

TOWN COUNCIL MINUTES
November 16, 2020, Monday
Via Zoom # 898 8089 0948

Present: Arthur Mathews, President
Michael Molisse, Vice President
Pascale Burga, Councilor
Kenneth DiFazio, Councilor
Brian Dwyer, Councilor
Fred Happel, Councilor
Ed Harrington, Councilor
Rebecca Haugh, Councilor
Christopher Heffernan
Maureen Kiely, Councilor

Absent: Jane Hackett, Councilor

Also Present: Ted Langill, Chief of Staff
Joseph Callanan, Town Solicitor
Kathleen Deree, Town Clerk
Richard Swanson, Town Auditor
Jody Lehrer, CDBG Coordinator
Trisha O’Kane, Principal Assessor
Paul Haley, Chair, Board of Assessors
Kevin Spellman, Vice Chair, Board of Assessors

Recording Secretary: Mary Barker

President Mathews called the meeting to order at 7:34 PM. After the Pledge of Allegiance, Town Clerk Kathleen Deree called the roll, with one member absent. President Mathews reported that Councilor Hackett was absent with a work commitment.

ANNOUNCEMENTS

Councilor Haugh announced that on October 30, the Mayor entered into a host community agreement with Enbridge regarding the compressor station. This resulted in the town of Weymouth dropping the appeals and lawsuits in process. Since May, 2017, a 10-citizen group of appointed and elected Weymouth officials has been actively engaged in the fight over the compressor. Nine individuals from the original group have stayed on to continue the fight and she personally thanked Councilors DiFazio, Harrington, Hackett, Senator O’Connor, and Conservation Commission members Loring, Tanner and Singleton. Councilors seated after the group are not afforded the opportunity to join.

MINUTES

Minutes of the Town Council Executive Session Meeting of March 7, 2016

A motion was made by Vice President Molisse to approve the minutes from the March 7, 2016 Town Council Executive Session Meeting and was seconded by Councilor Harrington.

A roll call vote was taken:

Councilor Burga- Yes, Councilor DiFazio-Yes, Councilor Dwyer-Yes, Councilor Happel-Yes, Councilor Harrington-Yes, Councilor Haugh-Yes, Councilor Heffernan-Yes, Councilor Kiely-Yes, Council Vice President Molisse-Yes, Council President Mathews-Yes. UNANIMOUSLY VOTED.

A motion was made by Vice President Molisse to release the minutes from the March 7, 2016 Town Council Executive Session Meeting and was seconded by Councilor Harrington.

A roll call vote was taken:

Councilor Burga- Yes, Councilor DiFazio-Yes, Councilor Dwyer-Yes, Councilor Happel-Yes, Councilor Harrington-Yes, Councilor Haugh-Yes, Councilor Heffernan-Yes, Councilor Kiely-Yes, Council Vice President Molisse-Yes, Council President Mathews-Yes. UNANIMOUSLY VOTED.

Minutes of the Town Council Executive Session Meeting of April 14, 2016

A motion was made by Vice President Molisse to approve the minutes from the April 14, 2016 Town Council Executive Session Meeting and was seconded by Councilor Harrington.

A roll call vote was taken:

Councilor Burga- Yes, Councilor DiFazio-Yes, Councilor Dwyer-Yes, Councilor Happel-Yes, Councilor Harrington-Yes, Councilor Haugh-Yes, Councilor Heffernan-Yes, Councilor Kiely-Yes, Council Vice President Molisse-Yes, Council President Mathews-Yes. UNANIMOUSLY VOTED.

A motion was made by Vice President Molisse to release the minutes from the April 14, 2016 Town Council Executive Session Meeting and was seconded by Councilor Harrington.

A roll call vote was taken:

Councilor Burga- Yes, Councilor DiFazio-Yes, Councilor Dwyer-Yes, Councilor Happel-Yes, Councilor Harrington-Yes, Councilor Haugh-Yes, Councilor Heffernan-Yes, Councilor Kiely-Yes, Council Vice President Molisse-Yes, Council President Mathews-Yes. UNANIMOUSLY VOTED.

