

MINUTES OF THE TOWN COUNCIL
Town Hall Council Chambers
NOVEMBER 15, 2004

REVISED

Present: T.J. Lacey, President
Michael Smart, Vice President
Joseph Connolly
Kenneth DiFazio
Greg Hargadon
Sue Kay
Paul Leary
Arthur Mathews
Colin McPherson
Michael Molisse
Greg Shanahan

Also Present: Franklin Fryer, George Lane, Richard Swanson

Recording Secretary: Julie Santacroce Burt

President Lacey called the meeting to order at 7:30 PM.

ANNOUNCEMENTS

Michael Smart announced that on November 15, the Pond Plain Improvement Association will hold a presentation regarding the plan for the Naval Air Base.

Michael Molisse announced that the Parks Committee meeting has been rescheduled for December 6 at 7PM and the Education Committee meeting will be held on November 22 at 6:30 PM.

Colin McPherson announced that the Department of Public Health will meet on November 17, 2004.

MINUTES

Michael Smart made a MOTION to approve the minutes of the Budget/Management Committee meeting on October 18, 2004, and was seconded by Sue Kay and was UNANIMOUSLY VOTED.

CITIZEN'S CONCERN/COUNCIL RESPONSE

Paul Delmonico-Yard Sale Ordinance

Mr. and Ms. Paul Delmonico of 144 Prospect Hill were before the Council. Ms. Delmonico stated that the Yard Sale Ordinance, in her opinion, was created with just her husband in mind.

Councilor Lacey stated that the ordinance was purposely violated and, therefore, Mr. Delmonico was cited and fined. Councilor Lacey further stated that these concerns will be taken under advisement.

Harold Paretchan-Citation Issuance

Councilor Kay spoke on behalf of Mr. Paretchan's lifelong dedication to Dr. Gilbert Newton Lewis, who, among other great accomplishments in the field of science, discovered Plutonium.

November 15, 2004 was declared Mr. Harold Paretchan and Gilbert Newton Lewis Day.

Councilor McPherson made a MOTION to introduce a resolution to the Postmaster General for a stamp in honor of Gilbert Newton Lewis and was seconded by Councilor Kay and was UNANIMOUSLY VOTED.

PUBLIC HEARING

04 191 Verizon-Conduit-Columbian Street and Fogg Road

Michael Smart made a MOTION to continue the public hearing on item #04 191 and was seconded by Greg Hargadon and was UNANIMOUSLY VOTED.

A representative of Verizon was before the Council to state that the project will take two days and will consist of two concrete encased conduits being installed 24 inches underground.

Councilor Lacey asked if there was any public comment to which there was no reply.

Michael Smart made a MOTION to close the public hearing on item #04 191 and was seconded by Paul Leary and was UNANIMOUSLY VOTED.

Paul Leary made a MOTION to TAKE FAVORABLE ACTION on item #04 191 under 2-9(b) and it was seconded by Michael Molisse and was UNANIMOUSLY VOTED.

OLD BUSINESS

04 179 Community Preservation Act

Councilor DiFazio introduced Chris Saccardi, Assistant Director of the Community Preservation Coalition. Mr. Saccardi gave a presentation to the members of the Town Council in regards to the Community Preservation Act

Mr. Saccardi works for the Community Preservation Coalition, a nonprofit organization. He works to educate the public on the Community Preservation Act.

The Community Preservation Act is a funding tool, giving communities a source of funding for three areas: 1) open space; 2) historic preservation; 3) affordable housing. There are 75 cities and towns in Massachusetts who have adopted the Community Preservation Act.

Mr. Saccardi went over the basics of the Community Preservation Act. Each community had the option to vote to participate through a two step process. Town Council would first vote to place the Community Preservation Act on the ballot. The second step is for vote at an upcoming election.

Once in place, the Community Preservation Act means a surcharge is added to residential and commercial tax bills. At least 10 percent of funds must be spent or reserved each year in each of the three areas mentioned previously. The remaining 70 percent can be used in one area.

The Community Preservation Act is not permanent. This is a five year commitment.

Significant state matching is available.

Funds are spent in the Community Preservation Act through a two step check and balance process.

Mr. Saccardi discussed the financial aspects. Any residents with existing exemptions those exemptions would still exist. Part of the Town Council vote will be to set the surcharge and any exemptions. The options are: 1) all commercial and industrial property is exempt from the surcharge; 2) exempt the first \$100,000 residential parcel; 3) low income residents and moderate income seniors.

It was stressed that the surcharge is on the tax bill after the \$100,000 exemption.

A central piece of the Community Preservation Act is the state matching funds. Any time a deed is registered in Massachusetts, a \$20 surcharge is deposited into the Community Preservation Act trust fund. There have been three matches so far: \$18 million in 2002; \$27 million in 2003; \$31 million in 2004. The Registry of Deeds surcharges accrue to

the state trust fund. After payout each year, the remainder rolls over. It is likely the 100 percent mach will continue for the next four to six years.

Councilor DiFazio had a procedural question confirming that Town Council's first step is to allow the Community Preservation Act on the ballot and allow constituents the ability to decide whether or not to adopt it.

Councilor Leary wanted to make clear that the surcharge is determined by Council. He also asked how long can money be saved. Mr. Saccardi responded that there is the freedom to save as long as possible, but that most communities spend some and save some. Matching funds are paid regardless of whether the money is spent or saved.

Councilor Kay asked what is the process to repeal the Community Preservation Act. Mr. Saccardi stated that the process to repeal is the same used to adopt (ie, Town Council vote followed by ballot election).

There were no further questions. The members of Council thanked Mr. Saccardi for an informative presentation.

