

**MINUTES OF THE TOWN COUNCIL**  
**Town Hall Council Chambers**  
**October 29, 2007**

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

Not Present: Jane Hackett, Chief of Staff  
Sue Kay  
Greg Shanahan

Also Present: Maureen Duffy, Town Auditor  
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.

**MINUTES**

**Town Council Meeting-10/15/07**

A MOTION was made by Councilor Mathews to ACCEPT the minutes from 10/15/07 and was seconded by Councilor O'Connor and UNANIMOUSLY VOTED.

There was a moment of silence in memory of the late Paul J. Leary.

**PUBLIC HEARINGS**

**07 133-Community Preservation Committee-Bicycle Equipment**

A MOTION was made by Councilor Mathews to OPEN the Public Hearing on item number 07 133 and was seconded by Councilor O'Connor and UNANIMOUSLY VOTED.

This item was published on 10/19/07. There was no public comment.

Mr. Wilson stated that there is \$250,000 in the general reserve of the Community Preservation Fund. This request is in the amount of \$20,000 for bicycle racks and related equipment to encourage travel by bicycle.

A MOTION was made by Councilor Mathews to CLOSE the Public Hearing on item number 07 133 and was seconded by Councilor O'Connor and UNANIMOUSLY VOTED.

**07 134-Community Preservation Committee-Purchase of Land**

A MOTION was made by Councilor Mathews to OPEN the Public Hearing on item number 07 134 and was seconded by Councilor O'Connor and UNANIMOUSLY VOTED.

This item was published on 10/19/07.

This measure pertains to the purchase of open space along Woodbine Avenue; \$141,185.66 will come from the fund balance reserved for open space and \$158,814.34 from unreserved fund balance. The fund reserved for open space will be depleted. The unreserved fund balance is \$801,946.40 from which the \$158,814.34 will come.

The Committee obtained an appraisal and the appraisal amount exceeds the amount to be expended by the committee.

There was the following public comment.

**William Farrell**, 102 Phillips Street, asked if this is for the purchase of property along Whitman's Pond. Mr. Wilson stated that it is. Mr. Farrell noted that two of the lots could be developed. He questioned the need to purchase the third lot since at this time it is not deemed buildable.

Councilor Mathews stated that this property is before the Planning Board for a permit to build on two lots with a third lot to be unbuildable at this time. He noted that this issue is on the agenda for the Planning Board tomorrow evening.

Councilor Mathews noted that the third lot is only 15,000 square feet, but it could go before the Board of Zoning Appeals for a variance or special permit to build on the third lot.

Mr. Wilson stated that when the appraisal was done, there was a question about whether the third lot was buildable and confirmed that the other two lots are buildable.

Mr. Clarke stated that there is an agreement with the property owner for the town to purchase the land. He noted that if the Town Council agrees to this purchase, the Planning Board will not take any further action on the definitive plan which is before them.

Solicitor Lane stated that he was asked if the island could be included in the calculations for zoning purposes for the third lot. He stated that in a written decision he stated that the island could not be used.

Councilor DiFazio stated that the land has value because two of the lots are buildable. If they were not buildable the lots would have been assessed lower.

**Patricia Pries**, 15 Woodbine Road, thanked the Council for taking this action to purchase the land through the CPC process.

A MOTION was made by Councilor Mathews to CLOSE the Public Hearing on item number 07 134 and was seconded by Councilor O'Connor and UNANIMOUSLY VOTED.

**07 122-Proposed Ordinance Revision to Chapter 13-Appendix A**

A MOTION was made by Councilor Mathews to OPEN the Public Hearing on item number 07 122 and was seconded by Councilor O'Connor and UNANIMOUSLY VOTED.

This item was published on 10/19/07.

Mr. Clarke appeared before the Council with Sergeant Concannon and George Bezkorovainy, traffic engineer.

This request is for the truck exclusion on Ralph Talbot Street (between Pleasant Street and Park Avenue) and Central Street (between Pleasant Street and Union Street) at all times.

