

**TOWN COUNCIL MINUTES
Town Hall Council Chambers
December 17, 2018, Monday**

Present: Michael Smart, President
Arthur Mathews, Vice President
Kenneth DiFazio, Councilor
Jane Hackett, Councilor
Fred Happel, Councilor
Ed Harrington, Councilor
Rebecca Haugh, Councilor
Christopher Heffernan, Councilor
Maureen Kiely, Councilor
Arthur Mathews, Councilor
Brian McDonald, Councilor
Michael Molisse, 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

Recording Secretary: Mary Barker

President Smart called the meeting to order at 7:31 PM. After the Pledge of Allegiance, Town Clerk Kathleen Deree called the roll, with one member absent. President Smart reported that Councilor Hackett would be present.

MINUTES

Education Committee Meeting Minutes of November 26, 2018

A MOTION was made by Vice President Mathews to approve the minutes of the November 26, 2018 Education Committee meeting and was seconded by Councilor Molisse. UNANIMOUSLY VOTED.

Public Parks and Recreation Committee Meeting Minutes of December 3, 2018

A MOTION was made by Vice President Mathews to approve the minutes of the December 3, 2018 Public Parks and Recreation Committee meeting and was seconded by Councilor Molisse. UNANIMOUSLY VOTED.

Budget/Management Committee Meeting Minutes of December 3, 2018

A MOTION was made by Vice President Mathews to approve the minutes of the December 3, 2018 Budget/Management Committee meeting and was seconded by Councilor Molisse. UNANIMOUSLY VOTED.

Town Council Meeting Minutes of December 3, 2018

A MOTION was made by Vice President Mathews to approve the minutes of the December 3, 2018 Town Council meeting and was seconded by Councilor Molisse. UNANIMOUSLY VOTED.

PUBLIC HEARINGS

18 127-Establishment of Recreational Dog Park

A MOTION was made by Vice President Mathews to open the public hearing on measure 18 127 and was seconded by Councilor Molisse. This was published on December 7, 2018. UNANIMOUSLY VOTED.

President Smart invited the presenters to the table. Andrew Marron, Town of Braintree, and Eric Cohen, 77 Allen Street, Braintree, representing the Pond Meadow Dog Park Association. They have been working together a year and a half and brought forward the proposal. They met with the district commission last spring and it was approved by Braintree Town Council. Mr. Cohen gave some background. The Stanton Foundation provides grants specifically for the design of a dog park. First, they must secure approval from both towns. He reviewed the design concept. They plan to create a natural canopy and he showed photographs. It will be a natural fit with the surroundings and the area. Randolph dog park was used as an example. The park isn't visible in an aerial view. In the vetting process, they reviewed several sites in Braintree. Finalists included Pond Meadow Park, which overwhelmingly was favored due to the safety of the area because of the high traffic, parking, and proximity to power. No specific site for the park has been chosen, although they have options A, B, C and a possible D under review. They are aware of the boards concerns: the location is in close proximity to a children's camp program and they could consider closing the dog park during hours of program use.

Councilor Hackett noted the item remains under review in the Public Parks and Recreation committee. She asked they elaborate for the public on the agreement regarding liability. Braintree Solicitor Nicole Taub addressed this. The property was established in legislation and is owned and is jointly operated by Braintree and Weymouth. Braintree seeks to move forward with the operation of a dog park facility and taking over the fiscal and operation liability of this section of the park. Braintree could be allowed to move forward under a Memorandum of Understanding between the two towns.

Councilor Hackett asked if Weymouth would have to be a party to the MOU? Solicitor Callanan responded that he has conferred with his Braintree colleague, and although there should be additional discussion, he doesn't see a problem with the concept. There is a commission; it's not a conveyance of land to Braintree but an operational agreement. The district is a separate entity. Councilor Hackett noted her first questions were regarding insurance liability and the MOU. She was surprised Weymouth is not a part of the agreement. A group that is interested in a different use opens up the park to other entities that may want to do the same; carving up the park to uses other than conservation.

President Smart reported that the solicitor will get back to the Town Council with responses to the questions that were brought up.

