

MINUTES OF THE TOWN COUNCIL

Town Hall Council Chambers

November 13, 2007

Present: Michael Smart, President
Jack Carey
Ed Harrington
Thomas J. Lacey
Arthur E. Mathews
Michael Molisse
Patrick O'Connor
Greg Shanahan
Kevin Whitaker

Not Present: Kenneth J. DiFazio
Maureen Duffy, Town Auditor
Sue Kay

Also Present: James Wilson, Chief Financial Officer
David Madden, Mayor
Franklin Fryer, Town Clerk
Jane Hackett, Chief of Staff
George Lane, Town Solicitor
Robert O'Connor, Director of Department of Public Works

Recording Secretary: Janet Murray

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

Council President Smart stated that he had received a call from Councilor Carey that he would be late. He also stated that Councilor Kay had called and stated that she had a prior commitment and would not be present. Councilor DiFazio sent a fax stating that he would be attending a Planning Board Hearing regarding a potential 40R development near Central Square this evening and would be unable to attend the Council meeting.

ANNOUNCEMENTS

Council President Smart introduced Mr. Ed Harrington. He stated that Mr. Harrington was sworn in this evening as a member of the Council. Councilor Harrington will fill the remainder of the late Councilor Paul J. Leary's term as District 5 Councilor. Councilor Leary passed away last month.

Councilor Mathews stated that the South Weymouth Neighborhood Association will hold its annual meeting this Thursday at 7pm at the Nazarene Church on Ralph Talbot Street.

MINUTES

Budget/Management Committee Meeting-9/24/07

A MOTION was made by Councilor Mathews to ACCEPT the minutes from 9/24/07 and was seconded by Councilor Molisse and UNANIMOUSLY VOTED.

Town Council Meeting-9/24/07

A MOTION was made by Councilor Mathews to ACCEPT the minutes from 9/24/07 and was seconded by Councilor Molisse and UNANIMOUSLY VOTED.

Councilor Whitaker made a SUBSTITUTE MOTION to TABLE these minutes and was seconded by Councilor Lacey and UNANIMOUSLY VOTED.

Ordinance and Public Safety Committee Meeting-10/16/07

A MOTION was made by Councilor Mathews to ACCEPT the minutes from 10/16/07 and was seconded by Councilor Molisse and UNANIMOUSLY VOTED.

Public Safety Committee Meeting-10/25/07

A MOTION was made by Councilor Mathews to ACCEPT the minutes from 10/25/07 and was seconded by Councilor Molisse and UNANIMOUSLY VOTED.

CITIZEN'S CONCERN/COUNCIL RESPONSE

Signature Drive Regarding Review of Water and Drainage Report for Legion Field-Ellen Shaw Peterson/Stephen Bergfors

Mr. and Mrs. Peterson, 1 Endicott Street and Mr. Bergfors, Mount Vernon Road West, appeared before the Council.

Mrs. Shaw Peterson commented on the graphs submitted.

Mr. Bergfors stated that he is the President of the East Weymouth Neighborhood Association. He stated that he has personally experienced the drainage issues. He questioned if his property is above the water level yet the water is still backing onto his property. He noted 18 inches of water in his basement. He also noted that he has three drains surrounding his property.

Councilor Mathews asked the citizens to submit any additional issues or questions to him prior to the Public Works Committee Meeting. There will be a Public Works Committee meeting in order to address this issue and DPW will be informed of the problems.

Mr. Peterson stated that DPW is fully aware of the situation and has all of the information as it has been on-going for the past year.

Mr. Bergfors noted that the main gates have been left open at night. He is concerned about public safety. Council President Smart asked Councilor O'Connor to review this as the chairperson of the Public Safety Committee.

Councilor Mathews made a MOTION to refer the item regarding water and drainage in the Legion Field area to the Public Works Committee and was seconded by Councilor Molisse and UNANIMOUSLY VOTED.

Curbside Residential Trash Removal at 800 Broad Street-Kevin Champagne

Mr. Champagne appeared before the Council to discuss the issue of trash removal at his property, located at 800 Broad Street. He noted that the trash has not been picked up in the last 13 months. Mr. Champagne submitted a letter detailing his issues and concerns.

