

***Town Council Meeting
October 18, 2010 at 7:30 PM
Town Council Chambers***

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

Also Present: George Lane, Town Solicitor
Richard Swanson, Town Auditor
Franklin Fryer, Town Clerk
Kathy Deree, Assistant Town Clerk
Michael Gallagher, Director of Administrative & Community Svcs.
Eric Kinsherf, Interim Chief Financial Officer
James Clarke, Director of Planning and Community Development
Dan McCormack, Director of Health
Paul Milone, Harbormaster

President Mathews called the Town Council Meeting to order at 7:32 PM.

Following the Pledge of Allegiance, Mr. Fryer conducted roll call with Councilor Whitaker not present.

President Mathews noted that he had spoken with Councilor Whitaker who is en route.

Announcements:

Councilor Molisse announced the hours for Halloween: 4:30-7:30 PM on October 31st.

Councilor Harrington encouraged all to attend the Weymouth Wildcats football game this coming Friday evening which is a home game against Natick. The Wildcats record to date is 6-0.

Councilor DiFazio announced that measure number 10 102-Rezoning of the Clapp Memorial Building will have a public hearing on November 8 at 7:35 PM. He encourages residents and those interested in this project to attend.

Councilor Smart announced that a public hearing will also be held on the Weymouth Landing Rezoning Plans on November 15th at 7:35.

Councilor O'Connor announced that the Weymouth Fire Dept. has partnered with Liberty Mutual for an opportunity to be awarded at \$10k grant, money which would be applied towards fire training. All are encouraged to vote at www.befiresmart.com/nicholasrusconi. He further announced that he has called a Public Safety Committee meeting for Monday, October 25 at 7:00. Items on the agenda are: speeding and safety issues on Route 3A, crosswalks, and updates from the Fire and Police Departments.

Minutes:

Ordinance Committee Meeting Minutes of September 27, 2010

Councilor O'Connor motioned to approve the minutes, motion seconded by Councilor Smart and voted unanimously.

Town Council Meeting Minutes of October 4, 2010

Councilor O'Connor motioned to approve the minutes, motion seconded by Councilor Smart and voted unanimously.

Public Hearings

7:35 PM 10 093- National Gas Main Utility Petition for Veda Road

Councilor O'Connor motioned to open the public hearing, noting that the abutters were notified on October 8th, motion seconded by Councilor Smart and voted unanimously. Dennis Regan and Jeff Nutting from National Grid presented to the Council. Mr. Regan noted that National Grid is requesting that 400 feet of 2 inch gas main from the existing 8 inch gas main on Pond Street southwesterly to Veda Court, is replaced, and further to abandon the existing 1 inch gas line.

(Councilor Whitaker arrives here at 7:40 PM.

Comment from the public was:

Karen Leahy of 5 Veda Court is questioning the meaning of abandoning the gas lines. She stated that National Grid was unaware that that she had gas at her home and is wondering if the line will be disconnected. She additionally questions the large hole which is in her neighbor's yard and was abandoned by National Grid. She was assured that the gas will in fact be disconnected and the hole will be loomed and seeded.

She further noted her concern with the safety issue of digging and gas installation, and wants confirmation that her street will be put back to its original condition.

Charlotte Parmenter of 30 Veda Court noted that it is her property with the abandoned hole.

President Mathews requested that National Grid reach out to these two individuals and address their concerns.

Councilor O'Connor motioned to close the public hearing, motion seconded by Councilor Smart and voted unanimously.

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

Councilor Harrington voiced his concern with voting utility petition under same night action since National Grid left a hole in Mrs. Parmenter's property for 2 months.

President Mathews noted that typically utility petitions are voted same night, and also confirmed that mid November is the deadline for digging due to weather conditions.

Councilor O'Connor restated motion for same night action and that it was seconded, motion was voted unanimously.