Councilor Molisse reported that the matter has been retained in committee and they were concerned because the location hasn't yet been determined. Without knowing where it will be located and whether it will impact Weymouth. He suggested they need to know where it will be before they can vote it. Atty. Taub noted that the most potentially favorable sites were toured and put forward A, B, and C and the District will not move forward until both Town Councils have affirmatively voted. Option D was mentioned in the event it might sway the board.

Councilor Molisse noted there is also a conflict of the opinion of the commission. Some were not in favor. She noted it is one member of the commission, not the commission in its entirety. President Smart asked about installation, construction and maintenance costs. Mr. Marron responded that after it is voted the construction would be paid by grant funds, and the maintenance will be subcontracted. No Weymouth taxpayer funds will be expended. The costs to install will be by a nonprofit grant specifically for the purpose of creating dog parks.

Councilor Harrington suggested there is no guarantee that the group could pick another site that may impact Weymouth. Ultimately, it is the District Commission which will determine whether it will approved and where it would be sited.

Councilor Haugh noted the commission has been in existence for forty years, and has always split the costs. Does this set a precedence? Solicitor Callanan responded that if in the future Braintree or the district wants to do something else with the property, it would have to go through a similar process, so precedent is not much of a concern. They can structure the vote, but neither Braintree or Weymouth should expect future projects as a result of this action. Councilor Hackett suggested it would be helpful to read the full motion into the record:

"That the Town Council vote to approve the planning, construction, and maintenance of "dog park" facility, to be located on a portion of "Pond Meadow" in the town of Braintree that is within the Weymouth-Braintree Regional Recreation Conservation District, said approval being required by Chapter 787 of the Acts of 1972, which established said District; and further, that the Mayor be authorized to enter into such agreements as may be necessary to effectuate the purpose of this Motion."

President Smart noted that the motion contradicts what was discussed. Braintree Solicitor Taub provided further explanation regarding the intent of the measure.

Councilor Harrington asked if there will be two votes on the measure? President Smart responded that there is no vote at this time. Tonight is to hear the public comment.

Council President Smart asked if there were any comments from the public, to which there were the following responses:

Tom Bowes, Braintree Town Council noted for the record that the Braintree Town Council did not vote to approve a dog park, but to allow for the conversation to take place with the District board.

Jim Lockhead, 95 Lester Lane, Clerk of WBRRC on the board 18 years. The letter the Council referred to is his. This will ultimately be a district decision. The original enabling legislation was to take 320 acres acquired for flood control. The board's mission is to protect the open space. He opposes this since it takes a piece of land that isn't consistent with the intent of the legislation. The commission met with the proponents twice and posed many questions. One site was chosen. The group was asked to look at the other sites. In March, they said they chose one site near the pavilion, with access to water, electricity and security cameras to support the summer camp. Stanton Foundation requires these amenities; the commission had already developed the site, with donations. It was proposed to Braintree Town Council with that one site. They never held a discussion about the other sites. It is located by the wooden walk where the kids play. They finally got responses Friday from questions raised last April. They asked for a copy of the MOA and finally saw it Friday. It's not only grant funding; some will come from CPA taxpayer dollars and \$50,000 from state legislature. Stanton Foundation grant provided no detail--no draft of the application. He researched the Stanton Foundation. It does involve clear-cutting. Dogs have to be able to run freely and within view and they must replace any trees. He summarized that none of the Weymouth commissioners support the proposal, nor do many Weymouth residents. If it moves forward, we need to ensure the MOA is tight and Weymouth taxpayers aren't paying 50/50 for a park.

President Smart enforced the 5-minute speaker rule.

Joan Fabrizio, 332 Spring Glen Circle, Braintree resident and President of Friends of Pond Meadow Park, and recording secretary for the WBRRC presented her main concerns in opposition- photos in the newspaper show the pavilion which is where the summer nature program runs. The Friends paid for the amenities in the area. She provided a letter from the Braintree Board of Health regarding animal feces in areas where children play and from BELD regarding animal waste leaching into the water supply. This is near a water source that feeds to the daylighting project for the herring run. The other sites are areas where there are conservation issues. This should require conservation attention. She noted that to usurp space used by children for dogs goes beyond comprehension. They promised no publicity at the onset, but there were articles in the Ledger and Boston Globe.

