

TOWN COUNCIL MINUTES
Town Hall Council Chambers
January 16, 2018, Tuesday

Present: Michael Smart, President
Arthur Mathews, Vice President
Kenneth DiFazio, Councilor
Jane Hackett, Councilor
Ed Harrington, Councilor
Christopher Heffernan
Thomas J. Lacey, Councilor
Arthur Mathews, Councilor
Brian McDonald, Councilor
Michael Molisse, Councilor

Absent: Frederick Happel, Councilor
Rebecca Haugh, Councilor

Also Present: Ted Langill, Chief of Staff
Brian Connolly, Chief Financial Officer
Joseph Callanan, Town Solicitor
Kathleen Deree, Town Clerk
Richard Swanson, Town Auditor
John MacLeod, Director of Asset Management
Steve Reilly-Director of Recreation
Nicholas Bulens, Administrative Services Coordinator
Robert Luongo, Director of Planning
Ted Langill, Chief of Staff

Recording Secretary: Mary Barker

President Smart called the meeting to order at 7:30 PM. After the Pledge of Allegiance, Town Clerk Kathy Deree called the roll, with 2 members absent. President Smart reported that Councilor Haugh was unwell and Councilor Happel had a prior family commitment.

ANNOUNCEMENTS

Committee Designations-President Michael Smart

President Smart announced the following committee appointments for 2018-2020:

WEYMOUTH TOWN COUNCIL COMMITTEE APPOINTMENTS

2018-2020

Budget/Management

Chair	Michael Molisse
Vice Chair	Thomas Lacey
	Brian McDonald
	Jane Hackett

Public Parks & Recreation

Chair	Jane Hackett
Vice Chair	Michael Molisse
	Thomas Lacey
	Arthur Mathews

Ordinance

Chair	Kenneth DiFazio
Vice Chair	Michael Smart
	Arthur Mathews
	Rebecca Haugh
	Christopher Heffernan

Rules

Chair	Arthur Mathews
Vice Chair	Kenneth DiFazio
	Michael Smart
	Michael Molisse
	Ed Harrington

Economic Development

Chair	Ed Harrington
Vice Chair	Christopher Heffernan
	Brian McDonald
	Rebecca Haugh
	Fred Happel

Senior Citizens

Chair	Christopher Heffernan
Vice Chair	Brian McDonald
	Michael Molisse
	Rebecca Haugh
	Kenneth DiFazio

Public Safety

Chair	Thomas Lacey
Vice Chair	Arthur Mathews
	Michael Smart
	Ed Harrington
	Fred Happel

Education

Chair	Rebecca Haugh
Vice Chair	Jane Hackett
	Brian McDonald
	Fred Happel
	Michael Molisse

Public Works

Chair Arthur Mathews
Vice Chair Ed Harrington
Thomas Lacey
Christopher Heffernan
Michael Smart

Environmental

Chair Brian McDonald
Vice Chair Rebecca Haugh
Jane Hackett
Fred Happel
Thomas Lacey

Mental Health & Substance Abuse

Chair Fred Happel
Vice Chair Michael Molisse
Thomas Lacey
Brian McDonald
Christopher Heffernan

Long Range Planning

Chair Ed Harrington
Vice Chair Fred Happel
Jane Hackett
Kenneth DiFazio
Rebecca Haugh

Community Preservation Committee -Ed Harrington

Memorial Committee-Thomas J. Lacey

Energy Advisory Committee-Brian McDonald

Medical Marijuana Dispensary Review Committee-Brian McDonald

Emery Advisory Committee-Kenneth DiFazio

School Building Committee-Michael Smart

Columbian Square Traffic Advisory Committee-Michael Smart

Councilor Smart called for a Moment of Silence in honor of deceased Weymouth Fire Fighter Eugene Campbell, who had a line of duty occupational death and Ray Pelletier, who is retired.

Councilor Hackett announced Local 1616 is hosting the second annual Winter Charity Hockey game pitting WFD against WPD on January 28, 2018. Proceeds will benefit the Kate McCarthy scholarship.

Councilor Mathews announced a meeting of the Public Works Committee on January 23, 2018 to discuss the Snowplowing contracts with Administration and DPW.

President Smart commended the work of public safety officials on the rescues during the recent storm.

MINUTES

Budget/Management Committee Meeting Minutes of December 4, 2017

A MOTION was made by Vice President Mathews to approve the minutes of the Budget/Management Committee meeting of December 4, 2017 and was seconded by Councilor DiFazio. UNANIMOUSLY VOTED.