Councilor O'Connor motioned for favorable action on measure number 10 093, motion seconded by Councilor Smart, Councilor Whitaker noted that he would be abstaining, measure passes 10-0-1 (Councilor Whitaker abstained).

7:36 PM 10 109-National Grid Gas Main Utility Petition for Meredith/Grampian Ways

Councilor O'Connor motioned to open the public hearing, announcing that abutters were notified on October 8th, motion seconded by Councilor Smart and voted unanimously.

Dennis Regan and Jeff Nutting from National Grid presented to the Council. Mr. Regan stated that National Grid is requesting installation of approximately 600 feet of 2 inch gas main on Meredith Way. The line would run from the existing 2 inch gas main in Grampian Way at Meredith Way westerly to the end of the public way-- in order to develop Meredith Woods.

Councilor DiFazio questioned why the private way abutters were not notified. President Mathews asked Diane Hachey to explain. Ms. Hachey noted that she consulted Solicitor Lane as MGL does not require that the town notify those residing on private ways. Solicitor Lane reiterated that he reviewed the statuette and notification was not necessary.

Councilor DiFazio further questioned why all abutters were not notified via certified mail. Ms. Hachey explained that the notation of "Certified" as indicated on the abutters list does not mean that individuals were notified via certified mail, but rather certification is the process performed by the treasurer's office which verifies the validity of the address.

Comments from the public were as follows:

Richard Aaron of 29 Meredith Way noted that he is a staunch opponent of the Bristol Brothers/Meredith Woods development as his street is the only in/out road and he and his

neighbors have suffered damage to their foundations, environmental hardship and excessive quality of life issues. He noted the irony that the residents have not requested installation of gas ,but because this is for Meredith Woods (a project which is forecasted to take 3-5 years to complete) the neighbors would encounter the inconvenience. Councilor DiFazio noted that the road will be placed back to its original condition once installation is completed.

Thomas Anglin of 41 Meredith Way stated that whenever water /sewer is brought into the neighborhood, the blasting of ledge results in his foundation being damaged, and he has already filed a legal suit. He is questioning if in fact there is ample space to install a 2 inch gas main. Mr. Regan confirmed that the main only goes 3 inches deep and is imbedded in sand. The procedure of digging in ledge is fairly common and Mr. Regan noted that no blasting occurs. Mr. Anglin disagrees and noted that he and his neighbors experienced 1 year of blasting/hammering.

Councilor O'Connor motioned to continue the public hearing to November 8 due to numerous concerns which have to be addressed. Additionally, Councilor DiFazio motioned for referral to the Public Works Committee for deliberation and requested that any constituent aggrieved by this project should contact their Councilor. Council President Mathews confirmed that Diane Hachey will contact the 2 constituents located on the private way and communicate this information to them. Motion seconded by Councilor Pap and voted unanimously.

7:37 PM 10 103-General Supplemental Fiscal Year 2011 Appropriation

Councilor O'Connor motioned to open the public hearing, noting that publication occurred on October 8th, motion seconded by Councilor Smart and voted unanimously

Mr. Kinsherf presented on behalf of the Mayor and notes that the result of the supplemental budget submission are that the state assessment will decrease by \$10,000 and the amount in the reserve fund will increase, resulting in an overall \$10,000 increase.

There were no comments from the public.

Councilor O'Connor motioned to close the public hearing, seconded by Councilor Molisse and voted unanimously.

7:378 PM-10 104-Appropriation for Waterways Fund

Councilor O'Connor motioned to open the public hearing, noting that publication occurred on October 8th, motion seconded by Councilor Smart and voted unanimously.

Mr. Kinsherf noted that the funding source for this measure is the Waterways Improvement Fund, which has a current balance of \$136k (after this measure is approved). Mr. Milone stated that this money is needed for an overhaul on the engine of the Seawatch, which is 10 years old and has logged 5,112 hours. He noted that it would behoove the town to make this investment in order that larger engine issues do not occur.

