

MINUTES OF THE TOWN COUNCIL
Town Hall Council Chambers
October 4, 2010

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

Also Present: Franklin Fryer, Town Clerk
George Lane, Town Solicitor
Mayor Susan Kay
Mayor Joseph Sullivan (Braintree)
Councilor Thomas Bowes (Braintree)
Michael Gallagher, Director, IT and Administrative Services
Chip Fontaine, Town Engineer

Recording Secretary: Diane T. Hachey

President Mathews called the Town Council Meeting to order at 7:30 PM. Town Clerk Franklin Fryer called roll, with Councilor Whitaker not present. Council President Mathews noted that Councilor Whitaker called to say he was on his way.

ANNOUNCEMENTS

Councilor Pap announced that the North Weymouth Civic Association will host a "Candidates Night" at 7:00 PM on October 14, 2010 at the Whipple Center.

Councilor Conlon announced the "3rd Annual Braintree/Weymouth Senior Walk for Fitness" which will be held on Wednesday, October 13 at Pond Meadow Park from 10-12. You may register at the Whipple Center with complimentary gifts for early registration. Registration is limited to 75 Weymouth walkers. For additional information please call 781-682-6140.

Councilor O'Connor announced "International Walk to School Day" on October 6, 2010. The town's Healthy Wey program in conjunction with Weymouth Public School's Health Services would like to encourage students to walk to school. Maps indicating elementary school routes are available on the town's website.

President Mathews announced that a public hearing has been scheduled regarding measure number 10 102-Zoning Amendment for the Clapp Memorial Building, on Monday, November 8, 2010 at 7:30 PM and will be conducted as a joint hearing with the Planning Board. He noted that the Town Council has 90 days from the start of the public hearing to make its decision.

Councilor Whitaker arrives here at 7:40 PM.

MINUTES

Town Council Meeting Minutes of September 7, 2010

A MOTION was made by Councilor O'Connor to approve the minutes of the September 7th Town Council meeting, and was seconded by Councilor Smart UNANIMOUSLY VOTED.

Budget/Management Committee Meeting Minutes of September 20, 2010

A MOTION was made by Councilor O'Connor to approve the minutes of the September 20th meeting of the Budget/Management Committee and was seconded by Councilor Smart. UNANIMOUSLY VOTED.

Town Council Meeting Minutes of September 20, 2010

A MOTION was made by Councilor O'Connor to approve the minutes of the September 20th Town Council Meeting, and was seconded by Councilor Smart. UNANIMOUSLY VOTED.

PUBLIC HEARINGS

7:35 PM 10 031-Proposed Ordinance Amendment to Section 8-401—Excavations

A MOTION was made by Councilor O'Connor to OPEN the Public Hearing and was seconded by Councilor Smart. UNANIMOUSLY VOTED.

Councilor Smart noted that this was referred to the Ordinance Committee on April 5, 2010, the committee met on April 12th, May 19th and September 27th.

The proposed ordinance change was read into the record as follows:

Section 8 -400 Streets, Road, etc.

Section 8 -401

Excavations

*(e) Excavation of Street by a Public Utility Company or
Private Contractor*

Any public utility company or private contractor who excavates a utility trench in Weymouth over 100 continuous feet in length shall be required to complete the following. Replace or cold plane/mill asphalt from the furthest street incision to the nearest shoulder or sidewalk on that street. In no case shall the resurfacing be less than

eight feet wide. The replacement of the asphalt shall be compacted with a minimum one ton roller to ensure that the street is at grade level with the other section of the street.

If final paving is not completed within 120 days of excavation, the applicant of the permit must submit an explanation in writing to the Director of Public Works as to why final paving has not been completed. Failure to comply with this ordinance will result in the suspension of all future permits to the applicant until the street repair has been deemed acceptable by the Director of Public Works.

Councilor Smart further explained that this proposed ordinance is the result of numerous complaints received by both he and Council President Mathews on excavation projects in town. The current ordinance necessitates revisions in order that roads are returned to their original condition. Council President Mathews noted that this proposal lends itself to accountability of the utility companies.

Councilor McDonald applauds the efforts of Councilors Smart and Mathews as this will benefit the taxpayers and lead to less wear and tear on automobiles.