Council President Smart stated that he had spoken to Ms. Hackett who stated that there is an issue with whether the property is for profit. He stated that Administration is working on this and that it is not clear about participation in the pickup program.

Mr. Champagne stated that the property is 50% residential and 50% commercial. He stated that he would be willing to pay a fee to be part of the trash pickup program.

Councilor Mathews stated that he would have the secretary notify him when the Public Works Committee will be meeting to discuss this issue.

Councilor Mathews made a MOTION to refer the matter of curbside trash removal to the Public Works Committee and was seconded by Councilor Molisse and was UNANIMOUSLY VOTED.

PUBLIC HEARINGS:

Councilor Whitaker asked if there have been any changes since this process began.. Mr. O'Connor stated that he is not aware of any changes.

07 106-Street Acceptance-Autumn Lane

A MOTION was made by Councilor Mathews to OPEN the Public Hearing on item number 07 106 and was seconded by Councilor O'Connor and UNANIMOUSLY VOTED.

Abutters were notified on 8/28/07. There was no public comment.

A MOTION was made by Councilor Mathews to CLOSE the Public Hearing on item number 07 106 and was seconded by Councilor O'Connor and UNANIMOUSLY VOTED.

07 107-Street Acceptance-Chester Lane

A MOTION was made by Councilor Mathews to OPEN the Public Hearing on item number 07 107 and was seconded by Councilor Molisse and UNANIMOUSLY VOTED.

Abutters were notified on 8/28/07. There was no public comment.

A MOTION was made by Councilor Mathews to CLOSE the Public Hearing on item number 07 107 and was seconded by Councilor O'Connor and UNANIMOUSLY VOTED.

07 108-Street Acceptance-Danbury Road

A MOTION was made by Councilor Mathews to OPEN the Public Hearing on item number 07 108 and was seconded by Councilor O'Connor and UNANIMOUSLY VOTED.

Abutters were notified on 8/28/07. There was no public comment.

A MOTION was made by Councilor Mathews to CLOSE the Public Hearing on item number 07 108 and was seconded by Councilor O'Connor and UNANIMOUSLY VOTED.

07 109-Street Acceptance-Derek Drive

A MOTION was made by Councilor Mathews to OPEN the Public Hearing on item number 07 109 and was seconded by Councilor O'Connor and UNANIMOUSLY VOTED.

Abutters were notified on 8/28/07. There was no public comment.

A MOTION was made by Councilor Mathews to CLOSE the Public Hearing on item number 07 109 and was seconded by Councilor O'Connor and UNANIMOUSLY VOTED.

07 110-Street Acceptance-Jason Lane

A MOTION was made by Councilor Mathews to OPEN the Public Hearing on item number 07 110 and was seconded by Councilor O'Connor and UNANIMOUSLY VOTED.

Abutters were notified on 8/28/07. There was no public comment.

A MOTION was made by Councilor Mathews to CLOSE the Public Hearing on item number 07 110 and was seconded by Councilor O'Connor and UNANIMOUSLY VOTED.

07 111-Street Acceptance-Lane Avenue

A MOTION was made by Councilor Mathews to OPEN the Public Hearing on item number 07 111 and was seconded by Councilor O'Connor and UNANIMOUSLY VOTED.

Abutters were notified on 8/28/07. There was no public comment.

A MOTION was made by Councilor Mathews to CLOSE the Public Hearing on item number 07 111 and was seconded by Councilor O'Connor and UNANIMOUSLY VOTED.

07 112-Street Acceptance-Mary Rose Road

A MOTION was made by Councilor Mathews to OPEN the Public Hearing on item number 07 112 and was seconded by Councilor O'Connor and UNANIMOUSLY VOTED.

Abutters were notified on 8/28/07. There was no public comment.

A MOTION was made by Councilor Mathews to CLOSE the Public Hearing on item number 07 112 and was seconded by Councilor O'Connor and UNANIMOUSLY VOTED.

07 113-Street Acceptance-Old Colony Drive

A MOTION was made by Councilor Mathews to OPEN the Public Hearing on item number 07 113 and was seconded by Councilor O'Connor and UNANIMOUSLY VOTED.

Abutters were notified on 8/28/07. There was no public comment.