Minutes of the Town Council Executive Session Meeting of May 2, 2016

A motion was made by Vice President Molisse to approve the minutes from the May 2, 2016 Town Council Executive Session Meeting and was seconded by Councilor Harrington.

A roll call vote was taken:

Councilor Burga- Yes, Councilor DiFazio-Yes, Councilor Dwyer-Yes, Councilor Happel-Yes, Councilor Harrington-Yes, Councilor Haugh-Yes, Councilor Heffernan-Yes, Councilor Kiely-Yes, Council Vice President Molisse-Yes, Council President Mathews-Yes. UNANIMOUSLY VOTED.

A motion was made by Vice President Molisse to release the minutes from the May 2, 2016 Town Council Executive Session Meeting and was seconded by Councilor Harrington.

A roll call vote was taken:

Councilor Burga- Yes, Councilor DiFazio-Yes, Councilor Dwyer-Yes, Councilor Hackett- Yes, Councilor Happel-Yes, Councilor Harrington-Yes, Councilor Haugh-Yes, Councilor Heffernan-Yes, Councilor Kiely-Yes, Council Vice President Molisse-Yes, Council President Mathews-Yes. UNANIMOUSLY VOTED.

PUBLIC HEARINGS

20 112-Fiscal Year 2021 Tax Classification

A motion was made by Vice President Molisse to open the public hearing on measure 20 112 and was seconded by Councilor Kiely. This was published on November 6, 2020.

A roll call vote was taken:

Councilor Burga- Yes, Councilor DiFazio-Yes, Councilor Dwyer-Yes, Councilor Happel-Yes, Councilor Harrington-Yes, Councilor Haugh-Yes, Councilor Heffernan-Yes, Councilor Kiely-Yes, Council Vice President Molisse-Yes, Council President Mathews-Yes. UNANIMOUSLY VOTED.

Board of Assessors Chair Paul Haley presented the measure with Principal Assessor Trisha O’Kane and members of the Board of Assessors. An information packet was provided to the Council. Chair Haley reviewed the contents: current (as of January 2020) property valuations, new construction and improvements, new growth, and the prop 2 ½ impact on the tax levy calculation. He reviewed how the board determined its recommendation for fiscal year 2021. Distribution of taxable property in Weymouth is 86% residential. Home sales have risen. In comparison with neighboring communities, Weymouth’s tax rate is still the lowest. The tax bills in those communities without a shift are significantly higher, even without factoring in trash pickup. He noted that the Town Council has further eased the burden on challenged owners by doubling the exemption, lowering the qualifying age and increasing the amount they can hold.

Following the recommendations of the past several years, the board suggests a shift of 1.45 for commercial, industrial and personal property taxes with no residential exemption.

President Mathews opened discussion to the Council. Councilor Harrington asked if values increased uniformly throughout the town and whether the construction in the Landing has affected values there. Mr. Haley responded that waterfront properties and Union Point have increased at a higher rate, but there are many facets to the assessment process. Values as of January 1st do not show a negative impact to the values in the Landing; as they continue to increase. They analyze each year and their report reflects what has already occurred in the market.

Council President Mathews asked if there were any comments from the public, to which there was no response.

A motion was made by Vice President Molisse to close the public hearing on 20 112 and was seconded by Councilor Kiely.

A roll call vote was taken:

Councilor Burga- Yes, Councilor DiFazio-Yes, Councilor Dwyer-Yes, Councilor Happel-Yes, Councilor Harrington-Yes, Councilor Haugh-Yes, Councilor Heffernan-Yes, Councilor Kiely-Yes, Council Vice President Molisse-Yes, Council President Mathews-Yes. UNANIMOUSLY VOTED.