04 214 St. Albert Parishioners' Letter Writing Campaign

Councilor Leary stated to members of Council that the Ordinance met earlier in the evening. He further mentioned that during the Committee meeting, item #04 214 was withdrawn with a recommendation of no action. He also stated that individual Councilors are encouraged to write strong letters of support to the External Review Committee and send a copy of their letter to the parish so that the parishioners may read them.

Councilor Leary recommended a no vote on item #04 214. Councilor Kay asked for clarification on the no vote. Councilor Leary explained that due to not wishing to vote negatively. He had made the initial submission noting that over 700 letters had been received from the Town Council and the Mayor's office and that because of that an analysis had to be done. Because of the legal ramifications, the Council cannot write a letter as a body, but Councilor Leary encourages each member to write a letter individually.

Councilor Kay stated that the work was accomplished and she does not see the need for a vote.

Councilor Hargadon stated that he appreciated the Committee's work on this matter and acknowledges St. Albert's graciously withdrawing. He further stated that he didn't want to put anyone on the spot. He feels a letter should be sent in order to help the people and the community.

Councilor Kay stated that the members of St. Albert's did not wish to place any burden on the town but did ask the Councilors individually to write letters. She further recommended taking a stronger slant than suggested in the form letter.

Councilor Smart stated that Solicitor Lane said that action by the Council as a body could potentially result in a lawsuit and Solicitor Lane would have to represent the Council. He will send a letter individually

Councilor Molisse stated that Solicitor Lane has spent a lot of time on this and he will take his advice. He will send his own individual letter.

Councilor Mathews stated that he will send his own letter and recognizes that the Town Council cannot act as a body.

A MOTION was made by Sue Kay to TAKE NO ACTION on item #04 214 and was seconded by Colin McPherson

Connolly-N

DiFazio-A

Hargadon-N

Kay-A

Lacey-A

Leary-A

Mathews-A

McPherson-A

Molisse-A

Smart-A

8 to 2 MOTION PASSES.

04 160 Abandonment of Theron Avenue

Chairman Lacey stated that based on the findings of the Economic Development Committee, the town has no intention for the paper street. The Planning Board also determined the town has no need for the paper street. Attorney Galvin spoke and gave more information on this matter.

Attorney Galvin stated that there are two petitions to the Planning Board and the Town Council. The parcels are located south of Rockway and divided by a paper street, Theron Avenue. Currently the property has 90 percent taken up by the Armory and the remainder is unusable for development. Attorney Galvin stated that he is presenting on behalf of property owners and asking the town to release and pass over the land which the town does not own. The bank wants to see that the town does not have any plans to develop the land. Property owners have interest in expanding medical use. They would like to see the release of the southern portion. Attorney Galvin suggested that the use would not have a negative impact on the town.

The northern side property owners are interested in residential development. By releasing Theron Avenue, the northern side could be developed by two and one half story townhouse units requiring Planning Board oversight. By not releasing, the Planning Board oversight is not required and the building could be a four to six story unit.

Councilor Leary asked why this is not two measures. He is opposed to the northern side.

Councilor Lacey clarified that the measure was recommended by the Planning Board but the Council can split it into two motions.

Councilor Mathews asked if plans have been presented to the Planning Board. Mr. Galvin stated that they have not because a decision has not been made on Theron Avenue.

Councilor Mathews stated that there are no guarantees.

Mr. Galvin stated he will provide assurance as to medical use by the Armory owners.

Councilor Connolly requested clarification on splitting the measure. He asked Solicitor Lane if it is legal to release one half and not the other. To which Solicitor Lane responded that there is nothing to prevent the splitting of the vote.

A MOTION was made by Councilor McPherson to TAKE FAVORABLE ACTION on item #04 160 and was seconded by Greg Hargadon

A SUBSTITUTE MOTION was made by Councilor Connolly to RELEASE THE SOUTHERN PORTION OF THERON AVENUE and was seconded by Michael Smart

Connolly-A

DiFazio-N

Hargadon-A

Kay-A

Lacey-N

Leary-A

Mathews-N

McPherson-N

Michael Molisse-N

Shanahan-A

Smart-A

6 to 5 MOTION PASSES.

COMMUNICATION FROM MAYOR, TOWN OFFICERS, AND TOWN BOARDS

Update on Health Study Committee Survey by Karen Curreiri, RN, Board of Health

Karen Curreri , RN, was before Council with an updated on the Health Study Committee survey. Ms. Curreri extended her thanks to all the members of the Committee. A health booklet for the High School has been developed and future work will be undertaken in collaboration with South Shore Hospital. Additionally, the Committee is working on a potential new position for a Community Health Program Coordinator.

Michael Smart thanked Ms. Curreri for her continued efforts.

Sue Kay offered her assistance to the Committee.

04 217 Reserve Fund Transfer \$20,000 Fire Apparatus Repair

A MOTION was made by Michael to refer item #04 217 to the Budget/Management Committee and was seconded by Arthur Mathews and was UNANIMOUSLY VOTED.

MOTIONS, ORDERS, and RESOLUTIONS

04 187 Special Police Officers Legislation (reconsideration)

Solicitor Lane asked the members of Council to reconsider item #04 187 due to clerical error on the initial document such that the measure stated one thing, but the act stated another.

A MOTION was made by Paul Leary to RECONSIDER item #04 187 and was seconded by Sue Kay and was UNANIMOUSLY VOTED.

A MOTION was made by Kenneth DiFazio to TAKE FAVORABLE ACTION under 2-9B on item #04 187 and was seconded by Michael Smart and was UNANIMOUSLY VOTED.

ADJOURNMENT

There being no further business, Councilor Mathews MOTIONED to adjourn and Councilor Smart seconded. The MOTION was UNANIMOUSLY VOTED.

Approved by: _____
T.J. Lacey, President