Ann McGrory, 83 Bradford Commons, Braintree spoke in support of the measure. She noted the park ranger and the Board of Health has said this could coexist with the children's program. The group has offered to refrain from opening when nature programs are in session. She suggested listening to both sides. There are petitions signed by both town's residents in opposition.

Patty McLaughlin, Commercial Street, Braintree spoke in support. They are not trying to take anything away from the children's programs. The grant funding includes the maintenance.

Laurie Ann O'Hare, 155 Circuit Avenue Weymouth spoke in opposition because of the environmental impact to a conservation area. It will increase traffic to the area. They created an online petition that currently has over 1,000 signatures in opposition.

Jason Piasecki Boy Scout Troop 22 in Braintree supported the proposal. He chose to follow this as a scouting project.

Mike Ricciardi, 680 Summer Street, provided a handout and reports that he pays taxes to Braintree and Weymouth. He pointed out Supervisor Cleaves of PMP in the audience. He was the swing representative and currently serves on the board. He urged they remember the history of the park. The rangers already police the park. The commissioners and the rangers are challenged. Don't disregard them. The dog park would make the rangers a victim of their success. The use will alter the land. It has already happened in the Landing. The construction has affected the autonomy of the district. The decision to deny the request by the commission should be supported by Weymouth.

Jennifer Carlson, Gordon Road, Braintree, regardless of where it's placed it will require fencing off and clearing land. it will no longer be a wildlife habitat. Animals in the park are further displaced. Value it and don't hand over to a specialty group. She is the author of the petition with a current tally of 1320 signatures against the park.

Andrea Honore, 61 House Rock Road Weymouth- neither for or opposed but asked Braintree residents why their Mayor has not made the proposed Access NE pipeline, which runs through Pond Meadow Park, a priority with his administration in the four years that Weymouth residents have been fighting the compressor in North Weymouth.

Alice Arena, 6 Blueberry Street, Weymouth suggested that this is an inappropriate place to site a dog park. It's meant to be a place of tranquility and will affect the biosphere. While it may not be clearcut, cleaning underbrush will remove the habitat harboring smaller wildlife and insects.

Cheech Asano, 242 Liberty St Braintree, committee has opportunity to get grant funding, and money from State (already received) and from \$22,500 CPC- he went to the informational meeting. The Randolph park maintenance cost is 25% of their budget. The group that organized it disbanded once the park was built and now the Randolph DPW maintains the park. The estimated budget for maintenance is \$10-12,000 and he asked where it will come from. Hopefully it will be self-policed. Cost to the town of Weymouth is zero.

Don Stewart, 549 Essex Street, is opposed the project since it's adjacent to where children play. All it takes is one mistake to impact a child for life.

Wendy Cullivan 150 Roosevelt Road opposed the proposal. The beauty of Pond Meadow is quiet enjoyment. The fences will be unsightly and it will smell badly in the summer.

Phil Lofgren, Herring Warden, Weymouth noted that there are several species that need protection in Pond Meadow Park including salamander and box turtles. The proposal should have to go before the Conservation Commission; they have to ensure smelt are protected. It could affect water quality. He suggested they keep public comment open until it's further researched. The park is already overused, and he would not like to see further human interaction. It's detrimental to a herd of deer using the park now. Consider the environmental impact before moving forward. He is neither for or against the park, but the wildlife needs to be protected.

Debbie Scott, 476 Liberty Street, Braintree noted that as an abutter, she didn't learn of the proposal until December 2, 2018 and is opposed to the noise and smell a dog park will bring.

Pat Daly, 480 Liberty Street Braintree, another direct abutter. She treasures the park and is a nature photographer. Construction of Liberty Park and Lenox Farm development brings animals to her yard. Development drives the animals from their homes. This is conservation land and is used to train future conservationists. Keep it all conservation land.

Eric Cohen, 77 Allen Street Braintree noted there are a thousand acres of open space in Braintree but zero where you can let a dog off leash. Dog parks are an amenity and a quality of life issue. Several other towns are building parks with Stanton Foundation grants. The paved paths, pavilion and ranger station would not exist without taking down trees. Owners are more likely to clean up after their dogs in a dog park than not. They do have a favorite location, but can't tell you where it is until you give permission to figure out where it is. Not the easiest, but the best choice.

