

MINUTES OF THE TOWN COUNCIL
Town Hall Council Chambers
December 18, 2006

Present: Michael Smart, President
Paul J. Leary, Vice-President
Jack Carey
Kenneth DiFazio
Sue Kay
Thomas J. Lacey
Arthur Mathews
Michael Molisse
Patrick O'Connor
Gregory Shanahan
Kevin Whitaker

Also Present: Franklin Fryer, Town Clerk
Jane Hackett, Chief of Staff
George Lane, Town Solicitor

Not Present: Richard Swanson, Town Auditor
James Wilson, Chief Financial Officer

Recording Secretary: Janet Murray

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

ANNOUNCEMENTS

President Smart announced that the Town Clerk's office will close at 3pm on Thursday January 4, 2007, and be closed on Friday January 5, 2007 for renovations and will reopen on Monday January 8 2007.

MINUTES

Public Works Committee Meeting-10/16/06

A MOTION was made by Councilor Leary to ACCEPT the minutes from 10/16/06 and was seconded by Councilor Kay and UNANIMOUSLY VOTED.

Town Council Meeting-10/16/06

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PUBLIC HEARINGS

06 144-National Grid/Verizon Pole Relocation - 273 Washington Street

A MOTION was made by Councilor Leary to OPEN the Public Hearing on item number 06 144 and was seconded by Councilor Kay and UNANIMOUSLY VOTED.

This item was published on 12/8/06. There was the following public comment.

Mr. Steven Bretton of National Grid stated that this is a customer request to relocate the pole. The pole obstructs the resident's driveway.

Leslie Wright of Commercial Street stated that she does not object to the pole being moved; however, she owns a business on abutting property. She asked to be notified when the pole is to be relocated. She noted that she is closed on Mondays and this would be a good day for the work to be done. She also asked that the trucks not park in her driveway. She also wanted to know if her power would be interrupted.

Mr. Brennan asked Ms. Wright for her phone number so that he could contact her with further information. He stated that there would not be an interruption of service.

A MOTION was made by Councilor Leary to CLOSE the Public Hearing on item number 06 144 and was seconded by Councilor Kay and UNANIMOUSLY VOTED.

OLD BUSINESS

South Shore Tri-Town Development Corporation Update - Terry Fancher-Executive Director

Mr. Fancher and Mr. McPherson appeared before the Council for a monthly update.

Mr. Fancher stated that intersection work on Route 18 is already underway. The contractor is ETL. An 18 month project schedule is expected. Substantial completion is expected by next fall. He noted that pole relocations have been an issue in prior construction projects so he is working to have this process coordinated.

The Navy has extended the master lease for the airbase for 365 days. Grading, drainage, lighting, and stone wall construction is currently underway. Next spring, more grading and hydrants, lighting, curbing, milling and paving will be done. Temporary sidewalks have been installed.

The Draft Environmental Impact Report (DEIR) has not been issued. Mr. Fancher stated that he has not seen the certificate. He does know if the document will be given a decision of adequate. The Final Environmental Impact Report (FEIR) is expected to be issued in June of 2007.

Councilor Leary asked who is funding the East/West Parkway and what is the expected date of completion.

Mr. Fancher stated that the original price tag was \$15 million. He noted that the SSTITDC's cost has increased to \$28 million for the onsite property. He stated, "This is our responsibility. It is LNR's responsibility off- site. It is possible that the State will be a partner on the Rockland side." He noted that negotiations are still underway with the state to determine how much they will fund of the off- site work.

Councilor Leary asked who would pay for the work to be done on Reservoir Drive. Mr. Fancher stated that from the base to Rockland falls under the responsibility of LNR. Discussions are continuing about the intersections. There are two lights on Reservoir Park Drive and on Route 228. Councilor Leary noted that the lights are already in place. Mr. Fancher stated that it is a matter of who will pay for them.

Councilor Mathews asked Mr. Fancher to provide each Councilor with a copy of the DEIR certificate once it is issued. Mr. Fancher agreed to provide this.

Councilor Mathews asked about the permanent water source from the MWRA. Mr. Fancher stated that he expects to have more information in the next few months. He noted that there are discussions occurring with Braintree.