Councilor Smart asked about the procedure. Mr. Milone responded that Gorham's Diesel, out of Braintree will perform the work and the boat would be back in the water in the spring.

There were no comments from the public.

Councilor O'Connor motioned to close the public hearing, seconded by Councilor Smart and voted unanimously.

Councilor O'Connor motioned to take "New Business" out of order, seconded by Councilor Smart and voted unanimously.

Update on Fore River Bridge Project

Mr. Michael O'Dowd (Department of Transportation Project Manager) presented to the Council.

He noted that the environmental assessment has been filed with the Federal Highway Administration and DOT is awaiting a response.

Numerous public hearings have been held in both Quincy and Weymouth in order to hear from the constituency.

Both styles of bridges (vertical lift and bascule) were submitted. Mr. O'Dowd reviewed the major differences between the 2 styles.

A bascule style bridge, although it more closely resembles the current bridge structure, does not lend itself to Coast Guard height mandates and would result in the largest movable bridge structure in the country.

A vertical lift bridge (320 feet in length) would require fewer openings, leading to fewer quality of life issues, due to the necessity of allowing for a change in opening from 175 feet to 225 feet. It was noted that in excess of 32,000 vehicles pass over the bridge on a daily basis. The need for increased footage is due to the height of ships passing through, and this style meets requirements set forth by the Coast Guard. Mr. O'Dowd noted that DOT is recommending the vertical lift style bridge.

Councilor Pap asked what sense of style bridge Mr. O'Dowd feels the public has requested, as resultant from the numerous public hearings held.

The public has voiced concerns with a vertical lift bridge style due to aesthetic reasons-a bascule style bridge more closely mirrors the current bridge configuration.

Councilor McDonald noted that the Coast Guard and Citgo are the driving forces behind the vertical lift style being recommended by DOT. He suggests that Citgo be responsible for drilling a pipeline to transport oil to Braintree, he stated that if not for this company the recommendation for a vertical lift bridge would be null. Weymouth and Quincy residents are

being adversely affected by this. Councilor McDonald questioned the number of private versus commercial boats which pass through. Mr. O'Dowd noted that 165 openings occur annually for tankers. Mr. O'Dowd referred interested parties to DOT's website for additional information: www.mass.gov/massdot/foreriverbridge. Mr. O'Dowd noted that DOT is working in conjunction with the Coast Guard and took offense to the inference that Citgo is the driving force behind the proposed style of bridge.

Councilor McDonald noted his concern with dredging equipment traveling through neighborhoods and the negative impact of those individuals quality of life. He asked that DOT be cognizant of this and take steps in minimizing disruption as best they can. Mr. O'Dowd assured the Council that DOT will work with Quincy and Braintree in order to determine the most viable truck route.

Councilor Conlon concurs with Councilors Pap and McDonald and questioned if discussion of building a tunnel occurred. Mr. O'Dowd noted that in 2003 a public hearing was held on this subject. Councilor Conlon questioned the time for opening/closing of the differing bridge styles. It was noted that 21 minutes is the total time to complete the cycle for both bridge styles. Mr. O'Dowd stated that 25% more openings would result from a bascule style due to clearance issues.

Councilor Conlon stated that the current bridge has served the town of Weymouth well for more than 60 years, a bascule style is more aesthetically pleasing than a vertical lift and Councilor Conlon feels that the state is more interested in serving the interests of Citgo than the surrounding towns.

Mr. O'Dowd reiterated that Mass DOT represents all users and not one single user.

Councilor Lacey asked if Citgo has been actively involved in discussions with DOT. Mr. O'Dowd confirmed that Citgo has attended many meetings, with the Coast Guard also in attendance, and they have not made public comment concerning this subject.