Town Council Meeting Minutes of December 4, 2017

A MOTION was made by Vice President Mathews to approve the minutes of the Town Council meeting of December 4, 2017 and was seconded by Councilor DiFazio. UNANIMOUSLY VOTED.

RESIDENT AND COMMUNITY COMMENT

Housing Production Plan Concerns-Robert Thomas, 848 Washington Street

Councilor Lacey noted that this is a measure before the Town Council and the public hearing on the measure has closed. Mr. Montgomery Thomas' comments were heard during the public hearing process.

Mr. Montgomery Thomas read a prepared statement and provided a petition signed by neighborhood residents *objecting to any change in zoning that would allow residential housing or apartments on or at the current Boston Motel site at 655 Washing Street, also known as Route 53.*

President Smart thanked Mr. Thomas for providing a copy of his comments in advance. The Director of Public Health, Dan McCormack responded in a memo to the Town Council substantiating health inspections at Boston Motel.

Planning Director Luongo also responded. He noted there are no plans in the works for the Boston Motel. He suggested Mr. Thomas is confusing the housing production plan with projects. The housing production plan analyzed the needs, how to address them with goals, and proposal for implementation of the strategies. Any plan would have to be voted by Town Council (inclusionary zoning, housing trust fund for example). The plan has nothing to do with the redevelopment of Boston Motel or any project or developer. If the Council adopts the plan, they would have to approve of any mechanisms.

President Smart noted that the Town Council previously held a public hearing and it was closed. Mr. Thomas was afforded this opportunity to provide comments, as a resident, but this will not be a debate.

PUBLIC HEARINGS

17 124-CPA Funding Request for Stella Tirrell Park

A MOTION was made by Vice President Mathews to open the public hearing on measure 17 124 and was seconded by Councilor Hackett. This was published on January 5, 2017. UNANIMOUSLY VOTED.

Recreation Director Steve Reilly, presented the measure in conjunction with Michael Galvin, President of the Weymouth Street Hockey League, for funding to build a 2nd rink at Stella Tirrell Park. They reviewed the current status noting that the program has grown from 300 participants the first year to more than 500 this year. They want to capitalize on this success. Mr. Reilly apologized for not providing more detail. They want to repurpose the existing basketball court, extend the paved surface, and create a new rink in the playground area. The plan will address the parking issues in the neighborhood. They will also add additional access to allow for police presence. The playground structure will be relocated so it can be more accessible to oversight. There will be changes in game scheduling to create a buffer zone to alleviate the parking problems.

The following were the comments from the public:

Michael Galvin, President, Weymouth Street Hockey, spoke in support of the project.

Andrew Donovan, 135 Union Street, spoke in support of the project.

Laurie Thompson, 33 Belmont Street, spoke in support of the project.

Councilor Hackett asked for a visual of the project to better see what is being proposed. She is in support of an additional rink, and has had several discussions with administration and field users. She noted the plan is somewhat utilitarian and she looks forward to working with the administration to enhance the look of the plan to match some of the other beautiful ones in town. She has spoken with the President of the Babe Ruth Baseball league who supports and is cooperative with leagues in structuring.

Councilor DiFazio responded that it is good news there is a demand. He asked if the second rink is the same size and of the same materials. Mr. Reilly responded that the second rink has a slightly smaller footprint and will be constructed of donated material. Other organizations will be able to use it. They have not determined the number of parking spaces as of yet. Mr. Reilly confirmed that he has met with abutters to discuss the plans.

Councilor DiFazio responded that parking is an issue, and there may be issues with drainage, but the parking is needed. The proposal lacks specificity, but he is in support of an additional rink.

Councilor Harrington asked if CPC funds can be used for the paving. Mr. Reilly responded that this is considered rehabilitation, and as long as the value of the parking does not exceed the recreational amenities, it is an allowable use. Solicitor Callanan agreed that as long as the parking is incidental to the recreational use, it is permissible.

Councilor Lacey supports the measure; noting that this is an investment and long overdue. He asked about the fees-questioning if funds go to the established field fees? It's important that there is a rate structure and that it's tracked along with the meals tax

revenue that is dedicated to the maintenance and upkeep. Mr. Reilly responded that funds are going to the appropriate accounts and their software will track. He can provide more information.

President Smart asked about the proposed parking. It appears what is shown is larger than 20 spaces; it is a 200 x 100 space. Question arose if the parking lot will include lights. Mr. Reilly responded that lights are not planned at the moment. They will need a space of 200 x 60 to accommodate the parking. He suggested they relook at the scoreboard location. He noted that the town installed a paved, well-lit walkway from the municipal lot and they will need to do a better job encouraging parking there. Mr. Reilly responded that they can address this issue with appropriate signage.

