

MINUTES OF THE TOWN Council
Town Hall Council Chambers
September 24, 2007 - Tuesday

Present: Michael Smart, President
Jack Carey
Kenneth DiFazio
Susan Kay
T.J. Lacey
Arthur Mathews
Michael Molisse
Patrick O'Connor
Gregory Shanahan
Kevin Whitaker

Absent: Paul Leary
Gregory Shanahan

Also Present: Franklin Fryer, Town Clerk
George Lane, Town Solicitor
Maureen Duffy, Town Auditor
James Wilson, Chief Financial Officer

Recording Secretary: Mary Briggs

President Smart called the Town Council Meeting to order at 7:30 PM. He noted Paul Leary wasn't feeling well and would not be in attendance. Councilor Kay will arrive late.

ANNOUNCEMENTS

Councilor Molisse reported Weymouth Day celebrations will take place on Saturday, September 29, 2007, beginning with the parade at noon. Activities continue on Weymouth High School grounds.

Councilor DiFazio reported the East Weymouth Neighborhood Association will conduct a Candidates Night on Thursday, September 27, 2007, 6:30 PM at the Weymouth Elks. Candidates include Mayoral and at-large council seats.

APPROVAL OF MINUTES

There were none.

CITIZEN'S CONCERN/COUNCIL RESPONSE

John Wayne Smith of 595 Pond Street – Zero Pond Street Concerns

Mr. Smith addressed the Council on his concerns relative to Zero Pond Street. The Community Preservation Commission is considering a proposal to purchase Zero Pond Street from Tedeschi Realty Trust for \$440,000 and develop into 24 units of affordable/low income housing. Mr. Smith requested that the Council seriously consider this before it comes before the Mayor. The property is 6.5 acres, of which Mr. Smith believes only 2.5 are buildable. An engineer was hired by a group of neighbors to

study the drawings, and over one hundred errors were found by this engineer.

Changes to the project since it was proposed include a cost estimate change from \$3M to \$5M in two years, the impact on adjacent wetlands, changes in use type, from moderate to low income housing which all should require consideration by the Zoning Board of Appeals.

President Smart responded that decisions by the Community Preservation Committee will be subject to the public hearing process.

Irving Murstein of 463 Broad Street – Notice from Utility Companies Prior to Work Commencement

Mr. Murstein addressed the Council regarding recent utility work on Broad Street, in which a subcontractor was hired to dig the street. He provided the Council with three documents, and requested that the Ordinance Committee investigate utility companies hiring private contractors without giving proper notice to neighbors. He also addressed the insurance liability of subcontracting utility digging, and issues surrounding equipment left on public roads overnight while work is being done. He also addressed repair damages and roads left poorly repaired following digging work by subcontractors.

President Smart noted this was addressed in the past with Keyspan, but deserves revisiting. A MOTION was made by Councilor Mathews to refer the documents to the Ordinance Committee, and was seconded by Councilor O'Connor. UNANIMOUSLY VOTED.

OLD BUSINESS

South Shore Tri-Town Development Corporation Update – Terry Fancher/Executive Director

Mr. Fancher addressed the Council to provide an update on the progress in the last six months. The gates are down at the entrance to the former air base, and the entry design to Southfield is mostly complete. Drains are in and inspected, trees, turf and irrigation is also installed.

Within the next six months he anticipates roads will be installed. The northern end of the runway has been removed.

A meeting will be scheduled in November with Mass Highway on updates to the widening of Route 18, either in Weymouth or Abington, but not on the base.

During this discussion, at 7:57 PM, Councilor Kay arrived.

The agreement will not be signed until negotiations with the Navy have been completed. Tri Town's board has hired James Wilson to prepare and submit Southfield's plan to the Department of Revenue and to integrate MUNIS software for which Tri Town has purchased. The Tax rate as not yet been set. An RFP has gone out for first phase water reclamation project and a consultant has been hired. There was a brief discussion with the committee on the status of the negotiations with the Navy, survey process, peat issues, 40R Smart Growth proposal status, and permitting process. The expectation is that three of the route 18 intersections should be completed between September and November 2008, and occupancy certificates are not expected before early 2009. It will be reviewed again at the 6-month point, and the Columbian Square intersection will be monitored closely.

MBTA-Weymouth Landing Connector Road and Parking Design Outstanding Issues –

Councilor Thomas J. Lacey

Councilor Lacey noted that an MBTA agent was invited to the last Town Council meeting. As a result of the many questions which arose, a letter was drafted, and copies distributed to the Council. An agent of the MBTA was also invited to this meeting to address further concerns, specifically to the Weymouth Landing area and parking lot. Councilor Lacey is discouraged to note the MBTA did not send a representative. He noted several items need to be addressed prior to the activation of the rail line. He asked the Council to consider a motion to recommend resolution dispute and phased mitigation. Jim Clarke needs to be contacted for the first phase of mitigation. He recommends Jim and the Planning Department are requested to meet and provide the Council with updates at every meeting until activation of the line.

A MOTION was made by Councilor Lacey to write a letter urging the Administration to commence the first phase of dispute resolution between the MBTA and the Town of Weymouth, and under the first phase, with Jim Clark and the Planning Department, request that the connector road be built and the parking lot completed. Additionally, that Jim Clarke is requested to attend all Town Council meetings until activation of the line- and provide an update. The motion was seconded by Councilor Kay, who noted the Idlewell Bridge area should also be discussed as to resolution. UNANIMOUSLY VOTED.