A MOTION was made by Councilor Mathews to CLOSE the Public Hearing on item number 07 113 and was seconded by Councilor O'Connor and UNANIMOUSLY VOTED.

07 114-Street Acceptance-Rindge Street

A MOTION was made by Councilor Mathews to OPEN the Public Hearing on item number 07 114 and was seconded by Councilor O'Connor and UNANIMOUSLY VOTED.

Abutters were notified on 8/28/07. There was no public comment.

A MOTION was made by Councilor Mathews to CLOSE the Public Hearing on item number 07 114 and was seconded by Councilor O'Connor and UNANIMOUSLY VOTED.

07 115-Street Acceptance-Rustic Drive

A MOTION was made by Councilor Mathews to OPEN the Public Hearing on item number 07 115 and was seconded by Councilor O'Connor and UNANIMOUSLY VOTED.

Abutters were notified on 8/28/07. There was no public comment.

A MOTION was made by Councilor Mathews to CLOSE the Public Hearing on item number 07 115 and was seconded by Councilor O'Connor and UNANIMOUSLY VOTED.

07 116-Street Acceptance-Springvale Circle

A MOTION was made by Councilor Mathews to OPEN the Public Hearing on item number 07 116 and was seconded by Councilor O'Connor and UNANIMOUSLY VOTED.

Abutters were notified on 8/28/07. There was no public comment.

A MOTION was made by Councilor Mathews to CLOSE the Public Hearing on item number 07 116 and was seconded by Councilor O'Connor and UNANIMOUSLY VOTED.

07 117-Street Acceptance-Woodside Path

A MOTION was made by Councilor Mathews to OPEN the Public Hearing on item number 07 117 and was seconded by Councilor O'Connor and UNANIMOUSLY VOTED.

Abutters were notified on 8/28/07. There was no public comment.

A MOTION was made by Councilor Mathews to CLOSE the Public Hearing on item number 07 117 and was seconded by Councilor O'Connor and UNANIMOUSLY VOTED.

COMMUNICATION FROM MAYOR, TOWN OFFICERS, AND TOWN BOARDS

07 136-Donation Accounts/Raymond Brooke

A MOTION was made by Councilor Mathews to REFER item number 07 136 to the Budget/Management Committee and was seconded by Councilor O'Connor and was UNANIMOUSLY VOTED.

Update from Administration on Town Water Supply Concerns -as Submitted by Councilor Thomas J. Lacey

Mayor Madden appeared before the Council with Steve Olson from Environmental Partners. Mayor Madden also noted that Mr. Olson is a former Water and Sewer Superintendent for the Town of Weymouth.

Mr. Olsen gave an overview of Weymouth's water situation.

Mayor Madden stated that there have been questions regarding the amount of water the town is committed to providing to the former naval air station (Southfield). He noted that the total amount of water promised is 150,000 gallons per day. He noted at present Southfield is using approximately 27,000 gallons per day averaged out over the year.

Councilor Lacey asked about further water requests from Southfield. Mayor Madden noted that there are several steps for them to request additional water in excess of the 150,000 gallons from the town. The project has identified their water supply as the Massachusetts Water Resource Authority (MWRA).

Councilor Mathews expressed concern with the fluctuation of the water levels at Whitman's Pond. Specifically, he is concerned about the ability of the herring to get back out to the ocean with the lack of water. He is also concerned about the environmental impacts of the water levels on the pond, including increased water temperatures and oxygen levels. He questioned why there is no safe yield for South Cove.

Mayor Madden noted that the water level of Whitman's Pond and Great Pond are both down equally-- at five (5) feet. He stated that Whitman's Pond (watershed area) is greater than Great Pond and bounces back more easily from rainfall as a result. He noted that withdrawal is permitted from South Cove.

Council President Smart asked if there are any measures being taken to weed or clean the pond. Mayor Madden noted that no amount of sediment can be removed from Whitman's Pond without a permit. He did note that if trash is identified it will be removed.

Council President Smart asked if the sluice gate between South Cove and Whitman's Pond is always closed. Mayor Madden stated that this gate is required to be closed.

Councilor Mathews asked if water was pumped from South Cove today. Mayor Madden stated that he believes that one pump was working today.

