

SPECIAL TOWN COUNCIL MEETING
JUNE 22, 2009
TOWN COUNCIL CHAMBERS

Present: Michael Smart, President
Arthur Mathews, Vice-President
Robert M. Conlon
Kenneth J. DiFazio
Ed Harrington
Brian McDonald
Michael Molisse
Patrick O'Connor
Victor Pap, III

Not Present: Thomas J. Lacey

Also Present: Franklin Fryer, Town Clerk
George Lane, Town Solicitor
Maureen Duffy, Town Auditor
James Wilson, Chief Financial Officer
Michael Gallagher, Director of Administrative Services
James Clarke-Director of Planning
Walter Flynn-Chair of Community Preservation Committee

Recording Secretary: Diane T. Hachey

Council President Smart called the Town Council Meeting to order at 8:10 PM.

Council President Smart stated that Councilor Lacey contacted him and would not be able to attend this evening's meeting.

ANNOUNCEMENTS

Councilor Pap announced that on June 23 at 6:00 PM there will be an informational meeting at the Crane Library in Quincy regarding the Fore River Bridge

Councilor Mathews announced the annual Whitman's Pond Fishing Festival, to be held on July 18 at 10:00 am. Fishing rods will be available along with stands and food.

PUBLIC HEARINGS

7:30 PM-09 089-National Grid/Verizon Petition-Dixon Street

Councilor Mathews motioned to open the public hearing on the above measure of which the abutters were notified on June 15. Motion seconded by Councilor O'Connor and unanimously voted.

Steve Breton of National Grid stated that they wish to relocate poles on Dixon Street, at the request of the Town of Weymouth.

President Smart stated that this is a public hearing and asked for any comments from the public, to which there was no response.

Councilor Mathews motioned to close the public hearing on measure number 09 089, motion seconded by Councilor O'Connor and voted unanimously.

Councilor Mathews motioned to consider this measure under 2-9(b)-same night action, motion seconded by Councilor O'Connor and voted unanimously.

Councilor Mathews motioned for favorable action on measure number 09 089, motion seconded by Councilor O'Connor, and voted unanimously.

7:31 PM-09 088-Community Preservation Land Fund Purchase

Councilor Mathews motioned to open the public hearing on the above measure which was advertised on June 5, 2009. Motion was seconded by Councilor O'Connor and voted unanimously.

Mr. Clarke distributed a memorandum, accompanied by detailed maps of the parcels, to all Councilors. He further announced that the property, previously discussed in executive session is located at 279 Neck Street, sheet 5, block 13, lots 6,8 and 14.

He cited the purchase and clean-up costs would be shared by the town and the DCR. The purchase price is \$507,250 with the clean-up costs estimated at \$50,000. The land would be combined with the Abigail Adams Park, which abuts the property. This would be conducive to extending the current walkway. The purchase is two-part-phase- one represents the town's purchase of the parcel in which a house is currently located, in addition to a 900+ square foot lot--by July 8th of this year at a purchase price totaling \$200,000. Phase two represents the purchase of lot 6 in addition to the remaining large lot. The DCR will effect a conservation restriction on the properties for \$307,250, with a target date of thirty days. It should be noted that phase two is dependent upon clearing of titles.

Clean-up issues will be shared by the Town of Weymouth and DCR, which involves razing of the house, debris clearing, and filling of a well and cesspool.

The Community Preservation Committee is requesting a total of \$300,000 from the Council (\$253,625 for purchase and \$46,375 for clean-up)

Mr. Flynn read into the record a portion of correspondence forwarded to the Community Preservation Committee from Marion Briggs, dated January 1, 2007:

“I would like to propose that the Town of Weymouth purchase the property at 279 Neck Street in North Weymouth. The town voted in the Community Preservation Act, enabling the city of Weymouth to purchase land for open space. This property could be used to positively expand the planned Back River Trail as it abuts the Abigail Adams Park, one of the linking parks on the trail. Enhancing the trail, by this land purchase, would encourage development that is appropriate for the community and compatible with the natural environment.”

Mr. Flynn noted that purchase of this property for open space fits the philosophy of the Community Preservation Committee. Additionally, he publicly extended his appreciation to Mr. Clarke, Mr. Comeau (DCR Representative), and the Council for their efforts in putting this project forward.

Council President Smart noted that extensive deliberation occurred on this matter at the Budget/Management level, so much so that the Town Council meeting started late.

Councilor Pap left the meeting.

Comments from the public were as follows:

Sheila Shea of Saltwater Creek Condominiums is concerned as a direct abutter to the properties. She cited a concern with increased crime and transient activity. Now that the address has been made public, she will rally her neighbors as she is most concerned with one additional week of discussion not being sufficient.