Mr. Clarke noted that the list of truck exclusions requires an ordinance change to amend Appendix A. This issue of Appendix A will be reviewed at a later date.

There was the following public comment.

**Mrs. Rennie**, 72 Ralph Talbot Street, spoke on behalf of her husband. She stated that the truck traffic on Ralph Talbot Street has made the street unsafe and has lowered the quality of life in the area. She thanked all involved in enacting this truck exclusion.

A MOTION was made by Councilor Mathews to CLOSE the Public Hearing on item number 07 122 and was seconded by Councilor O'Connor and UNANIMOUSLY VOTED.

**07 125-Parking Prohibitions and Restrictions on Streets**

A MOTION was made by Councilor Mathews to OPEN the Public Hearing on item number 07 125 and was seconded by Councilor O'Connor and UNANIMOUSLY VOTED.

This item was published on 10/19/07.

Mr. Clarke stated that these prohibitions and restrictions are the result of the reopening of the Greenbush commuter rail line. They affect East Weymouth and Weymouth Landing.

Mr. Bezkorovainy gave an overview to the Council regarding the specific prohibitions and restrictions.

Councilor DiFazio stated that the plan was developed so that after the train has been running there will be the opportunity to make revisions to the plan.

Councilor Lacey stated that the signs were placed to be ready for enforcement, but enforcement won't happen immediately.

There was the following public comment.

**Mary Ellen Jacobs**, 18 Ledgehill Road, asked if there will be a sticker program. Mr. Bezkorovainy stated that there would not be a sticker program.

Council President Smart stated that after discussion at the committee level, there will not be a sticker program. He noted that residents can call in to the police station with concerns.

Ms. Jacobs expressed concern that her children cannot park in front of their home because of the two hour restriction.

Councilor Whitaker stated that this process is a work in progress.

Mr. Clarke stated that it is the policy of the town not to have a sticker program.

Sergeant Concannon stated that the town does not have the mechanism or means to implement a sticker program. He stated that it is not the intention of the police department to penalize the residents. He stated that the intention is to protect the neighborhoods from commuter parking.

Councilor Carey commented that other cities have sticker programs. Sergeant Concannon stated that larger cities have transportation departments which ticket and tow cars and additionally brings in revenue.

Councilor O'Connor stated that this issue is in the beginning stages and that the intent is to work this issue out as time goes by.

Councilor Molisse stated that the intention of this issue is to protect the residents. He stated that he believes that the police department is very familiar with the neighborhoods and feels confident that they will work with the residents.

**Eleanor Mackenzie**, 102 Commercial Street, stated that she finds it unacceptable that she can only park in front of her house for a maximum of two hours. She stated that she is concerned that she may need to pave her front yard in order to provide for parking.

Councilor Lacey stated that some of the residents have deeded parking in the rear of their property. He noted that most of the residents have parked on the street over the years. Parking in the rear is not possible as the parking lot is a construction zone at this time. He noted that there is a possibility of having a small parcel of 4-5 parking spots for residents. There is definitely a hardship in this case.

Councilor DiFazio asked if tickets would be dismissed if the resident proved that they had the right to park there. Sergeant Concannon stated that he could not speak for the parking clerk.

Sergeant Concannon asked residents to give the process time to work itself out.

**Dominic Galluzzo**, Candia Road, stated that he was part of the working group which spent the summer of 2005 working on this issue. He noted that there will be a review shortly after the station opens. Mr. Galluzzo stated that he is disturbed to see signs put up on telephone poles in such a way that they cannot be read. He questioned when this issue would be corrected. He also noted that it is disgraceful that the permanent traffic lights have not been installed at the East Weymouth station.

Councilor DiFazio asked if all the signs will be installed before the 31<sup>st</sup>. Mr. Clarke stated that he believed that the signs would be installed but would get back to him tomorrow.

Mr. Galluzzo stated that he has not seen signs installed as they are in East Weymouth.