REPORTS OF COMMITTEES

Public Works Committee-Chairman Arthur Mathews

Solicitor Lane was recognized by Council President Smart. Solicitor Lane reviewed the process of the adoption of the order of taking, acceptance of each recommended waiver, and the acceptance of each street. He stated that this review did not need to be repeated for each item number.

07 106-Street Acceptance-Autumn Lane

This item was referred on 6/18/07. The Committee met on 9/4/07 and 11/13/07. Abutters were notified on 8/28/07. Public Hearings were held on 9/4/07 and 11/13/07. The committee voted unanimously to recommend favorable action.

Councilor Mathews made a MOTION that the Town Council APPROVE the adoption of the order of takings for **Autumn Lane** and was seconded by Councilor O'Connor and UNANIMOUSLY VOTED.

Councilor Mathews made a MOTION that the Town Council APPROVE the acceptance of each recommended waiver as prepared by the DPW for **Autumn Lane** and was seconded by Councilor O'Connor and UNANIMOUSLY VOTED.

Councilor Mathews made a MOTION that the Town Council APPROVE the acceptance of **Autumn Lane** as proposed and was seconded by Councilor O'Connor and UNANIMOUSLY VOTED.

A MOTION was made by Councilor Mathews to APPROVE item number 07 106 and was seconded by Councilor O'Connor and was UNANIMOUSLY VOTED.

07 107-Street Acceptance-Chester Lane

This item was referred on 6/18/07. The Committee met on 9/4/07 and 11/13/07. Abutters were notified on 8/28/07. Public Hearings were held on 9/4/07 and 11/13/07. The committee voted unanimously to recommend favorable action.

Councilor Mathews made a MOTION that the Town Council APPROVE the adoption of the order of takings for **Chester Lane** and was seconded by Councilor O'Connor and UNANIMOUSLY VOTED.

Councilor Mathews made a MOTION that the Town Council APPROVE the acceptance of each recommended waiver as prepared by the DPW for **Chester Lane** and was seconded by Councilor O'Connor and UNANIMOUSLY VOTED.

Councilor Mathews made a MOTION that the Town Council APPROVE the acceptance of **Chester Lane** as proposed and was seconded by Councilor O'Connor and UNANIMOUSLY VOTED.

A MOTION was made by Councilor Mathews to APPROVE item number 07 107 and was seconded by Councilor O'Connor and was UNANIMOUSLY VOTED.

07 108-Street Acceptance-Danbury Road

This item was referred on 6/18/07. The Committee met on 9/4/07 and 11/13/07. Abutters were notified on 8/28/07. Public Hearings were held on 9/4/07 and 11/13/07. The committee voted unanimously to recommend favorable action.

Councilor Mathews made a MOTION that the Town Council APPROVE the adoption of the order of takings for **Danbury Road** and was seconded by Councilor O'Connor and UNANIMOUSLY VOTED.

Councilor Mathews made a MOTION that the Town Council APPROVE the acceptance of each recommended waiver as prepared by the DPW for **Danbury Road** and was seconded by Councilor O'Connor and UNANIMOUSLY VOTED.

Councilor Mathews made a MOTION that the Town Council APPROVE the acceptance of **Danbury Road** as proposed and was seconded by Councilor O'Connor and UNANIMOUSLY VOTED.

A MOTION was made by Councilor Mathews to APPROVE item number 07 108 and was seconded by Councilor O'Connor and was UNANIMOUSLY VOTED.

07 109-Street Acceptance-Derek Drive

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Councilor Mathews made a MOTION that the Town Council APPROVE the adoption of the order of takings for **Derek Drive** and was seconded by Councilor O'Connor and UNANIMOUSLY VOTED.

Councilor Mathews made a MOTION that the Town Council APPROVE the acceptance of each recommended waiver as prepared by the DPW for **Derek Drive** and was seconded by Councilor O'Connor and UNANIMOUSLY VOTED.

Councilor Mathews made a MOTION that the Town Council APPROVE the acceptance of **Derek Drive** as proposed and was seconded by Councilor O'Connor and UNANIMOUSLY VOTED.

A MOTION was made by Councilor Mathews to APPROVE item number 07 109 and was seconded by Councilor O'Connor and was UNANIMOUSLY VOTED.