Steven Ford of 50 Samoset Street, Chairman of the Recreation Commission, is looking at expanding bicycle trails in Abigail Adams and obtaining these properties would allow access to the beach. He feels that this is an excellent project and is in full support of it's approval.

MaryEllen O'Brien of Saltwater Creek Condominiums has concerns with the advertising notification timelines, and has not seen a public notice concerning this project.

Council President Smart noted that this was previously advertised in the Patriot Ledger on June 5, and will be re-advertised in the Ledger. He believes that the deadline for the Weymouth News may have passed, but requested of the reporter present, to run an article in order to alert the public.

Ms. O'Brien further asked if the funds in the coffers are being spent during the 30 months of the project. Mr. Wilson noted that the funding source is the unreserved fund balance. He confirmed that if this measure does not pass prior to June 30, then a new measure would be required for re-submittal.

Ms. O'Brien asked in which manner Mr. Kibby's intentions should be made known to the town--filing of affidavits or simply verbally. Solicitor Lane stated that affidavits are not necessary and confirmed that Mr. Kibby's intentions have been duly noted.

Mary Mondico-owner at Saltwater Creek Condominiums asked if the lots are commercially zoned. Mr. Clarke confirmed that a portion is multi-family zoned and the larger of the lots is zoned commercial.

Councilor Mathews asked Mr. Clarke to explain the process for the benefit of the public. He stated that the state, namely DCR, became involved and they negotiated with the property owner within the last 30-45 days. The address of the property mandated secrecy as it would have effected the negotiation process, as another offer was placed with the property owner.

Councilor Mathews asked if the other party purchased the parcels, if Mr. Clarke foresees them to be commercially developed. Mr. Clarke noted that since it is zoned for commercial use, this is a possibility as long as the developer successfully receives the necessary approvals from the town.

Councilor Harrington noted his concern with the title examination not being conducted up front, but at the time of the purchase and sales agreements.

Mary Mondico spoke again and relayed her concerns with access and right of way issues. She is concerned with potential parking issues as there is currently limited parking at the condominium complex. It was confirmed that the traffic would be bicycle and by foot, not vehicles.

Councilor DiFazio is in favor of expanding the bike trails, but not at the expense of the quality of life for the condominium residents.

President Smart announced that a Special Town Council Meeting will be held on June 29 at which time this public hearing will continue in order to receive additional input from the public. This will be advertised in the Patriot Ledger, on the town's website, and the

purchase and sales agreements will be furnished to the Councilors as requested at the Budget/Management Committee meeting.

Councilor Mathews motioned to continue the public hearing until June 29 @ 7:30, seconded by Councilor DiFazio and voted unanimously. It was further noted that Budget/Management will meet prior to the Council Meeting at 6:45 PM.

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

09 092-Utility Easements along Wampum Street

Councilor Harrington recused himself from the discussion as he owns property abutting the location. Councilor Pap left the meeting here.

Mr. Wilson announced that the Mayor is requesting approval of a utility easement along Wampum Street to both Verizon and National Grid. The portion of land is block 541, lot 6, on map 48.

Mr. Clarke along with Ken Chase (developer) presented to the Council. Mr. Clarke explained that this is town owned property and it is of benefit to the town to have additional frontage. This is being requested in part in order that Samoset is paved.

Councilor Mathews motioned for consideration of measure 09 092 under 2-9(b)-same night action, motion seconded by Councilor Molisse, and voted unanimously.

Councilor Mathews motioned for favorable action, seconded by Councilor Molisse, and voted unanimously (vote 8-0).

REPORT OF COMMITTEE-BUDGET/MANAGEMENT COMMITTEE

09 088-Community Preservation Fund Land Purchase

Councilor DiFazio noted that this measure was referred to the committee on June 1, 2009, the issue was deliberated on June 9 and June 22. The public hearing was held on June 9th, continued to June 22 and further continued to June 29th. Many Councilors expressed their concerns with the prominent issue being sufficient time for the public to comment, considering the property location was divulged on June 22. The initial publication did not include the parcel addresses due to the possibility of negatively impacting the negotiation process. As a result of this, both the public hearing and the measure will be continued until June 29. The initial motion in committee was for unfavorable action, subsequently a substitute motion was passed to continue this matter, with publication in all local

newspapers and the town website, until June 29 at 6:45 for Budget/Management Committee followed by a Special Town Council Meeting at 7:30.

09 090-Reappointment to Elder Services-Judy MacDonald

Councilor DiFazio noted that this measure was submitted to the committee on June 15, deliberated on June 22 and voted unanimous favorable action. He motioned for favorable action on measure number 09 090, seconded by Councilor Mathews and voted unanimously-vote 9-0.

With no further business to conduct, Councilor Mathews motioned to adjourn at 9:02 PM, motion seconded by Councilor O'Connor and unanimously voted.

Respectfully submitted by Diane T. Hachey

Approved by _____
Council President Michael Smart