COMMUNICATIONS FROM THE MAYOR, TOWN OFFICERS AND TOWN BOARDS

20 116- Appointment to the Planning Board- Ben Faust

On behalf of the Mayor, Finance Director James Malary requested that the Town of Weymouth, in accordance with Section 2-10 of the Town Charter, appoint Ben Faust of 11 Laurel Street for appointment to the Planning Board. This is a 5-year term that will expire on June 30, 2025.

This is to fill the vacancy created by the resignation of B. D. Nayak.

A motion was made by Vice President Molisse to refer measure 20 116 to the Budget/Management Committee and was seconded by Councilor Kiely.

A roll call vote was taken:

Councilor Burga- Yes, Councilor DiFazio-Yes, Councilor Dwyer-Yes, Councilor Happel-Yes, Councilor Harrington-Yes, Councilor Haugh-Yes, Councilor Heffernan-Yes, Councilor Kiely-Yes, Council Vice President Molisse-Yes, Council President Mathews-Yes. UNANIMOUSLY VOTED.

REPORTS OF COMMITTEES

Budget/Management Committee- Chair Michael Molisse

Councilor Molisse reported that the Budget/Management Committee met on November 16, 2020 to deliberate the following measures:

20 112-Fiscal Year 2021 Tax Classification

This measure was referred to the Budget/Management Committee on November 9, 2020. The committee met on November 16, 2020 and voted to forward the measure to the full Town Council with a recommendation for favorable action.

On behalf of the Budget/Management Committee, a motion was made by Vice President Molisse to approve measure 20 112; that the Town of Weymouth approve a Classification Tax Rate Shift of 1.45 for commercial, industrial, and personal property taxes with no residential exemption for fiscal year 2021.

The motion was seconded by Councilor Kiely.

A roll call vote was taken:

Councilor Burga- Yes, Councilor DiFazio-Yes, Councilor Dwyer-Yes, Councilor Happel-Yes, Councilor Harrington-Yes, Councilor Haugh-Yes, Councilor Heffernan-Yes, Councilor Kiely-Yes, Council Vice President Molisse-Yes, Council President Mathews-Yes. UNANIMOUSLY VOTED.

20 115-Authorization to Accept Fiscal Year 20-21 HUD Grant CDBG COVID-19 Funds (CDBG-CV)

This measure was referred to the Ordinance Committee on November 9, 2020. The committee met on November 16, 2020 and voted to forward the measure to the full town council with a recommendation for favorable action.

On behalf of the Budget/Management Committee, a motion was made by Vice President Molisse to approve measure 20 115; That the Town of Weymouth accepts the newest Fiscal Year 2020-2021 HUD Grant of Community Development Block Grant COVID-19 funds (CDBG-CV3) in the amount of \$487,367. These funds are provided to the Town by the US Department of Housing and Urban Development under the “Coronavirus Aid, Relief, and Economic Security Act” (CARES Act) and must be used for preventing, preparing for, and responding to the coronavirus (COVID-19).

The Town received the first CDBG-CV grant (\$419, 319) under the CARES Act on April 2, 2020 and the corresponding budget measure was approved by the Town Council on July 1, 2020 as Order Number 20 096.

This newest CDBG-CV grant will be used as follows:

- Emergency housing assistance (rent/mortgage assistance) \$200,000
- Emergency fuel assistance \$100,000
- Public services \$187,367

Depending on the volume of applications and amount of funds requested in one or more of the three categories, funds may be decreased in one or more categories and increased in one or more of the others.

The Director of Planning and Community Development, having received the approval of the Mayor, be permitted to expend said grants in their entirety as described on the attached list.

The motion was seconded by Councilor Harrington.

A roll call vote was taken:

Councilor Burga- Yes, Councilor DiFazio-Yes, Councilor Dwyer-Yes, Councilor Happel-Yes, Councilor Harrington-Yes, Councilor Haugh-Yes, Councilor Heffernan-Yes, Councilor Kiely-Yes, Council Vice President Molisse-Yes, Council President Mathews-Yes. UNANIMOUSLY VOTED.

