & Community Development
Georgy Bezkorovainy-Traffic Engineer
Sue Kay
George Lane, Solicitor
Sergeant John Concannon

Not Present: Greg Shanahan

Recording Secretary: Janet Murray

Councilor Smart called the joint meeting of the Ordinance and Public Safety Committees to order at 6:35pm.

07 122-Proposed Ordinance Revision-Chapter 13 (Regulations Effecting Motor Vehicles/Locations of Signs Restricting Operation of Heavy Commercial Vehicles)

Mr. Clarke stated that this item began as a result of an issue brought forward by Councilor Leary regarding truck exclusions on specific streets. As a result of this issue a review of the ordinance is being conducted.

Mr. Clarke stated that Appendix A is a list of the heavy commercial vehicle exclusions. He noted that Central Street and Ralph Talbot Street are not on this list and should be added.

Mr. Clarke noted that there were other concerns regarding this ordinance.

Mr. Bezkorovainy noted that the map includes the truck exclusion from Norton Street to Sea Street—but the list indicates from Norton Street to North Street.

Mr. Clarke stated that recommendations from both the Traffic Engineer and Police Department will be part of the process and attached to the proposal prior to submission.

Mr. Clarke suggested taking reference to Appendix A out of the Code of Ordinances, as each time a change is made the Code of Ordinances must be updated. His recommendation is that when the Council makes a change, a list should be maintained by the Town Clerk.

Sergeant Concannon stated that the Police would need to have a copy of the updated ordinance so they are able to enforce.

Councilor O'Connor stated that this revision has been in the works since March and needs to be enacted. He suggested discussing the removal of Appendix A at a later date.

Councilor Whitaker asked for clarification from Solicitor Lane regarding who is enacting this ordinance.

Solicitor Lane stated that he has looked briefly at this issue and would be willing to looking at it again in more detail.

Mr. Clarke agreed that taking this up in the future would be fine.

A MOTION was made by Councilor Mathews to APPROVE item number 07 122 as submitted to revision Chapter 13 to include Central Street and Park Avenue/Ralph Talbot Street and was seconded by Councilor Whitaker.

Councilor Whitaker asked that Solicitor Lane review the wording of the amendment. Solicitor Lane agreed to do this.

The motion PASSED.

07 125-Parking Prohibitions and Restrictions on Certain Streets

Mr. Clarke stated that the recommendations were a result of concerns of the opening of the Greenbush commuter rail line activation and the concern of commuter parking on residential streets. He noted that there were two working groups; one for East Weymouth and the other for Weymouth Landing. He noted that a number of the citizen members of the groups were present this evening.

Mr. Bezkorovainy handed out a map and stated that the signs in East Weymouth would be as follows: No parking anytime are marked in red and 2 hour parking 7am – noon M-F are marked in orange.

Mr. Bezkorovainy pointed out that the purple line on the map represents areas of possible problems. There is also a concern regarding Wharf Street being used as a potential waiting area.

The signs in Weymouth Landing would be as follows: no stopping anytime Commercial Street at Ledgell Road and 2 hour parking on Norfolk Street. This was changed from no parking.

The changes came about after the signs were installed and there was input from the residents. The Police Department and working group members were contacted to discuss these changes.

Councilor Mathews asked if there would be a permit system to allow for resident parking. Sergeant Concannon stated that there is not a sticker program in Weymouth. He stated that if a resident contacted the Police Department with a valid concern, a sticker can be issued for overnight parking.

Councilor Mathews asked what the mechanism is for potential problems. Mr. Bezkorovainy stated that there have been parking surveys conducted over the past two years. He pointed out that the working groups are comprised of residents and business owners who have firsthand experience in the neighborhood.

Councilor O'Connor asked what the fine is for parking in a restricted area. Sergeant Concannon confirmed that the fine is a flat fee of \$15.

Councilor Whitaker asked if there were a simpler way to handle this list. Mr. Clarke noted that these changes do not result in changes to the code of ordinances. He noted that paperwork is submitted for approval to the Town Council. He also noted that it is not his intent to create a new master list of streets with parking restrictions.

Solicitor Lane stated that he would review at the wording.

Dominic Galluzzo stated that he was a member of the working group. He stated that he worked closely with Mr. Bezkorovainy. However he was concerned that the signs on Commercial Street were installed parallel to the street making it difficult for drivers to see the signs. He stated that he did not know when enforcement would begin. He commented that the curb cuts being installed by Dunkin Donuts appear to be different from the plans submitted and they conflict with the location of the traffic lights being installed. He suggested that someone look at the curb cuts.

Mr. Clarke requested that Mr. Galluzzo call him to discuss the concerns expressed this evening.

A MOTION was made by Councilor Mathews to APPROVE item number 07 125 to the Town Council with a favorable report subject to a favorable public hearing and review by Solicitor Lane - was seconded by Councilor Whitaker and was UNANIMOUSLY VOTED.

Ms. Cronin asked if there would be enforcement prior to the public hearing . She pointed out that revenue service on the Greenbush line is beginning on 10/31/07.

Councilor Smart stated that the Special Council meeting was called for supplemental budget issues.

Mr. Clarke stated that he thought that there was going to be action by the Council prior to the start of revenue service. He stated that there would need to be a review of the issue of enforcement prior to the public hearing.

Councilor Smart stated that he would review adding this issue to the 10/29/07 Special Town Council meeting agenda. He would have a response by the morning.

07 126-Yield Sign on Chandler Street at Chandler/Idlewell/Manzanetta

Mr. Clarke stated that this is the result of work done by the Redevelopment Authority (RDA). Sergeant Concannon noted that it needed to be clear who had the right of way at this intersection.