Councilor Lacey echoed Councilor Hackett's comments regarding the detail of the submittal for a \$200,000 investment.

Council President Smart asked if there were any comments from the public.

The following were the comments from the public:

Robert Montgomery Thomas, 848 Washington Street – noted that CDBG funds were used to install sidewalks by the Shaw's Supermarket. He suggests a similar method could be used. President Smart asked the administration to see if this is a viable option.

Michael Gallagher, 32 Tamarack Trail asked that they consider putting in security measures as part of the project. Vandalism has been a concern since the installation of the first rink. President Smart asked the administration to look into this, and at least lay the groundwork for the infrastructure.

Robert Montgomery Thomas, 848 Washington Street suggested looking into use of CPA funds for security lighting and cameras.

A MOTION was made by Vice President Mathews to close the public hearing on measure 17 124 and was seconded by Councilor DiFazio. UNANIMOUSLY VOTED.

17 128-Establishment of the Department of Asset Management and Procurement

A MOTION was made by Vice President Mathews to open the public hearing on measure 17 128 and was seconded by Councilor DiFazio. This was published on January 5, 2017. UNANIMOUSLY VOTED.

President Smart reported that the Mayor was to provide a presentation but due to a scheduling conflict was unable to be present this evening. He invited Solicitor Callanan, CFO Langill and Mr. MacLeod to field questions from the Council after Councilor Molisse presented a brief update from the Budget/Management Committee.

Councilor Molisse reported that the Budget/Management committee met earlier this evening and voted to forward the matter to the full Town Council with a recommendation for unfavorable action. Several members of the committee had voiced their concern that the measure may be in violation of the town charter.

Vice President Mathews noted that the Council received written comments from resident Linda McDonald and asked that they be noted in the record as written comments.

Council President Smart asked if there were any comments from the public, to which there was no response. He then opened the matter up to discussion by the Council.

Councilor Hackett reported that she motioned for unfavorable action at the committee level. She raised the concern with the matters compliance with the charter and brought it to the administration's attention and requested that the measure be withdrawn. She had two specific areas of concern.

1. Under Article 5-1, once a function has been assigned to an agency within the charter it cannot be changed, without a change to the charter; specifically, moving Procurement from Municipal Finance to a new Department.
2. And an umbrella concern: following the charter for a submittal of a reorganizational plan and whether Article 5-1 is being followed or choosing a vehicle by which to change how government functions.

She is aware how much work has gone into this. Centralized maintenance has been a goal for many years, but there hasn't been a presentation with the details of this reorganization plan ever made to the Council. Her concern is with the process and adherence to the Charter and Code of Ordinances. She has asked the administration to withdraw and resubmit a measure. She agrees with the intent and the goal, but not the process.

Solicitor Callanan responded as the Town Council attorney; not representing the administration. Their presentation will be made. In his opinion this is not a charter violation; the proposal is that procurement will answer to both the Director of Asset Management and Municipal Finance. If they invoked the reorganization provision the Council would be subject to a sixty-day deadline and there is no ability to amend it. Ordinance changes requires a two-thirds vote of council. This doesn't violate the charter; the measure parallels the state reorganizational guidelines.

Councilor Hackett disagreed. She quoted Article 5-1 of the charter. This was an intentional construct by the charter commission. She agrees with the intent and the goal, but not the process.

Councilor DiFazio asked if a plan was presented to the Budget/Management Committee. President Smart responded that it hadn't; because of a scheduling conflict. This is a difference of opinion. The last sentence of the memo received indicated it may be submitted as a reorganizational change, but was not submitted as such. Councilor DiFazio

responded that there are twelve ordinance changes contained in the measure but it hasn't been referred to the Ordinance Committee. He suggested they may want to refer the matter to the Ordinance Committee. President Smart suggested further discussion can take place during "Reports of Committees".

Councilor Lacey supported Councilor Hackett's opinion. The School Committee voted this matter in September. It has been in play for several weeks but no presentation has been delivered to the Council. He recommended they close the public hearing and send the measure back to the administration for a redo.

The following are the comments from the public:

Robert Montgomery Thomas, 848 Washington Street suggested they contact the Attorney who authored the charter (Atty. Curran). President Smart responded that this Council has been around eighteen years and the members have studied and know the charter. The Town Council will have to make the decision whether they consider this a reorganization or not. Solicitor Callanan noted that Attorney Curran is deceased.

Michael Gallagher, 32 Tamarack Trail, noted he doesn't know what the administration is trying to accomplish without some kind of presentation. He was expecting a presentation.