07 110-Street Acceptance-Jason Lane

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Councilor Mathews made a MOTION that the Town Council APPROVE the adoption of the order of takings for **Jason Lane** and was seconded by Councilor O'Connor and UNANIMOUSLY VOTED.

Councilor Mathews made a MOTION that the Town Council APPROVE the acceptance of each recommended waiver as prepared by the DPW for **Jason Lane** and was seconded by Councilor O'Connor and UNANIMOUSLY VOTED.

Councilor Mathews made a MOTION that the Town Council APPROVE the acceptance of **Jason Lane** as proposed and was seconded by Councilor O'Connor and UNANIMOUSLY VOTED.

A MOTION was made by Councilor Mathews to APPROVE item number 07 110 and was seconded by Councilor O'Connor and was UNANIMOUSLY VOTED.

07 111-Street Acceptance-Lane Avenue

This item was referred on 6/18/07. The Committee met on 9/4/07 and 11/13/07. Abutters were notified on 8/28/07. Public Hearings were held on 9/4/07 and 11/13/07. The committee voted unanimously to recommend favorable action.

Councilor Mathews made a MOTION that the Town Council APPROVE the adoption of the order of takings for **Lane Avenue** and was seconded by Councilor O'Connor and UNANIMOUSLY VOTED.

Councilor Mathews made a MOTION that the Town Council APPROVE the acceptance of each recommended waiver as prepared by the DPW for **Lane Avenue** and was seconded by Councilor O'Connor and UNANIMOUSLY VOTED.

Councilor Mathews made a MOTION that the Town Council APPROVE the acceptance of **Lane Avenue** as proposed and was seconded by Councilor O'Connor and UNANIMOUSLY VOTED.

A MOTION was made by Councilor Mathews to APPROVE item number 07 111 and was seconded by Councilor O'Connor and was UNANIMOUSLY VOTED.

07 112-Street Acceptance-Mary Rose Road

This item was referred on 6/18/07. The Committee met on 9/4/07 and 11/13/07. Abutters were notified on 8/28/07. Public Hearings were held on 9/4/07 and 11/13/07. The committee voted unanimously to recommend favorable action.

Councilor Mathews made a MOTION that the Town Council APPROVE the adoption of the order of takings for **Mary Rose Road** and was seconded by Councilor O'Connor and UNANIMOUSLY VOTED.

Councilor Mathews made a MOTION that the Town Council APPROVE the acceptance of each recommended waiver as prepared by the DPW for **Mary Rose Road** and was seconded by Councilor O'Connor and UNANIMOUSLY VOTED.

Councilor Mathews made a MOTION that the Town Council APPROVE the acceptance of **Mary Rose Road** as proposed and was seconded by Councilor O'Connor and UNANIMOUSLY VOTED.

A MOTION was made by Councilor Mathews to APPROVE item number 07 112 and was seconded by Councilor O'Connor and was UNANIMOUSLY VOTED.

07 113-Street Acceptance-Old Colony Drive

This item was referred on 6/18/07. The Committee met on 9/4/07 and 11/13/07. Abutters were notified on 8/28/07. Public Hearings were held on 9/4/07 and 11/13/07. The committee voted unanimously to recommend favorable action.

Councilor Mathews made a MOTION that the Town Council APPROVE the adoption of the order of takings for **Old Colony Drive** and was seconded by Councilor O'Connor and UNANIMOUSLY VOTED.

Councilor Mathews made a MOTION that the Town Council APPROVE the acceptance of each recommended waiver as prepared by the DPW for **Old Colony Drive** and was seconded by Councilor O'Connor and UNANIMOUSLY VOTED.

Councilor Mathews made a MOTION that the Town Council APPROVE the acceptance of **Old Colony Drive** as proposed and was seconded by Councilor O'Connor and UNANIMOUSLY VOTED.

A MOTION was made by Councilor Mathews to APPROVE item number 07 113 and was seconded by Councilor O'Connor and was UNANIMOUSLY VOTED.

07 114-Street Acceptance-Rindge Street

This item was referred on 6/18/07. The Committee met on 9/4/07 and 11/13/07. The abutters were notified on 8/28/07. Public Hearings were held on 9/4/07 and 11/13/07. The committee voted unanimously to recommend favorable action.