Councilor Pap requested that Mr. O'Dowd provide a geographic breakdown of Quincy, Hingham and Weymouth's comments. He feels the needs of the commuters (who could take alternate routes) are trumping those living in close proximity to the bridge. It is not only an issue of aesthetics, but increased graffiti and drug use which would be inherent in a vertical lift style of bridge.

Councilor McDonald motioned for referral of this to the Environmental Committee such that citizens and civic organizations are allowed to comment on this project, motion seconded by Councilor Pap, and unanimously voted.

Councilor McDonald further motioned that the Town Council indicate their support for an extension of comment period by forwarding correspondence to the Federal Highway Administration, First Coast Guard District and Mass DOT, in support of Mayor Kay's recommendation for a 30 day extension in order to further review the project, motion seconded

by Councilor Pap and voted unanimously. It was noted that Councilor McDonald would compose the letters.

Communications and Reports from the Mayor, Town Officers and Town Boards

10 113-Appointment to the Youth Coalition-Kerry Dunn

Mr. Gallagher requests, on behalf of the Mayor, that Kerry Dunn is appointed to the Youth Coalition. Councilor O'Connor motions for referral to the Budget/Management Committee, motion seconded by Councilor Smart and voted unanimously.

10 114-Appointment to the Waterfront Committee-George Mutch

Mr. Gallagher requests, on behalf of the Mayor, that George Mutch is appointed to the Waterfront Committee. Councilor O'Connor motions for referral to the Budget/Management Committee, motion seconded by Councilor Smart and voted unanimously.

10 115-Appointment to the Waterfront Committee-Herb Clifford

Mr. Gallagher requests, on behalf of the Mayor, that Herb Clifford is appointed to the Waterfront Committee. Councilor O'Connor motions for referral to the Budget/Management Committee, motion seconded by Councilor Smart and voted unanimously.

10 116-Appropriation for Wall and Gate at Legion Field Memorial Wall

Mr. Gallagher requests, on behalf of the Mayor, that \$10,000 is appropriated for the Community Preservation Committee unreserved fund balance for the purpose of funding the preservation of the historical wall and gate at the Legion Field Memorial Wall. It was noted that the CPC approved this at their meeting held on October 7th, additionally it was noted that this measure requires a public hearing. Councilor O'Connor motions for referral to the Budget/Management Committee, motion seconded by Councilor Smart and voted unanimously.

Reports of Committees

Budget/Management Committee-Chairman Kenneth DiFazio

10 103-General Government Supplemental Fiscal Year 2011

Chairman DiFazio noted that this was referred to committee on September 20 and was voted unanimously for favorable action on October 18th. On behalf of the Budget/Management Committee Chairman DiFazio motioned for appropriation of \$126,157,097 in order to provide for all the expenses for the maintenance and operation of the town's several departments and activities for fiscal year 2011, motion seconded by Councilor Smart and voted unanimously.

10 104-Appropriation for Waterways Fund

Chairman DiFazio noted that this was referred to committee on September 20 and was voted unanimously for favorable action on October 18th. On behalf of the Budget/Management Committee Chairman DiFazio motioned for appropriation of \$20,000 for the purpose of funding an engine overhaul on the harbormaster's vessel, motion seconded by Councilor O'Connor and voted unanimously.

10 112-Reserve Fund Transfer—Rabies Testing

Chairman DiFazio noted that this was referred to committee on October 4th and was voted unanimously for favorable action on October 18th. On behalf of the Budget/Management Committee Chairman DiFazio motioned for approval of the transfer of \$1,000 for the Health Department to fund the cost associated with testing animals for rabies, motion seconded by Councilor O'Connor and voted unanimously.

Adjournment

Councilor O'Connor announced that the next Town Council Meeting will be held on Monday, November 8 due to the election on November 2.

At 9:20 PM ,with no further business to attend to, Councilor O'Connor motioned to adjourn, motion seconded by Councilor Smart and voted unanimously.

Respectfully Submitted by: Diane T. Hachey

Approved by:

Council President Arthur Mathews