Councilor Harrington noted that he has received numerous complaints from constituents concerning the noise factor from cars traveling on poorly paved streets.

The following comments were from the public:

Linda MacDonald of 58 Laurel Street

Ms. MacDonald expressed her concern that oversight is actually occurring in-house as related to the permit signing-off process. She noted that the Police Chief, DPW Director, and Inspector of Buildings must sign off on the permits. Although she appreciates the Council's good intentions, she feels that the current ordinance is not working due to lack of enforcement and doesn't understand the need to add these revisions.

Mr. Fontaine did not want to speak on behalf of Mr. O'Connor (who it was noted was unable to attend this evening) but stated that the Department of Public Works is reviewing their internal rules and regulations as related to street openings and cuts.

Councilor Whitaker wished to clarify that this proposal adds more specific language to the current section by specifying width paving requirements, to which Mr. Fontaine concurred.

A MOTION was made by Councilor O'Connor to CLOSE the Public Hearing and was seconded by Councilor Smart. UNANIMOUSLY VOTED.

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

10 110-Rezoning Request for Weymouth Landing

Mayors Kay and Sullivan presented to the Council. This is a joint effort with the Town of Braintree for revitalization of the Landing, which encompasses the latest smart growth regulations, mixed usage, signage, reduction from 6-4 of story height and will maintain a village-type of atmosphere. This measure entails creating a Village Center Overlay Zoning District, amends the zoning map by changing some parcels to R-2 and ultimately designates the boundary of the Village Center Overlay District. Mayor Kay noted that if this project is successful she is envisioning that the overlay would be applied to all village centers in the town.

Mayor Sullivan announced that tomorrow evening this same plan is being presented to the Braintree Town Council. He further noted that this will generate economic activity, will be aesthetically pleasing, will capture the motorists traveling through the Landing and noted that the municipal lot is completed and is in need of a gateway.

Councilor Lacey commends Mayors Kay and Sullivan for their efforts and noted that there is a cooperative effort amongst them in addition to Councilor Bowes.

Councilor Smart requested that the Council is supplied with a map which extends into the Braintree portion of the landing, for the Ordinance Committee's use in deliberating the plan. Mayor Sullivan agreed to supply this to the Council and noted that Gordon Road in Braintree is the boundary.

A MOTION was made by Councilor O'Connor to refer item 10 110 to the Ordinance Committee and was seconded by Councilor Smart and UNANIMOUSLY VOTED.

10 112-Reserve Fund Transfer-Rabies Testing

Mr. Gallagher presented on behalf of the Mayor and noted that she is requesting authorization to transfer \$1,000 from the reserve fund to the Health Department to cover expenses associated with animal testing for rabies cases.

A MOTION was made by Councilor O'Connor to refer item 10 111 to the Budget/Management Committee, and was seconded by Councilor Smart and UNANIMOUSLY VOTED.

REPORTS OF COMMITTEES

Ordinance Committee-Chairman Michael Smart

10 031-Proposed Ordinance Amendment to Section 8-401—Excavations

Councilor Smart noted that this was referred to the Ordinance Committee on April 5, 2010, the committee met on April 12th, May 19th and September 27th—at which time they voted favorably pending a favorable public hearing. It was further noted that the public hearing was held earlier this evening.

Councilor Smart motioned for favorable action on measure number 10 031-motion seconded by Councilor O'Connor. Councilor Molisse announced that he would be recusing himself from the vote. Motion passes 10-0-1 (with Councilor Molisse recusing).

NEW BUSINESS

10 110-Call of the State Election on November 2, 2010

Action requested under 2-9(b)

Councilor O'Connor motioned for action under 2-9(b), motion seconded by Councilor Smart, and UNANIMOUSLY VOTED.

Councilor O'Connor motioned for favorable action in the name of the Commonwealth, the town of Weymouth is required to notify and warn the inhabitants, who are qualified to vote in the State Election to vote on Tuesday, November 2, 2010, motion seconded by Councilor Harrington and UNANIMOUSLY VOTED.

ADJOURNMENT

At 8:10 PM, there being no further business to conduct, a MOTION to adjourn was made by Councilor O'Connor and seconded by Councilor Smart. UNANIMOUSLY VOTED.

Respectfully submitted by Diane T. Hachey as recording secretary

Approved by

Arthur Mathews, Town Council President