Mr. Clarke stated that the signs are installed according to regulations. He stated that he would talk with DPW to take another look at it.

**Theresa Quinton**, 79 Front Street, stated she is speaking on behalf of Homestead Civic Association. She noted that a letter was submitted by Ms. Foley. Ms. Quinton pointed out a discrepancy with parking at the end of Front Street at Weymouth Landing. Mr. Bezkorovainy stated that the current parking signage will not change; it will remain as is. He noted that the red line on figure 8 is too long.

Ms. Quinton asked how to bring concerns regarding future issues. Council President Smart stated that she should contact the Council.

**William Farrell**, 102 Phillips Street, stated that he believes that the parking restrictions are needed. He noted that many of the streets are only 18 feet wide. He noted that the current road width requirement is 40 feet.

**Joe McNutt**, 101 Phillips Street, noted that the signs are to discourage commuter parking. He noted that Mr. Farrell is advocating for no parking. He commented that it can't be both.

**Bob Conlon**, 17 Middle Street, stated that he believes that the issue could be resolved with residential parking/tow zone signs. He also stated that he believes that the T should pay for a police detail for this traffic situation. He suggested that a tow truck and a police cruiser be located at each station first thing in the morning.

Council President Lacy asked Mr. Clarke if this was considered. Mr. Clarke stated that it would involve a sticker program.

**Mickey Cronin**, 65 Hinston Road, stated that as a member of the committee, she noted that a big concern of the working group was the enforcement. She asked if ticketing will happen right away.

Sergeant Concannon stated that the neighborhoods around the parking lots will be monitored by the police with ticketing when appropriate.

Ms. Cronin asked about the closings of Green Street and then North Street for re-facing the walls. She noted that the traffic backs up to the cannon when the middle school is dismissed. Sergeant Concannon noted that the cycle of the traffic lights have been re-timed.

**Michael Gallagher**, 36 Tamarack Trail, asked if the town had talked to other communities about signage. He noted that Somerville uses a placard system.

Mr. Clarke stated that many of these options were discussed in committee. He noted that they attempted to come up with the least intrusive methods.

**Joanne Heffernan**, 115 Prospect Street, noted that the area around Sacred Heart Church is already difficult to navigate without the commuter train. She is concerned that when the train starts- it will become worse. She suggested that a one way street system be considered with parking on one side of the street only.

Councilor Lacey stated that this measure is only in regards to parking and does not address one way streets or any other issue.

A MOTION was made by Councilor Mathews to CLOSE the Public Hearing on item number 07 125 and was seconded by Councilor O'Connor and UNANIMOUSLY VOTED.

#### **07 126-Yield Sign Chandler Street at Chandler/Idlewell/Manzanetta**

A MOTION was made by Councilor Mathews to OPEN the Public Hearing on item number 07 126 and was seconded by Councilor O'Connor and UNANIMOUSLY VOTED.

This item was published on 10/19/07. There was no public comment.

Mr. Clarke noted that all of the gravel roads in the Idlewell section of town have been paved as well as the improvements to the Idlewell Bridge. This paving has resulted in a change in traffic flow and the need for this yield sign.

A MOTION was made by Councilor O'Connor to CLOSE the Public Hearing on item number 07 126 and was seconded by Councilor Molisse and UNANIMOUSLY VOTED.

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

#### **07 137-Fiscal Year 2008 Supplemental Appropriation II**

A MOTION was made by Councilor Mathews to REFER item number 07 137 to the Budget/Management Committee and was seconded by Councilor O'Connor and UNANIMOUSLY VOTED.

## **REPORTS OF COMMITTEES**

### **Budget /Management Committee – Chairman DiFazio**

#### **07 133-Community Preservation Committee-Bicycle Equipment**

This item was referred on 10/15/07. The Committee met on 10/23/07. This item was published on 10/19/07. A Public Hearing was held on 10/29/07. The committee voted unanimously to recommend favorable action.

Councilor DiFazio noted that Councilor Whitaker's effort on getting this matter in before the deadline is appreciated.

