

**WEYMOUTH TOWN COUNCIL
Public Parks and Recreation Committee
Town Hall Council Chambers
December 17, 2018, Monday**

Present: Jane Hackett, Chairman
Michael Molisse, Vice Chairman
Kenneth DiFazio, Councilor
Ed Harrington, Councilor
Arthur Mathews, Councilor

Also Present: Andrew Marron, Mayor's Office, Braintree
Nicole Taub, Town Solicitor, Braintree
Eric Cohen, Braintree Dog Park Association

Recording Secretary: Mary Barker

Chair Hackett called the meeting to order at 6:30 PM.

18 12 - Establishment of a Recreational Dog Park

The meeting was convened on December 3, 2018 and then continued to December 17, 2018. A public hearing is scheduled during the Council meeting following this. Chair Hackett invited Andrew Marron, Town of Braintree and Eric Cohen, 77 Allen Street, Braintree to the table to present the measure.

On December 3, 2018, Mayor Sullivan provided an overview. Mr. Marron reported that the Dog Park Association has been working with the town of Braintree for the last year and a half. Mr. Cohen noted that they envision a "natural canopy" dog park that would fit into and improve the park. He provided three photographs of the park. They would clear the small brush and continue to provide some shade. He also showed the Randolph dog park that is integrated into a larger park. This will be an environmentally neutral project; any tree removal would be replaced elsewhere in the park. They are at the beginning of the project; the location isn't carved in stone. There are three versions so far. The design portion is up to \$25000 (Stanton Foundation grant- nonprofit funding - specifically for the creation of dog parks).

The design cannot commence until the land has been secured. Chair Hackett asked Mr. Marron if the \$225,000 with 10% Community Preservation Committee match requires equal responsibility by both towns. He responded that the motion would give Braintree the ability to carve out a section of the park. They would sign over the site to Braintree, and Braintree would be responsible for the dog park and its maintenance. The town would carve out a portion of the larger park and take over ownership and responsibility for it.

Councilor DiFazio asked for further clarification and whether the commissioners want a dog park in Pond Meadow Park. Mr. Marron noted they met with the commissioners and are working out specifics. The commissioners haven't approved the park until the towns have both approved the proposal before they can discuss it further. Ultimately they will have the right to approve or deny the proposal. Built into the MOA, they will also have the ability to terminate based on any violation. The commission is shared between Weymouth and Braintree, with a swing vote that changes every few years. Members are appointed by the respective town Mayor. Councilor DiFazio noted that he saw a comment by one commissioner that a dog park was not wanted. Mr. Marron responded they hadn't heard that; discussions have not taken place other than the initial.

Vice Chair Molisse noted he received a communiqué from a commissioner that indicated the commission does not support it. Mr. Marron responded that discussions need to be continued, but he was not aware of it. He asked for a copy of the letter.

Councilor Harrington asked if any homes are near the park. There are existing children's programs in the park and he questions if any locations are proposed away from the park so children aren't distracted. Do

any meet the criteria? Mr. Cohen responded that site A is closest to residences. There is a hill between the land and the residences which provides a buffer. Site B is not an issue. Site C is closer to Weymouth residences but is by the Route 3 corridor, which will buffer sound. The summer program is the pride of Pond Meadow Park. If people were concerned with safety, they could consider closing the park during the hours the summer program is in session. Without knowing the location, they haven't explored it further yet. Councilor Harrington noted he would have to know that addressing both of those would be key to his support. Mr. Cohen agreed this was a reasonable request for negotiation. Mr. Marron responded that the park ranger agreed both entities could coexist in the space.

Chair Hackett noted her concern that one of the two municipalities could carve out a portion of the park for a use and with an MOA take on the responsibility and liability. The enabling act established a district that the two entities are equally responsible and liable for. What's to stop from other entities doing the same? They currently have joint liability. It is concerning and she believes they need some legal guidance.

Mr. Marron invited Nicole Taub, Braintree Town Counsel, to the table. She noted it would create an exemption within the park and Braintree would have to maintain a relationship to the board that oversees it. This is just the first step into creating the park. Any future proposals would have to go through the same process and ultimate responsibility would be with the board. Braintree is taking on the responsibility and liability for the maintenance of the park.

Chair Hackett asked if this would require a change in the legislation that created the park. Atty. Taub responded that her opinion is that it is acceptable; it's a proposal that fits with the location. Any future proposal would have to be reviewed on its own merit. Chair Hackett responded that it allows it go forward but this is Weymouth's only opportunity to oppose it.

Chair Hackett noted that Mayor Sullivan was unable to be present this evening.

Vice Chairman Molisse noted that his concern is the location. He wants to know exactly where it will be before he can consider it. Mr. Marron responded that the measure only allows them to continue the discussion. Chair Hackett noted that the vote would abdicate Weymouth's right to oppose it. What is prohibiting speaking with the board now? Mr. Marron responded the vote of both towns is needed first. Chair Hackett noted that they need the approval of both towns in order to move forward, but not to talk. The board isn't willing to go forward in the process without both towns' authority and Braintree can't move forward on its own without Weymouth's approval. The board isn't willing to go through the process without it.

Councilor Harrington suggested nailing down the location, then coming back to Weymouth for approval.

Mr. Cohen responded that it was very clear that the board didn't want to move forward without the towns' approvals.

Vice Chair Molisse suggested they should address the letter from the commissioner. Attorney Taub suggested that it may not be the opinion of the board in its entirety and asked for a copy of the letter.

Mr. Cohen noted that when the sites in Braintree were vetted, the single most important criteria in a unanimous vote in their group was the safety of the site. There are easier sites but it has to be somewhere where people feel safe.

Chair Hackett noted that a public hearing will be held later at the Council meeting.

Councilor DiFazio noted they seemed to have resolved the enabling legislation. The Mayors of both towns want it. The people of Braintree want it. If the seven-member board takes a vote and the four from Braintree want to put it near the Weymouth entrance, it could end up in Weymouth. Have they spoken with the board? Mr. Cohen responded that he has been in contact with one of the commissioners. The swing board changes in January in Weymouth's favor. That majority may protect Weymouth's interest.

During the discussion, at 6:59 PM, Councilor Mathews arrived.

A Motion was made by Vice Chair Molisse to keep the matter in committee and was seconded by Councilor DiFazio. Chair Hackett suggested they have the Weymouth Solicitor take part in the negotiations to ensure they have the right to enter into an agreement carving out a portion of the park. UNANIMOUSLY VOTED.

ADJOURNMENT

At 7:10 PM, there being no further business, a Motion was made by Vice Chair Molisse to Adjourn the meeting and was seconded by Councilor DiFazio . UNANIMOUSLY VOTED.

Respectfully submitted by Mary Barker, Recording Secretary.

Approved by Jane Hackett as Chair of the Public Parks and Recreation Committee.
Voted unanimously on 22 January 2018