LATE AGENDA ITEM

A MOTION was made by Councilor O'Connor to ADD A LATE AGENDA ITEM and was seconded by Councilor Mathews and UNANIMOUSLY VOTED.

A MOTION was made by Councilor O'Connor to APPROVE Item number 06 144 (National Grid/Verizon pole relocation-273 Washington Street) and was seconded by Councilor Mathews.

Councilor Lacey made a SUBSTITUTE MOTION to add a condition of approval that the work be completed on a Monday and was seconded by Councilor Mathews and was UNANIMOUSLY VOTED.

REPORTS OF COMMITTEES

Ordinance Committee – Chairman Kay

06 125-Utility Applications/Petitions Proposed Changes

This item was referred on 6/19/06. The committee has met on 7/25/06, 9/14/06, 10/19/06, 11/13/06, and 12/18/06. At each meeting the item was continued.

Councilor Kay noted that new information was brought to the committee. A finalized utilitypetition cost justification and analysis of petitions has been received. Solicitor Lane has

attempted to meet with attorneys from National Grid and Verizon to discuss the recommendations of reimbursement to the town for processing the petitions.

At this evening's meeting, the committee voted unanimously to continue this item into calendar year 2007.

A MOTION was made by Councilor Kay to CONTINUE and EXTEND item number 06 125 into calendar year 2007 and was seconded by Councilor Mathews and was UNANIMOUSLY VOTED.

06 126-Utility Pole Removal Proposed Ordinance

This item was referred on 7/25/06. The Committee has met on 7/25/06, 9/14/06, 10/19/06, 11/13/06, and 12/18/06. At each meeting the item was continued. At this evening's meeting, the committee voted unanimously to continue this item into calendar year 2007.

The Fire Department has made substantial progress removing the alarms from the double poles. Initially there were 174 poles total to be removed; 74 poles have been removed.

Councilor Kay stated that the Committee is proposing, with Administration, to do a comparison of those poles which remain outstanding as related to other utility companies. Once this responsibility is met, the utility companies will be notified.

A MOTION was made by Councilor Kay to CONTINUE and EXTEND item number 06 126 into calendar year 2007 and was seconded by Councilor Mathews and was UNANIMOUSLY VOTED.

06 143- Yard Sale Ordinance Review

This item was referred on 9/5/06. The Committee met on 9/14/06, 10/19/06, 11/13/06 and 12/18/06.

Solicitor Lane has proposed revisions to the Ordinance. Solicitor Lane, Councilor Kay, and Diane Hachey have reviewed previous minutes in order to take into consideration all comments/concerns of the Councilors. A public hearing will be held on January 2, 2006.

Councilor Kay stated that there is a revised ordinance and application.

The Committee voted to recommend favorable action with an amendment made to number 7 to change the 1st offense to a warning, 2nd offense be \$100 fine, 3rd offense be \$200 fine, and 4th offense \$300.

The Committee voted 3-2 to maintain a fee, to be set by Council, in the ordinance.

A MOTION was made by Councilor Shanahan to recommend FAVORABLE ACTION on item number 06 143 and was seconded by Councilor Shanahan.

Councilor Mathews stated that he believed that the Council should not vote this evening, but wait until after the public hearing.

Councilor Kay WITHDREW the MOTION as she only intended to report to the Council.

Councilor Whitaker asked for a point of information. He questioned if the proposed ordinance should be reviewed and approved before the publication of the public hearing.

Councilor Kay stated that it is required to do this. President Smart stated that a motion is not necessary.

Councilor Whitaker asked if the wording of the ordinance could be reviewed as the Committee was split on the vote. President Smart stated that Councilor Kay reported out of committee reflective of the majority vote. He stated that the request would be out of order. President Smart stated that the full ordinance will be available at the Town Clerk's Office for viewing.

ADJOURNMENT

At 8:05pm there being no further business, Councilor Leary MOTIONED to adjourn and Councilor Mathews seconded and was UNANIMOUSLY VOTED.

Approved by: _____
Michael Smart, President