A MOTION was made by Councilor Lacey to close the public hearing on measure 17 128 and was seconded by Councilor Hackett. UNANIMOUSLY VOTED.

OLD BUSINESS

17 104-Housing Production Plan Presentation-Robert Luongo, Director of Planning and Community Development

Council President Smart reported that this matter is still open.

Vice President Mathews reported that the Planning Board has taken action. Mr. Luongo noted that the Planning Board met on January 9, 2018 and voted to approve the plan. Under the state regulations, there must be separate votes of the Planning Board and Town Council in order to approve.

Councilor DiFazio reported that a citizen alluded that this is related to a particular development. He asked Mr. Luongo if there is any plan for the property across from West Lake Drive. Mr. Luongo responded that there is no connection between the housing plan and any planned development. This plan identifies the needs, goals and strategies. Even if it is approved, the Town Council would have to take action on any proposed development.

Councilor Lacey asked Mr. Luongo to clarify what he means. Mr. Luongo responded that an affirmative vote by the Council means there is a commitment of the Council to

approve the framework, but approving it is not implementation of any plan. Councilor Lacey called out the work of the team. He noted that this measure still needs additional vetting.

Councilor Mathews cited an article in the January 14, 2018 edition of the Weymouth News. Mr. Luongo responded that he is unsure it was entirely accurate. He maintains they meet the 40B requirement because 1.5% of the land area is set aside for affordable housing. The state is proposing to change the calculation and what counts toward land area calculations. The Mayor sent a letter to Secretary Ash. They will continue to express opposition to a rule change--7.6% of housing stock is affordable. He reviewed the counts. If the plan is approved, they can start to implement the strategies to produce affordable housing and the town will have 5 years to meet the goals. It puts the control in the town's hands and hedges against unfavorable 40B development. No action can take place without the Council's approval.

COMMUNICATIONS AND REPORTS FROM THE MAYOR, TOWN OFFICERS AND TOWN BOARDS

18 002-Measure Prohibiting Commercial Marijuana

Nicholas Bulens requested on behalf of the Mayor, that the Town of Weymouth amend the Town of Weymouth Ordinances in the following manner:

Section 1. Section 9-700 of chapter 9 of the Town of Weymouth Ordinances is hereby amended by striking out in the title the word "Medical."

Section 2. Chapter 9 of the Town of Weymouth Ordinances is hereby amended by inserting after section 9-701 of the following new section:

9-702 Regulation of commercial marijuana

Consistent with General Laws chapter 94G sec. 3(a)(i), all types of medical "marijuana establishments" as defined in General Laws chapter 94G, section 1, including all marijuana cultivators, marijuana testing facilities, marijuana product manufacturers, marijuana retailers or any other type of licensed marijuana-related businesses, shall be prohibited. Non-medical marijuana establishments are facilities regulated by chapter 94G, but not regulated by chapter 94I.

Section 3. Chapter 120 of the Town of Weymouth Ordinances is hereby amended by inserting after section 120-106.3 the following new section:

120-106.4 Regulation of commercial marijuana

Consistent with General Laws chapter 94G §3(a)(2)(i), all types of medical “marijuana establishments” as defined in General Laws chapter 94G, section 1, including marijuana cultivators, independent testing laboratories, marijuana product manufacturers, marijuana retailers or any other types of licensed marijuana related businesses, shall be prohibited in all zoning districts. Non-medical marijuana establishments are facilities regulated by chapter 94G, but not regulated by chapter 94I.

Section 4. This ordinance shall take effect on the date of passage.

A MOTION was made by Vice President Mathews to refer measure 18 002 to the Ordinance Committee and was seconded by Councilor Hackett. UNANIMOUSLY VOTED.

18 003-General Fund Reserve Transfer for Construction Management Services for Complete Streets Improvements

Administrative Services Coordinator, Nicholas Bulens, requested on behalf of the Mayor, that the Town of Weymouth transfer the sum of \$35,000 from the General Fund Reserve to Fund 0002 for the purpose of funding costs associated with the hiring of an engineering firm to provide construction management services for town-wide complete street improvements.

The complete streets improvements will be funded from a \$386,643 state grant, awarded through the Mass DOT’s Completed Streets Funding Program.

A MOTION was made by Vice President Mathews to refer measure 18 003 to the Budget/Management Committee and was seconded by Councilor Hackett. UNANIMOUSLY VOTED.

REPORTS OF COMMITTEES

Budget/Management Committee-Chairman Kenneth DiFazio

Councilor Molisse reported that the Budget/Management Committee met on January 16, 2018 to deliberate the following measures:

17 124-CPA Funding Request for Stella Tirrell Park

This matter was referred to the committee on November 20, 2017. The committee met on January 16, 2018 and voted to forward to the full Town Council with a recommendation for favorable action.