NEW BUSINESS

20 117-Town Council Zoning Ordinance Amendment to Section 120-64.7.1 Billboard Relocation Overlay District (One Year Moratorium on New Permit Issuance) – Council President Arthur Mathews, Councilor at Large Rebecca Haugh

Council President Mathews presented the measure; that the Town of Weymouth amend Section 120-64.7.1 as follows:

Add a new section E. to the Billboard Relocation Overlay District as follows:

“A moratorium shall be in effect for the duration of one year regarding all electronic billboard issuances of new permits. This moratorium may be lifted only if Cove Outdoor, LLC, or its successor, fulfills all obligations included in the ‘Remediation Agreement for Neighborhoods Near the 611 Pleasant Street Digital Billboard’ dated December 18, 2019.”

This one-year moratorium would be in effect one year from the date it is adopted by the Town Council. This will allow the Planning Director to amend the guidelines, as outlined in this ordinance and should include installation of light blocking technology, limitations on both height and size of boards, hours of operation, content of advertisement; and any actions which would mitigate the effects of electronic billboards on the residents in the affected neighborhoods.

A copy of the 2019 agreement signed by the Mayor, Mr. O’Sullivan of Cove, LLC and three neighbor representatives. Cove’s responsibilities under the agreement are to lower the sign at 611 Pleasant Street 20-25’ and install light blocking technology within 3-6 months, plant trees on neighbors and meet with an arborist and the neighbors, plant lower evergreens, and install fencing to provide a visual barrier. The only obligation Cove met was to cut trees only to make the billboard more visible. In numerous meetings and public hearings, what they heard was that Cove’s intention all along was to put up a second board first, then mitigate the first. This is unacceptable. They need to make sure

Cove follows through with obligations to the residents in the neighborhood affected by the board at 611 Pleasant Street, before any more building permits are issued. They agreed to a deal with the neighbors. The Town Council has limited power on agreements the Mayor makes, but they can put a moratorium in place to make sure they fix the problems with the first board. There are a lot of factors involved. President Mathew's opinion is that the Council was provided false information and made its determination based on false pretenses. Under the original agreement, the billboards along 3A in North Weymouth were supposed to come down within a year, and clearly, that will not take place.

His intent is to see that Cove lives up to its obligations. Further, if the Mayor is going to sign any new agreement, he needs to include these conditions and hold Cove to them. This neighborhood is now dealing with their second winter and its even more visible with the tree cutting that took place. He urged the Mayor to make Cove accountable.

Councilor Haugh shared his sentiments with the Century Road residents. She provided a brief overview with an emphasis on the North Weymouth side, since there is a direct correlation with the 611 and 613 Pleasant Street board proposals. The Council was first introduced to this with measure #17 127 in the summer of 2017 for a commercial corridor overlay district. It was filed with a series of zoning changes which included a billboard relocation plan, and was referred to the Ordinance Committee. On January 28, 2018, the Ordinance Committee met and the plan was presented was the purported removal of all billboards along 3A and allowed for three billboards on Route 3. On February 20, 2018, the full Council received a presentation which outlined the billboard removal and relocation of billboards while achieving an overall reduction in the number of billboards throughout the town. A public hearing was held on March 21, 2018. On March 21, 2019, Mayor Hedlund attended a public forum hosted by the NWCA where he discussed the plan to remove the billboards from 3A. The Council approved the measure on April 2, 2018. An agreement between the town and Cove was signed in July 2018. The Council received communications that she was unaware of until this past October that indicated a problem with the agreement. Clear Channel owns the boards on 3A and in a series of three letters to the Office of Outdoor Advertising, stated that Cove has no rights to remove them and that they would commence litigation against the town and Cove, if necessary, to enforce their rights, and that nothing has changed since the initial letter. Clear Channel expects those boards to remain up for years to come. Weymouth responded to the Office of Outdoor Advertising that the town understood that the billboards would remain through the end of the terms of lease. There is no requirement for anyone to remove them on a timeframe different from Clear Channel's existing leases. This is not what was conveyed to the Town Council in order to pass the ordinance. They were told in July 2018 that all 3A boards would come down within one year. Solicitor Callanan also told the Council that Cove would lower the 611 board and install light blocking technology. Another meeting was held with the residents with another plan to remove the 611 board and erect a new one at 613 and 0 Finnell. It has been a nightmare. Of all the promises made to the Council, none have come to fruition. There is no recurring revenue, there was no significant mitigation for the Century Road residents and now they are being told based on Clear Channel's correspondence, that the 3A

