

MINUTES OF THE TOWN COUNCIL
Town Hall Council Chambers
October 15, 2007

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

Not Present: Jane Hackett, Chief of Staff
Paul J. Leary
Greg Shanahan
Maureen Duffy, Town Auditor

Also Present: James Clarke, Director of Planning & Community Development
Franklin Fryer, Town Clerk
George Lane, Town Solicitor
James Wilson, Chief Financial Officer

Recording Secretary: Janet Murray

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

ANNOUNCEMENTS

Councilor Lacey commented that Weymouth Landing acknowledged that the Homestead Civic Association has had clean up days in the Landing area.

Councilor Smart welcomed Troop 19. He noted that the young men are working on various badges.

Councilor Smart announced that Councilor Leary is ill and will not be present this evening. He noted that there will be a presentation by Representatives Murphy and Mariano, and Rick Collins from Senator Hedlund's office were present this evening to recognize Councilor Paul Leary.

MINUTES

Town Council-10/1/07

A MOTION was made by Councilor Kay to ACCEPT the minutes from 10/1/07 and was seconded by Councilor Molisse and UNANIMOUSLY VOTED.

PUBLIC HEARINGS

07 054-Great Pond Water Treatment Plant Decommissioning Borrowing Request

A MOTION was made by Councilor Kay to OPEN the Public Hearing on item number 07 054 and was seconded by Councilor Molisse and UNANIMOUSLY VOTED.

Mr. Wilson stated that there was a technical flaw in the publication of the previous measure so a revote is required.

Mr. Wilson gave an overview of the project. He noted that the four lagoons need to be cleaned out and the residuals removed and disposed of appropriately.

Councilor DiFazio asked about the low interest rate and if the rate has been jeopardized. Mr. Wilson stated that it has not been jeopardized.

A MOTION was made by Councilor Kay to CLOSE the Public Hearing on item number 07 054 and was seconded by Councilor Molisse and UNANIMOUSLY VOTED.

This measure was published on 10/5/07. There was no public comment.

A MOTION was made by Councilor Kay to CLOSE the Public Hearing on item number 07 054 and was seconded by Councilor O'Connor and UNANIMOUSLY VOTED.

CITIZEN'S CONCERN/COUNCIL RESPONSE

Whitman's Pond Water Level Concerns/Chris Williams of 21 Woodbine Road

Christine Williams appeared before the Council. She asked why there is not a water ban in the Town of Weymouth. She gave a presentation indicating the low levels of the pond.

Council President Smart stated that he would forward the concerns to Administration and to the DPW director for review and to have the questions posed answered.

Greenbush Line-Sounding of Horns/Elizabeth Foster-Nolan

Ms. Foster-Nolan asked why the horn will not be sounded in Weymouth on the Greenbush line. She also noted that the train will begin running on Halloween. She thinks that this is not a good idea as there will be many children on the streets that evening. Ms. Foster-Nolan asked if the Connect-Ed system will be used to inform parents of the train activation and that there will be no horn sounding.

Train Activation Timeline/Officer Robert Barry

Officer Barry expressed concerns similar to Ms. Foster-Nolan. As the safety officer, he does not believe that everything has been done to keep children safe at the grade crossings.

Councilor Lacey asked Officer Barry if had been contacted previously regarding this issue. He stated that he had not.

Councilor DiFazio asked about teaching programs in the schools.

Officer Barry stated that he is a certified Operation Lifesaver teacher. He stated that he is concerned that without the horn sounding, the listen portion of stop, look, and listen, has been removed.

Councilor O'Connor commented that he would add this issue to the Public Safety Committee agenda.

Councilor O'Connor made a MOTION to REFER the issue of the sounding of horns and the Halloween start date for discussion and was seconded by Councilor Kay.

Councilor DiFazio stated that he is concerned that the start date is set for Halloween and should be discussed soon if not this evening. He suggested that a mailing be done to notify residents regarding the train activation and the quiet zone.

The motion PASSED UNANIMOUSLY.

OLD BUSINESS

Update on Restoration of Fogg Library - Correspondence from Mayor Madden

Council President Smart stated that there had been a meeting regarding the Fogg Library. He noted that at this meeting there was discussion by the Cecil Group about the potential sale of this building and possible use as office space. He noted that the Cecil Group is a consulting firm which has been hired by the town.

Council President Smart stated that he was present at this meeting. He stated that it has always been his intention to see the Fogg Library restored as a public library. He questioned where the Cecil Group received their information about any other use.

Councilor Kay stated that she was also at the meeting. She stated that she was alarmed at hearing this suggestion. She noted that in June the Council appropriated money to weather tight the building. She noted that there has been no communication from the administration regarding any change in the building's use.

Councilor Mathews noted that if the Community Preservation Committee (CPC) funding is used in the restoration of this building there would be a deed restriction as to future use.

Council President Smart stated that he had requested of administration to send a representative to discuss this tonight, but was told that no one was available.

Councilor Molisse stated that the comments regarding the building being used as anything other than a library were reckless.

Councilor Carey agreed that the comment was reckless, however he stressed that no one from the town made the comments; they were made by a consultant.

Council President Smart remarked that the consultant was hired by the town.

Councilor Whitaker agreed that the library is a valuable resource for the town.

