

**MINUTES OF THE TOWN COUNCIL**  
**Town Hall Council Chambers**  
**September 5, 2006**

Present: Michael Smart, President  
Paul J. Leary, Vice-President  
Jack Carey  
Kenneth J. DiFazio  
Sue Kay  
Thomas J. Lacey  
Arthur E. Mathews  
Michael Molisse  
Patrick O'Connor  
Gregory Shanahan  
Kevin Whitaker

Also Present: Franklin Fryer, Town Clerk  
Jane Hackett, Chief of Staff  
George Lane, Town Solicitor  
David M. Madden, Mayor  
Richard E. Swanson, Town Auditor  
James Wilson, Chief Financial Officer

Recording Secretary: Janet Murray

President Smart called the Town Council Meeting to order at 7:30pm.

**ANNOUNCEMENTS**

Councilor Mathews announced that the Community Preservation Committee will be meeting this Thursday night at 7pm at the McCullough Building on Green Street.

The Citizen's Advisory Committee meetings scheduled for Wednesday 9/6 and 9/13 have been cancelled. The traffic study is not complete. The next meeting will be 9/20.

The Weymouth Housing Authority will host a Lakeview Family Day and Open House on 9/9/06.

Councilor DiFazio stated that Board of Zoning Appeals will meet on 9/23. The hearing for Dunkin Donuts in East Weymouth will be held this evening. They have applied for a special permit for a drive-thru window.

Councilor Lacey announced that the ground-breaking for the new Sacred Heart Church will take place this Friday 9/8/06.

Councilor Molisse noted that the 6<sup>th</sup> annual senior picnic was held on 8/15/06 and was a tremendous success. Over 500 seniors attended.

Councilor Kay announced that the Weymouth Police Association will hold a blood drive on Thursday 9/14/06. The drive will be held at the Knights of Columbus Hall at 25 Chauncey Street from 1pm to 7pm.

Councilor Leary announced that South Shore Tri-Town Development Corporation Board of Directors will hold a public hearing in regards to the widening of Shea Boulevard. This meeting will be held on 9/11/06 at 7:30pm. The Directors will meet before the public hearing at 7pm.

**Recognition of Stephen Ford and John Killeen for accomplishments at the Weymouth Teen Center-Councilor Whitaker**

Mr. John Killeen and Mr. Stephen Ford were recognized by Councilor Whitaker. Councilor Whitaker read and presented citations for their contributions to the Weymouth Teen Center.

Mr. Ford and Mr. Killeen stated that they would like to acknowledge the input of the Teen Center staff. He noted that Cathy Collins and Sharon Piccorello of Weymouth's Youth and Family Services Department are well-respected by the youths who use the Center.

**MINUTES**

**Ordinance Committee Meeting-7/25/06-tabled from 8/21/06**

A MOTION was made by Councilor Leary to ACCEPT the minutes from 07/25/06 and was seconded by Councilor Kay.

Councilor Kay asked if there could be a notation of what changes were made.

Councilor Leary stated that he had asked for the changes as there were some discrepancies on page 4 of the minutes.

The MOTION was UNANIMOUSLY VOTED.

**Special Town Council Meeting-7/25/06-tabled from 8/21/06**

A MOTION was made by Councilor Leary to ACCEPT the minutes from 07/25/06 and was seconded by Councilor Mathews.

Councilor Kay asked that if in the future a notation could be made as tow hat changes were made.

The MOTION was UNANIMOUSLY VOTED.

**Budget/Management Committee Meeting-8/10/06**

A MOTION was made by Councilor Leary to ACCEPT the minutes from 08/10/06 and was seconded by Councilor Kay

Councilor Whitaker made a SUBSTITUTE MOTION to amend the minutes to read Councilor Whitaker as also present as he is not a member of this committee and was seconded by Councilor Mathews and UNANIMOUSLY VOTED.

**Special Town Council Meeting-8/10/06**

A MOTION was made by Councilor Leary to ACCEPT the minutes from 08/10/06 and was seconded by Councilor Kay and UNANIMOUSLY VOTED.

**PUBLIC HEARINGS**

**06 131-Massachusetts Electric/Verizon Pole Relocation Middle Street**

A MOTION was made by Councilor Leary to OPEN the Public Hearing on item number 06 131 and was seconded by Councilor Kay and UNANIMOUSLY VOTED.

This item was published on 8/28/06. There was the following public comment.

Mr. Steve Breton represented Massachusetts Electric before the Council. He noted that some of the poles along Middle Street at the intersection with Libby Parkway will need to be relocated as part of the reconstruction of this intersection. He did not have a timetable available.

Councilor Leary asked when the work would be done. Mr. Breton stated that he has a plan for the work but it has not yet been scheduled.

Councilor Leary asked if the abutters have been notified and if there has been a meeting. Mr. Breton noted that the residents were notified of this hearing. He stated that the location of the pole is determined in the field.