Councilor Mathews made a MOTION that the Town Council APPROVE the adoption of the order of takings for **Rindge Street** and was seconded by Councilor O'Connor and UNANIMOUSLY VOTED.

Councilor Mathews made a MOTION that the Town Council APPROVE the acceptance of each recommended waiver as prepared by the DPW for **Rindge Street** and was seconded by Councilor O'Connor and UNANIMOUSLY VOTED.

Councilor Mathews made a MOTION that the Town Council APPROVE the acceptance of **Rindge Street** as proposed and was seconded by Councilor O'Connor and UNANIMOUSLY VOTED.

A MOTION was made by Councilor Mathews to APPROVE item number 07 114 and was seconded by Councilor O'Connor and was UNANIMOUSLY VOTED.

07 115-Street Acceptance-Rustic Drive

This item was referred on 6/18/07. The Committee met on 9/4/07 and 11/13/07. Abutters were notified on 8/28/07. Public Hearings were held on 9/4/07 and 11/13/07. The committee voted unanimously to recommend favorable action.

Councilor Mathews made a MOTION that the Town Council APPROVE the adoption of the order of takings for **Rustic Drive** and was seconded by Councilor O'Connor and UNANIMOUSLY VOTED.

Councilor Mathews made a MOTION that the Town Council APPROVE the acceptance of each recommended waiver as prepared by the DPW for **Rustic Drive** and was seconded by Councilor O'Connor and UNANIMOUSLY VOTED.

Councilor Mathews made a MOTION that the Town Council APPROVE the acceptance of **Rustic Drive** as proposed and was seconded by Councilor O'Connor and UNANIMOUSLY VOTED.

A MOTION was made by Councilor Mathews to APPROVE item number 07 115 and was seconded by Councilor O'Connor and was UNANIMOUSLY VOTED.

07 116-Street Acceptance-Springvale Circle

This item was referred on 6/18/07. The Committee met on 9/4/07 and 11/13/07. Abutters were notified on 8/28/07. Public Hearings were held on 9/4/07 and 11/13/07. The committee voted unanimously to recommend favorable action.

Councilor Mathews made a MOTION that the Town Council APPROVE the adoption of the order of takings for **Springvale Circle** and was seconded by Councilor O'Connor and UNANIMOUSLY VOTED.

Councilor Mathews made a MOTION that the Town Council APPROVE the acceptance of each recommended waiver as prepared by the DPW for **Springvale Circle** and was seconded by Councilor O'Connor and UNANIMOUSLY VOTED.

Councilor Mathews made a MOTION that the Town Council APPROVE the acceptance of **Springvale Circle** as proposed and was seconded by Councilor O'Connor and UNANIMOUSLY VOTED.

A MOTION was made by Councilor Mathews to APPROVE item number 07 116 and was seconded by Councilor O'Connor and was UNANIMOUSLY VOTED.

07 117-Street Acceptance-Woodside Path

This item was referred on 6/18/07. The Committee met on 9/4/07 and 11/13/07. Abutters were notified on 8/28/07. Public Hearings were held on 9/4/07 and 11/13/07. The committee voted unanimously to recommend favorable action.

Councilor Mathews made a MOTION that the Town Council APPROVE the adoption of the order of takings for **Woodside Path** and was seconded by Councilor O'Connor and UNANIMOUSLY VOTED.

Councilor Mathews made a MOTION that the Town Council APPROVE the acceptance of each recommended waiver as prepared by the DPW for **Woodside Path** and was seconded by Councilor O'Connor and UNANIMOUSLY VOTED.

Councilor Mathews made a MOTION that the Town Council APPROVE the acceptance of **Woodside Path** as proposed and was seconded by Councilor O'Connor and UNANIMOUSLY VOTED.

A MOTION was made by Councilor Mathews to APPROVE item number 07 117 and was seconded by Councilor O'Connor and was UNANIMOUSLY VOTED.

Council President Smart noted that Councilor Harrington abstained from voting on the street acceptances as he was not present for the previous hearings.

ADJOURNMENT

At 9:00pm there being no further business, Councilor Mathews MOTIONED to adjourn and Councilor O'Connor seconded and was UNANIMOUSLY VOTED.

Approved by: _____
Michael Smart, President