07 054- Great Pond Water Treatment Plant Decommissioning Borrowing Request-Revote from 6/4/07/Councilor Ken DiFazio

Councilor DiFazio moved to revote measure number 07 054 – Great Pond Water Treatment Plant Decommissioning, Borrowing Request. That the Town of Weymouth raise and appropriate the sum of \$2,600,000.00 for the purpose of completing the various site requirements for the decommissioning of the old lagoons at the Great Pond Water Treatment Plant and was seconded by Councilor Molisse and UNANIMOUSLY VOTED, 9-0 as follows:

Councilor Carey – Y	Councilor DiFazio – Y	Councilor Kay – Y
Councilor Lacey – Y	Councilor Leary – not present	
Councilor Mathews – Y	Councilor Molisse – Y	Councilor O’Connor – Y
Councilor Shanahan – not present	Councilor Whitaker – Y	Councilor Smart – Y

COMMUNICATION FROM MAYOR, TOWN OFFICERS, AND TOWN BOARDS

James Clarke/Director of Planning and Community Development
-Update on Greenbush Rail Project and Question and Answer Session

Weymouth Landing

Mr. Clarke stated that construction of the connector road and the lights at that location will proceed. The equipment is on order for this work. However the road will not be completed by Halloween. It should be ready for use by the middle of November.

East Weymouth

Mr. Clarke stated that the parking lot and station will be completed by the projected start date. The traffic lights at the entrance to the lot will be operational.

He noted that Green Street is closed as the granite facing is currently being installed. When this is completed, North Street will be closed for the granite facing installation.

Work at Regina Road is on-going. He noted that there has been flooding at high tide. A berm will be installed on the seaward side of the rail line.

Councilor DiFazio stated that he had sent a letter to Mr. Clarke regarding a walk along the rail line. He also requested a punch list of items that are outstanding.

Mr. Clarke stated that he has been involved with the Greenbush restoration since the 1980's. He noted that the whistle ban/quiet zone has been an issue right from the start. This approach of no horns is in the Final Environmental Impact Report (FEIR). He noted that a new process has been implemented by the federal government in regards to allowing whistle bans/quiet zones. Councilor DiFazio asked if it would be possible to have the horns blown on 10/31/07. Mr. Clarke stated that he did not know if this was possible.

Councilor Kay stated that there were many discussions regarding the whistle ban/quiet zone. The mitigation agreements were signed by five (5) surrounding towns.

Councilor Kay asked why the \$1.9 million amount was not enough money for the improvements in Weymouth Landing. She also asked when the town agreed to the delay in the completion of the work which was to be completed by start of revenue service. She expressed concern that the town will have to come up with the additional money.

Mr. Clarke stated that the funding issue became apparent last year during the 60% plans for the town's portion of the work. Meetings were held with the T to resolve the funding issues. When the 90% plans were prepared in April of this year, new cost proposals were higher than previously discussed. He stated that the town had been in continued discussions with the T regarding the resolution of this issue.

Mr. Clarke stated that the town is still negotiating with the T regarding payment for the municipal lot and daylighting. He stated that the additional cost is \$1 million. He stated that it is the opinion of administration that the town should not be responsible for this additional cost.

Councilor Carey stated that the issue of the train horn has been discussed many times over the years. He stated that he personally would like to see the horn blown, but he noted that there are residents who do not want it blown.

Councilor Lacey asked why dispute resolution has not begun on the Landing issues. Mr. Clarke stated that in the opinion of the administration, they would prefer to take an incremental approach and attempt to resolve the issues.

Councilor Lacey suggested that an option would be to not open the Landing station until the work is completed. Mr. Clarke stated that he would bring this suggestion back to the Mayor.

Councilor Kay stated that the quiet zone was part of the mitigation agreements for each town.

Mr. Clarke noted that the quiet zone permit needs to be reviewed every several years. He also noted that there are flashing lights and bells which go off at the crossings, as well as the barriers being in place.

Council President Smart asked Mr. Clarke to look into having updates on the website, consider using the Connect Ed in the schools, and to provide a list of safety precautions already in place.

Council President Smart asked if there is a construction schedule available. Mr. Clarke stated that he met with the T and CBB this afternoon and the information was only verbal. Council President Smart asked Mr. Clarke to provide a construction schedule. He also asked him to find out how long it will take to get the connector road completed.

Councilor Kay asked that the Council be kept updated on the funding issue.

07 133-Community Preservation Committee-Bicycle Equipment

A MOTION was made by Councilor Kay to REFER item number 07 133 to Budget/Management Committee and was seconded by Councilor O'Connor and was UNANIMOUSLY VOTED.

It was noted that this measure requires a legal notice and a public hearing.

Councilor DiFazio made a MOTION to send a letter to administration recommending sending out a letter to areas directly affected by the train.

LATE AGENDA ITEM

07 134 - CPC – Purchase of land

Councilor Kay made a MOTION to ADD late agenda item 07 134 and was seconded by Councilor Molisse and was UNANIMOUSLY VOTED.

On behalf of Mayor Madden, the following measure is submitted to the Council: “That the Town of Weymouth raise and appropriate the sum of \$300,000 to be allocated in the following manner: \$141,185.66 from FB Reserved for Open Space (4906.321004) and \$158,814.34 from FB Unreserved Fund Balance (4906.321001) for the purpose of purchasing parcels on Woodbine Road known as Sheet 30, Block 390, Lot 1 and Sheet 30, Block 391, Lot 29.”

The Community Preservation Committee voted to approve the purchase of this land at their meeting of October 11, 2007. The RB Reserved for Open Space balance as of 10/15/07 is \$141,185.66 and the FB Unreserved Fund Balance as of 10/15/07 is \$801,946.20.

It was noted that this measure requires a legal notice and a public hearing.

A MOTION was made by Councilor Kay to REFER item number 07 134 to the Budget/Management Committee and was seconded by Councilor Molisse and was UNANIMOUSLY VOTED.

ADJOURNMENT

At 9:05pm there being no further business, Councilor Kay MOTIONED to adjourn and Councilor O'Connor seconded and was UNANIMOUSLY VOTED.

Approved by Council President Michael Smart