Councilor Smart questioned the pole's location being determined in the field. Mr. Breton noted that they do not need a permit to move a pole 3 feet or less.

Councilor Whitaker asked if the plans were sent to the abutters. Mr. Breton stated "not unless the town sent it to them."

Councilor Whitaker stated that he would like to know if anyone is voluntarily working with the town in sending out the plans.

**Ray Dunn, 921 Middle Street**, asked if this request was because of the work to construct the traffic light at Libby Parkway. Councilor Smart noted that this representative would not have information on the installation of the traffic lights.

Mr. Dunn expressed concern about the movement of the poles as it would impact two trees on his property. Mr. Breton stated that the trees would be trimmed back because of the road reconstruction.

He also expressed concern about his and his neighbor's ability to safely get in and out of their driveways.

**Cathy Prince of 925 Middle Street** stated that her property and the Dunn's property will be affected by the taking of the 5 feet of land. She stated that she objects to moving the pole as she will also lose a tree. These trees, in her opinion, keep her home safe from cars. Her concerns are safety, and the lack of privacy by having a light installed.

**Stephy Dunn, 921 Middle Street**, stated that in addition to other issues mentioned, she was also concerned about access in and out of her driveway. She noted that she has had problems with previous construction and access to her driveway. She stated that she is concerned about losing a portion of her driveway.

Ms. Hackett apologized about the situation as it appears that this application may have been premature and is tied to future work. She wanted it noted that there is no sense of urgency on the part of the Administration.

A MOTION was made by Councilor Leary to CONTINUE the Public Hearing on item number 06 131 and REFER it to the Public Works Committee was seconded by Councilor Mathews.

Councilor Mathews asked if Mr. Breton would be willing to meet with the abutters specifically about the location of the poles to be moved. Mr. Breton agreed to do this.

Councilor Kay asked that the public be invited to the Public Works Committee meeting.

The MOTION was UNANIMOUSLY VOTED.

Councilor Smart further clarified for the public that the public hearing will remain open and the issue will be discussed at a Public Works Committee in the next few weeks.

### **06 133-Massachusetts Electric/Verizon Pole Relocation Echo Avenue and Paris Street**

A MOTION was made by Councilor Leary to OPEN the Public Hearing on item number 06 133 and was seconded by Councilor Kay and UNANIMOUSLY VOTED.

This item was published on 8/28/06. There was the following public comment.

Mr. Steven Breton of Massachusetts Electric appeared before the Council regarding this pole relocation. He stated that they had received requests from abutters about the placement of the poles so as a result they have changed the plans.

Pole number one is on Echo Ave. and would be moved across the street. Pole number two is on Paris Street and would also be moved across the street.

Councilor Mathews thanked Massachusetts Electric for their work on this pole relocation. He asked that once this request is approved that they move ahead quickly on the relocation.

**Donna Russell 41 Echo Ave.** stated that she objects to the change in the placement of pole as it places the pole in her lawn. She noted that she has already lost part of her driveway to this project. Ms. Russell questioned why this pole would be the only one on her side of the street. The poles are all lined up in a row. She noted that the plans as presented are not accurate as she purchased land from her neighbor.

Ms. Russell stated that she will be leaving next week on business for two months. She is concerned about returning home to a pole in her yard. Mr. Breton stated that he could meet with her as early as tomorrow.

Councilor Mathews noted that there was a public hearing in June. Several abutters had expressed concerns about the pole placement at that time. These changes were made to accommodate them. Ms. Russell noted that she was out of the country in June.

**Bill Higgins, 36 Paris Street,** stated that he was concerned about the way the wires would hang over his driveway and how close they would be to his house in the original placement of the pole. He noted that he is on the corner of Paris and Echo. This is why the change was requested.

Councilor Mathews noted that he had received a phone call from the Director of Planning and Community Development, James Clarke. Mr. Clarke reminded Councilor Mathews about the time constraints of paving the entire area.

Councilor Smart stated that he is aware of the time constraints but he would rather be certain that the poles are properly placed.

**Nicole Avalone of 32 Paris Ave** stated that she had contacted Councilor Mathews after the last public hearing. She questioned why the one pole can't be moved now. Mr. Breton stated that the poles have to be moved together.

A MOTION was made by Councilor Leary to CONTINUE the Public Hearing on item number 06 133 and was seconded by Councilor O'Connor.

Councilor DiFazio commented that if any additional changes are made, that it is looked at carefully so that those changes don't adversely affect other residents.

Councilor Kay asked about the timeline. Councilor Smart stated that he would work with Administration on this concern.

Mr. Breton noted that Mass. Electric responds to requests to move the poles. They would prefer to move the poles as little as possible.

Councilor Leary asked for more detail on the plans.

The MOTION was UNANIMOUSLY VOTED.