A MOTION was made by Councilor DiFazio to APPROVE item number 07 133 and was seconded by Councilor Molisse and was UNANIMOUSLY VOTED.

#### **07 134-Community Preservation Committee-Purchase of Land**

This item was referred on 10/15/07. The Committee met on 10/23/07. This item was published on 10/19/07. A Public Hearing was held on 10/29/07. The committee voted to recommend favorable action.

Solicitor Lane stated that he wanted to be certain that the vote is for the purpose of acquisition of open space in accordance with the provisions of Chapter 44B. He noted that the state of Massachusetts is reviewing these very closely. There are provisions in the CPA relative to deed restrictions which are subject to state approval.

A MOTION was made by Councilor DiFazio to APPROVE item number 07 134 and was seconded by Councilor Molisse.

Solicitor Lane asked that the measure be amended as follows:

That the Town of Weymouth raise and appropriate the sum of \$300,000.00 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, for the purpose of the acquisition of open space as defined and in accordance with the provisions of the Community Preservation Act, M.G.L. Chapter 44B.

Solicitor Lane stated that there must be a designation of a third party for the purposes of a deed restriction. He stated that there is still work to be done on this matter. He noted that there is a potential for fines on future funds if this process is not followed correctly. Additionally, there is state approval which is required. This does not affect the purchase/sale of the property. It does however require further action.

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Councilor Whitaker stated that the purchase of land from the open space account is enough to restrict the use of the property to open space under the town's control.

Solicitor Lane stated that the Community Preservation Act is subject to Chapter 184 section 27-32.

Councilor DiFazio made a MOTION to accept the amendment by Solicitor Lane and was seconded by Councilor Molisse.

The AMENDED MOTION passed UNANIMOUSLY.

### **Ordinance Committee – Council President Smart**

#### **07 122-Proposed Ordinance Revision to Chapter 13-Appendix A**

This item was referred on 9/4/07. The Committee met on 10/23/07. This item was published on 10/19/07. A Public Hearing was held on 10/29/07. The committee voted unanimously to recommend favorable action.

This matter was approved by the Massachusetts Highway Department on July 3, 2007.

A MOTION was made by Councilor Mathews to APPROVE item number 07 122 and was seconded by Councilor Molisse.

Councilor Whitaker made a SUBSTITUTE MOTION to amend Chapter 13 Appendix A to include number 14 Central Street from Pleasant Street to Union Street at all times and number 15 Ralph Talbot Street from Pleasant Street to Park Avenue at all times and was seconded by Councilor Molisse.

Solicitor Lane asked for clarification that the substitute motion is only changing measure number 07 122. Councilor Whitaker state that this is his intent.

Councilor Mathews stated that he read the motion as it was voted out of the Ordinance Committee.

The SUBSTITUTE MOTION was UNANIMOUSLY VOTED.

#### **07 125-Parking Prohibitions and Restrictions on Streets**

This item was referred on 9/4/07. The Committee met on 10/16/07. This item was published on 10/19/07. A Public Hearing was held on 10/29/07. The committee voted unanimously to recommend favorable action.

Council President Smart stated that several revisions were submitted with the most recent submitted on 10/11/07.



A MOTION was made by Councilor Mathews to APPROVE item number 07 125 and was seconded by Councilor Molisse and was UNANIMOUSLY VOTED.

**07 126-Yield Sign Chandler Street at Chandler/Idlewell/Manzanetta**

This item was referred on 9/4/07. The Committee met on 10/16/07. This item was published on 10/19/07. A Public Hearing was held on 10/29/07. The committee voted unanimously to recommend favorable action.

A MOTION was made by Councilor Mathews to APPROVE item number 07 126 and was seconded by Councilor O'Connor and was UNANIMOUSLY VOTED.

**ADJOURNMENT**

At 9:40pm there being no further business, Councilor Mathews MOTIONED to adjourn and Councilor O'Connor seconded and was UNANIMOUSLY VOTED.

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