On behalf of the Budget/Management Committee, a motion was made by Councilor Molisse to approve measure 17 124; that the Town of Weymouth raise and appropriate the sum of \$178,000 from the Fund Balance Reserved for Open Space and \$28,144 from the Unreserved Fund Balance for a total of \$206,144 for the purpose of funding costs associated with construction of a street hockey rink and parking at Stella Tirrell Park in

South Weymouth. Motion was seconded by Councilor Hackett. President Smart asked the comments regarding lighting and security be considered in the construction as the project takes shape. UNANIMOUSLY VOTED.

17 128-Establishment of the Department of Asset Management and Procurement

This matter was referred to the Committee on December 18, 2017. The Committee met on January 16, 2018 and voted to forward to the full Town Council with a recommendation for unfavorable action.

On behalf of the Budget/Management Committee, a motion was made by Councilor Molisse for unfavorable action on measure 17 128; that the Town of Weymouth through the Town Council, amend the Town of Weymouth Code of Ordinances in the following manner:

SECTION 1. Section 3-326 of Chapter 3 of the Town of Weymouth Ordinances is hereby amended by striking out subsection (a), and inserting in place thereof the following subsection:

- (a) Establishment. The Purchasing Agent shall be appointed by the shall be responsible to the Mayor designee, in accordance with MGL c.41, §103.

SECTION 2. Section 4-201 of chapter 4 of the Town of Weymouth Ordinances is hereby amended by striking out, in subsection (b) (7), the figure “;” and inserting in place thereof the following figure: - .

SECTION 3. Section 4-201 of chapter 4 of the Town of Weymouth Ordinances is hereby amended by striking out subsection (b)(8).

President Smart noted that a “Yes: vote indicates one is in favor of the unfavorable action. Councilor Harrington suggested that it appears clear to him that passing this measure is in conflict with the charter. Councilor Hackett noted that it was also discussed in committee that if the measure were withdrawn and resubmitted with the 60-day window, the department could still be within a similar timetable if the public hearing had been continued. She is hopeful that the timeline can stay consistent but follow a more formal process. President Smart agreed and urged that the measure is resubmitted and in line with what the Council believes is a reorganizational plan. UNANIMOUSLY VOTED UNFAVORABLE ACTION.

17 110-Acceptance of GL C.71, §37M-Consolidation of Administrative Functions

This matter was referred to the Committee on November 20, 2017. The Committee met on January 16, 2018 and voted to forward to the full Town Council with a recommendation for unfavorable action.

On behalf of the Budget/Management Committee, a motion was made by Councilor Molisse for unfavorable action on measure 17 128; that the Town of Weymouth through the Town Council, and with the approval of the Mayor, move to accept the provisions of G.L. Chapter 71, §37M, which allows the consolidation of administrative functions,

including but not limited to financial, personnel, and maintenance functions of the school committee with those of the city or town.

The decision to consolidate or to revoke a decision, shall occur upon a majority vote of both the School Committee and the Council, with approval of the Mayor. The School Committee has voted to approve this provision to consolidate administrative functions with the Town.

The motion was seconded by Vice President Mathews. Councilor Hackett noted as a point of information that this matter is still in deliberation and pending action by the Ordinance Committee. A vote to accept the unfavorable action keeps the matter in committee. Councilor DiFazio asked if there had been a presentation to the Budget/Management committee on this measure. President Smart responded no; Councilor Hackett responded that it was presented and asked for acceptance in conjunction with the previous matter. The School Committee has adopted it. UNANIMOUSLY VOTED UNFAVORABLE ACTION.

NEW BUSINESS

18 001 Town Council Rules and Regulation for 2018-2020-Vice President Arthur Mathews

Council Vice President Mathews reported that pursuant to Rule 55, the Town Council Rules will be reviewed and adopted within 120 days following the first Town Council meeting in every even year.

A motion was made by Vice President Mathews to refer measure 18 001 to the Rules Committee and was seconded by Councilor Lacey. A copy of the rules was provided to each Councilor for review. UNANIMOUSLY VOTED.

ADJOURNMENT

The next regular meeting of the Town Council Meeting has been scheduled for Monday, February 5, 2017. At 9:35 PM; there being no further business, a MOTION was made by Vice President Mathews to adjourn the meeting and was seconded by Councilor Lacey. UNANIMOUSLY VOTED.

Respectfully Submitted by Mary Barker as Recording Secretary.

Approved by Michael Smart as President of the Town Council.

Voted unanimously on 5 March 2018