## **OLD BUSINESS**

### **Yard Sale Ordinance Review-Councilor Paul J. Leary**

Councilor Leary stated that he has been reviewing the Ordinance for yard sales. He would like to have this referred to the Ordinance Committee.

Councilor Carey stated that he thinks that the ordinance is working and should be left alone. He hopes that the yard sale ordinance is not weakened.

A MOTION was made by Councilor Leary to REFER this item to the Ordinance Committee and PASSED on an 8-3 vote.

## **COMMUNICATION FROM MAYOR, TOWN OFFICERS, AND TOWN BOARDS**

Mayor Madden appeared before the Council to explain measures 06 141 and 06 142. He stated that since February there has been an ongoing review of the re-use of the Fulton School property as it has been returned to the town by the School Committee.

Mayor Madden stated that his vision for this building is for affordable senior housing. He noted that no senior housing has been added to the town stock since the 1980's. It is hoped that 60 units would be made able available. The units would be approximately 600 square feet. The units will be limited to seniors 62 years and older with an income at 50% of the median.

Other positives of this project would be the ability to maintain Negus Park through an easement, the ability to have an easement to create access to the new water treatment facility, and the placement of the property back on the tax roles. Also, there would be a restriction that the usage can not be changed, otherwise ownership would revert back to the town.

Councilor Smart asked if other options were considered. Mayor Madden stated that other options were evaluated.

The Mayor also noted that any usage of this property would require the approval of the Board of Zoning Appeals.

### **06 141-Raise and Appropriate for an Opinion of Value-Fulton School**

Ms. Hackett stated that this is a request for \$1500 from the sale of town owned land. This action will require legal notice and a public hearing.

Councilor DiFazio asked if the opinion of value will be restricted by the proposed use. Ms. Hackett stated that it is their intention to obtain the value according to the proposed use.

A MOTION was made by Councilor Leary to REFER item number 06 141 to the Budget/Management Committee and was seconded by Councilor Kay and was UNANIMOUSLY VOTED.

**06 142-Sale of Town Owned Land-Fulton School**

A MOTION was made by Councilor Leary to REFER item number 06 142 to the Budget/Management Committee and was seconded by Councilor Kay and was UNANIMOUSLY VOTED.

**REPORTS OF COMMITTEES**

**Budget Management Committee – Chairman DiFazio**

**06 138-Appointment to the Cultural Council-Deborah Courteau**

Item number 06 138 was referred on 8/21/06. The Committee met on 09/05/06 and voted unanimously to recommend favorable action.

Ms. Courteau gave a brief overview of her background as recorded during the Budget/Management Committee meeting.

Councilor DiFazio made a MOTION to APPROVE item number 06 138 and was seconded by Councilor Kay and UNANIMOUSLY VOTED.

**06 139-Appointment to the Conservation Commission-Scott Coven**

Item number 06 139 was referred on 8/21/06. The Committee met on 09/05/06 and voted unanimously to recommend favorable action.

Mr. Coven gave a brief overview of his background as recorded during the Budget/Management Committee meeting.

Councilor DiFazio made a MOTION to APPROVE item number 06 139 and was seconded by Councilor Kay and UNANIMOUSLY VOTED.

**06 140-Appointment to the Board of Zoning Appeals as an Alternate Member-Francis Kenneally**

Item number 06 140 was referred on 8/21/06. The Committee met on 09/05/06 and voted unanimously to recommend favorable action.

Mr. Kenneally gave a brief overview of his background as recorded during the Budget/Management Committee meeting.

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Councilor DiFazio made a MOTION to APPROVE item number 06 140 and was seconded by Councilor Kay and UNANIMOUSLY VOTED.

Councilor DiFazio stated that the Budget/Management Committee will meet on 9/14/06 at 6:30pm.

Councilor Kay stated that the Ordinance Committee meeting scheduled for tomorrow evening has been rescheduled to 9/14/06 at 7:30pm.

**Public Parks and Recreation Committee-Chairman Molisse**

**Update on South Shore Tri-Town Funds Allocated to Park Improvements**

Councilor Molisse stated that Administration spoke earlier this evening at the Public Parks and Recreation Committee. A lot of work is being done with monies received from the Host Community Agreement. West and Webb Parks in Weymouth Landing, Abigail Adams Green, and Gifford Park in South Weymouth will all be cleared and de grubbed. Four schools have had improvements to their fields. The schools are Seach, Hamilton, Murphy, and Academy Ave.

**LATE ANNOUNCEMENT**

Councilor O'Connor announced that Little League tryouts will be held on 9/15/06 at the fields on School House Road.

**ADJOURNMENT**

At 8:50pm there being no further business, Councilor Leary MOTIONED to adjourn and Councilor Kay seconded and was UNANIMOUSLY VOTED.

Approved by: \_\_\_\_\_  
Michael Smart, President