REPORTS OF COMMITTEES

Budget/Management Committee- Chairman Kenneth DiFazio

A MOTION was made by Councilor O'Connor to take item 07 129 - Appointment to the Construction Steering Committee out of order, and was seconded by Councilor Kay. UNANIMOUSLY VOTED.

01 129 - Appointment to the Construction Steering Committee - Gilbert W. Starkey, Jr. Councilor DiFazio reported this item was referred by Town Council on September 4, 2007 to the to Budget/ Management Committee, heard by the committee at its meeting on September 24, 2007, and voted recommending favorable action.

A MOTION was made by Councilor DiFazio to appoint Gilbert Starkey, Jr. of 73 Circuit Rd. to an appointment to the Construction Steering Committee, for a term expiring on June 30, 2010 and was seconded by Councilor Kay.

Mr. Starkey was invited to the table, and he gave a brief background of his experience and qualifications to serve on the committee. Councilors Kay and Molisse spoke in favor of the appointment. UNANIMOUSLY VOTED.

07 124 - Reserve Fund Transfer - Water Department

Councilor DiFazio reported this measure was referred by the Town Council to the Budget/Management Committee at its meeting on September 4, 2007, heard at the Budget Management Committee at its meeting on September 24, 2007 and recommended unanimous favorable action by the full committee. A MOTION was made by

Councilor DiFazio that the town appropriate the sum of \$65,000 from the Water Enterprise Reserve fund for the purpose of making improvements as follows: \$15,000 to conduct testing at the Randall Street. site, and \$50,000 for rehabbing wells at the Bilodeau Water Treatment plant, and was seconded by Councilor Molisse. UNANIMOUSLY VOTED.

07 127 – Appointment to the Community Preservation Committee – Brian O'Halloran
Councilor DiFazio reported this measure was referred by the Town Council to the
Budget/Management Committee at its meeting on September 4, 2007, heard at the
Budget /Management Committee at its meeting on September 24, 2007 and
recommended unanimous favorable action by the full committee. This is a re-
appointment. Mr. O'Halloran was not present at the meeting. A MOTION was made by
Councilor DiFazio to re-appoint Brian O'Halloran of 15 Bryant Ave. to the Community
Preservation Committee, for a term expiring on June 30, 2009, and was seconded by
Councilor Kay. UNANIMOUSLY VOTED.

07 128– Appointment to the Conservation Commission – Jeffrey Kent
Councilor DiFazio reported this measure was referred by the Town Council to the
Budget/Management Committee at its meeting on September 4, 2007, heard at the
Budget /Management Committee at its meeting on September 24, 2007 and
recommended unanimous favorable action by the full committee. A MOTION was made
by Councilor DiFazio to re-appoint Jeffrey Kent of 236 River St. to the Conservation
Commission for a term expiring on June 30, 2010, and was seconded by Councilor Kay.
UNANIMOUSLY VOTED.

NEW BUSINESS

07 130 Unpaid Bill- Town Council Staff Expenditure – Council President Michael Smart
President Smart noted this is to resolve the compensatory time accrued by the Assistant
to the Council. A MOTION was made by Councilor Kay to refer item 07 130 to the
Budget/Management Committee and was seconded by Councilor DiFazio.
UNANIMOUSLY VOTED.

President Smart directed the measure to the Administration at the same time. Solicitor
Lane clarified that the measure has been assigned a number. Under the course of the
town charter, these measures are initially referred to the Mayor's office, and then the
process begins, and is assigned a number. This is somewhat in reverse, so for matters
of clarification, instead of being referred to the Budget/Management committee it
should be referred to the Administration.

Councilor Kay made a MOTION to reconsider the vote to refer item 07 130 to the
Budget/Management Committee and was seconded by Councilor Molisse.
UNANIMOUSLY VOTED.

Councilor Kay then made the MOTION to refer item 07 130 to the Administration to be
assigned a number and to be submitted for action and was seconded by Councilor
Molisse. UNANIMOUSLY VOTED.

07131 – Ordinance Addition to Chapter 6/Section 1300 – Sex Offender Registry Residency Restrictions – Councilor O'Connor and Councilor Lacey

Councilor O'Connor and Councilor Lacey submitted a proposal to add to Chapter 6,
Section 1300 of the Sex Offender Registry that would limit the number of feet within
school or recreational areas a sex offender could reside. There is one typographical error
in the ordinance to amend. After amended he would request it be referred to the
Ordinance committee. A MOTION was made by Councilor O'Connor that Chapter 6,
Section 1302, line three amended from "2000" to "1500" and be referred to the
Ordinance Committee and was seconded by Councilor Kay.

Councilor Lacey noted Councilor O'Connor should be recognized for his work and the

proactive approach.

Councilor DiFazio asked if written correspondence could be sent to Representatives Hedlund and Murphy to determine what the Massachusetts legislature has determined on this historically and if there may be counter argument to include in Town Council discussion. UNANIMOUSLY VOTED.

ADJOURNMENT

At 8:45 PM, there being no further business, a MOTION to adjourn was made by Councilor Carey and seconded by Councilor Kay. UNANIMOUSLY VOTED.

Respectfully Submitted,

Mary Briggs