Councilor Whitaker made a MOTION to send item number 07 126 to the Town Council with a favorable report subject to a favorable public hearing and was seconded by Councilor Mathews and was UNANIMOUSLY VOTED.

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

Councilor Mathews spoke regarding the proposed amendments to Section 3-326. In a memo to the Town Council he stated the following:

As the Town Council representative to the Community Preservation Committee (CPC) I have become disturbed with problems that have arisen with this ordinance. These problems have made it difficult for the Community Preservation Committee to proceed with its' work. They are also having an impact with the public in regards to projects that are submitted by the public. The residents of Weymouth who would like to know what the town is doing with Community Preservation Committee projects will benefit if the Town Council enacts these amendments. I would request that this matter be referred to the Ordinance Committee for its review. I will go into elaborate detail and cite examples at the Ordinance Committee meeting. If any Councilor has a question for me regarding this matter please feel free to contact me.

Proposed amendment to add #6 & #7 to Section (C) Authority and Responsibility

(6) All projects approved by the Community Preservation Committee must be acted upon by the Mayor within 30 days of approval by the Community Preservation Committee. The Mayor may request in writing to the Community Preservation Committee an additional 30 days to review a project. Projects that do not meet this requirement will be directly sent to the Town Council for its review.

(7) All open space offers that are voted by the Community Preservation Committee must be made to the owner of the property within 14 days of the vote. A negotiation team that will include the Town Solicitor, chair and vice-chair of the Community Preservation Committee will be established to facilitate the negotiation with the owner of the property. The Mayor must provide the appropriate staff support to the negotiation team. The Community Preservation Committee can request any additional member of the administration to assist and participate in the negotiations.

Councilor Mathews stated that he has been the Council representative to the CPC since its inception. He stated that there is currently a measure that the Mayor has had for over 150 days and has not been acted upon. He stated that he would like to bring attention to the matter of time frames.

Councilor Whitaker stated that he understands the frustration and desire to move projects ahead; however he noted that although he agrees that a time frame could be instituted, there would be an issue with the authority to enforce it. He also expressed concern with measures that involve bonding.

Councilor Smart reminded everyone present that this is an informal discussion regarding the issue. He acknowledged that there are differences of opinion and that a decision does not need to be made or a vote taken this evening.

Solicitor Lane stated that he had previously indicated that he has a problem with the authority to exercise the proposed amendments. He stated that reorganization is defined as a change to the manner in which services are delivered. The CPC has the authority to study resources and make recommendations to the Council. However 4-106 requires that a reorganization plan be submitted by the Mayor and a number assigned after submission by Mayor. There is no compulsion under the CPC or the Charter that compels the Mayor to act on any submission.

Solicitor Lane stated that he needs to stand firm that this measure is out of order because it is a reorganizational plan. He stated that this would require Home Rule procedure changes.

Councilor Mathews stated that in other communities with Mayors, the Mayor is not involved in the CPC process.

There was discussion regarding Mass General law (MGL) and its interpretation.

Councilor Mathews stated that it is his opinion that the CPC shall make recommendations to the legislative body. He made reference to a court case against the City of Newton. He stated that it is his intent to stream line the process of CPC measures.

Councilor Smart stated that there is an issue with the way that a CPC measure moves through the process.

At 8:05pm Councilor Smart made a MOTION to CLOSE the Public Safety portion of the meeting and was seconded by Councilor Mathews and was UNANIMOUSLY VOTED.

Councilor Mathews asked if the CPA is in conflict with the town's charter, then why was it allowed on the ballot.

Solicitor Lane stated that the CPA is not in conflict with the charter. He stated that the CPC does not have independent authority apart from the administrative organization of the town.

Councilor Mathews stated that an opinion of value is required to purchase property. He stated that there is a current proposal which involves a piece of property that is being offered to the town for sale, but the developer is also seeking permits to develop the property. If permits are received, the value of the property may increase.

Councilor Mathews stated that he has spoken with constituents who have told him that they would have never voted for the CPA had they known that the Mayor was part of the process.

Councilor Whitaker stated that the Charter will be reviewed in the next two years. He stated that this process could begin now.

Solicitor Lane stated that he believes what other communities do with their CPC is irrelevant because Weymouth has its own specific Charter. He noted that the town has a very strong Mayoral form of government and a formal structure within which to work.

Solicitor Lane stated that when contracts are negotiated Jim Wilson signs off on the availability of funds and that he, himself, signs off on the wording/form.

Walter Flynn, Chairman of the Community Preservation Committee (CPC), stated that the performance and function of committee are not the issue; the issue is the delay in approving a project.

Councilor Kay stated that comments are not about performance of said committee- but in the delay of action on measures forwarded to the Mayor.

Councilor Smart stated that at no time has he implied or intended to imply that the CPC has not done its due diligence because in fact the CPC has done its due diligence. He stated that the committee has taken its action and passed it on accordingly. The fact that a measure has not been acted upon at this point is not the responsibility of the committee.

Councilor Whitaker stated that he also did not intend to imply that any delays were the fault of the CPC.

Councilor Kay stated that she believes the frustration is the result of the community not seeing results of the work approved by the CPC because of the delay in forwarding measures from the Mayor's Office to the Council.

Solicitor Lane stated that his objection to the proposed change to section 6 is due to it being an organizational challenge. He also stated that his objection to section 7 is that there is a sentence which is objectionable.

Solicitor Lane stated that the discussion this evening regarding the expediting of the process has been fruitful and further discussion is warranted.

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

At 8:40 pm, there being no further business, A MOTION was made by Councilor Mathews to ADJOURN and was seconded by Councilor Whitaker and UNANIMOUSLY VOTED.

Approved by: _____
Sue Kay, Chairperson/Ordinance Committee