billboards will not be coming down at all. The billboard ordinance was passed as a billboard reduction plan; not to add more. If the town allows an additional billboard to go up on Route 3, they will have more faces than they started with. The leases on 3A don't expire until after this administration's term, and she has difficulty accepting this since the Council passed a relocation and reduction plan and that is not what is happening. There is time with the moratorium to see if they can fix this and bring the boards on 3A down before the leases expire.

President Mathews added that he spoke with the Mayor. A neighborhood meeting was held to talk about removing 611 after 613 constructed. He didn't like that idea. The Mayor indicated 613 is off the table at the moment. He wants to make sure that the neighborhood agreement is fully implemented by Cove.

Councilor Dwyer acknowledged Councilor DiFazio for his role in consolidating the information to keep the Council up to speed with the merits of this.

Councilor DiFazio reported that there will be time to debate the change. He asked if this is intended to be a moratorium against installing and building or for issuing permits? 611 was already permitted; he asked if a permit has been issued yet for 613?

President Mathews stated that the town has been issued 2 permits from the state's Office of Outdoor Advertising; however, the town hasn't issued a second building permit. The moratorium is on building permits and if enacted, will not be lifted until the problems are addressed and resolved. The Council has limited authority, and the last time the Town Council issued a moratorium was in 2013 for a year, on municipal marijuana locations and was in effect while the town established zoning parameters.

Councilor Harrington noted that part of the discussion is a proposed billboard in his District 5, on 0 Finnell Drive that is tied to the agreement and noncompliance. He knows it will be discussed over the next few weeks. There are too many moving parts. One aspect is the donation of 42 acres of land to the town with a billboard to be erected on the property and that has not come to fruition. It is a big concern for him. There will either be a billboard installed, or the owner may develop the property, which is zoned light industrial. He would like to see it remain open space. He urged the owner to have patience with the process, and he has some faith in the system.

President Mathews noted it was discussed at last week's Ordinance Committee meeting that a preliminary injunction was issued against Cove by Needham Bank, and he is concerned that their financial situation may affect their ability to remove the first board once they put up the second, especially with a potential financial downturn. He hopes the Mayor will heed some of these suggestions.

A motion was made by Councilor Haugh to refer 20 117 to the Planning Board and Ordinance Committee and was seconded by Councilor Burga.

A roll call vote was taken:

Councilor Burga- Yes, Councilor DiFazio-Yes, Councilor Dwyer-Yes, Councilor Happel-Yes, Councilor Harrington-Yes, Councilor Haugh-Yes, Councilor Heffernan-Yes, Councilor Kiely-Yes, Council Vice President Molisse-Yes, Council President Mathews-Yes. UNANIMOUSLY VOTED.

ADJOURNMENT

The next regular meeting of the Town Council Meeting has been scheduled for Monday, December 7, 2020.

At 8:38 PM; there being no further business, a motion was made by Vice President Molisse to adjourn the meeting and was seconded by Councilor Heffernan.

Councilor Burga- Yes, Councilor DiFazio-Yes, Councilor Dwyer-Yes, Councilor Happel-Yes, Councilor Harrington-Yes, Councilor Haugh-Yes, Councilor Heffernan-Yes, Councilor Kiely-Yes, Council Vice President Molisse-Yes, Council President Mathews-Yes. UNANIMOUSLY VOTED.

Respectfully Submitted by Mary Barker as Recording Secretary

Approved by Arthur Mathews as President of the Town Council
Voted unanimously on 21 December 2020