Sandra Summersly, Braintree, and a former animal control officer. She supports the proposal and collecting signatures. This will provide a safe outlet for dogs to run.

Michael Ricciardi again spoke in favor of a dog park but at the intersection of Liberty, Union and Commercial streets. The poll soliciting signatures was about the presence of a dog park, not with respect to the location. He would have been willing to sign if it was not in the district. CPC applications have not been completed yet. No off-leash dogs are allowed in Braintree and they have to deal with it. Any decision made should be mutual.

Laurie Ann O'Hare, 155 Circuit Avenue Weymouth suggested the public read the grant for detail.

Councilor McDonald asked if the Public Parks and Recreation committee has considered opening the park only to Braintree and Weymouth residents and not available to dogwalkers. There are many issues still to address.

Councilor Hackett noted that the town of Weymouth is in the middle between Braintree and the commission. Nothing in the enabling legislation prevents all of the parties to talk to each other. She suggested they meet as an efficient utilization of everyone's time.

Councilor Haugh asked if the Conservation Commissions would need to be involved? Solicitor Callanan responded that if this project is constructed in Braintree it would likely have to go before the Braintree Conservation Commission, but not Weymouth, and after the plan is designed.

Vice President Mathews noted they are being asked to consider a project without knowing the location, and to continue the public hearing would not necessarily get any of that information. If the motion is closed, they will still receive constituent correspondence.

A MOTION was made by Vice President Mathews to close the public hearing on 18 127 and was seconded by Councilor Hackett. UNANIMOUSLY VOTED.

President Smart called for a brief recess at 9:18PM and reconvened at 9:22 PM.

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

18 129-Traffic Regulations Parking Restriction-Phillips Street and Commercial Street

CFO Brian Connolly requested on behalf of the Mayor that the town of Weymouth, through Town Council, pursuant to G.L. Chapter 40, § 22, and Town of Weymouth, Code of Ordinances Section 13-103(b), and Section 13-104(a), authorize the placement of signs regulating motor vehicle movement as follows:

Parking Restricted			
Street	Side	Location	Regulation Type
Phillips Street	East	Between Broad Street and 115' north of Broad Street	No Parking Any Time
Commercial Street	East	Between points 290' north of Broad Street and 335' north of Broad Street	No Parking Any Time

And cause the above regulations to be listed in the Town of Weymouth Code Ordinances Chapter 13, Regulations Affecting Motor Vehicles, Attachment 1- Appendix A under

Schedule III, Parking Restricted.

A Motion was made by Vice President Mathews to refer measure 18 129 to the Ordinance Committee and was seconded by Councilor Molisse. UNANIMOUSLY VOTED.

18 130-Traffic Regulation-Bus Stop, Mutton Lane

CFO Brian Connolly requested on behalf of the Mayor, that the Weymouth Code of Ordinances nSection 13-106(a) authorize the placement of markings and signs regulating motor vehicle movement and parking as follows:

Bus Stop		
Street	Side	Location
Mutton Lane	West	Old Stone Way to 65' North of Old Stone Way

and cause the above restriction to be listed in the Town of Weymouth Code of Ordinances, Chapter 13, Regulations Affecting Motor Vehicles, Attachment 1 –Appendix A under Schedule VII, Bus Stop.

A MOTION was made by Vice President Mathews to refer measure 18 130 to the Ordinance Committee and was seconded by Councilor Molisse. UNANIMOUSLY VOTED.

REPORTS OF COMMITTEES

Economic Development Committee-Chairman Ed Harrington

Councilor Harrington reported that the Economic Development Committee met on December 6, 2018 to deliberate the following issue:

Hyde Street Development Code Enforcement

This matter was referred to the Committee on December 3, 2018. The Committee met on December 6, 2018 with the administration. Councilor Harrington provided a report of the committee's findings. The posting of building permits will be policed better and the administration will work with the department to close any loopholes in the current processes. President Smart noted that additional correspondence requires assistance from Administration, the District Councilors (Kiely and DiFazio) to further resolve.

NEW BUSINESS

Chapman School Building Project Update-Ted Langill, Chief of Staff and Chair, School

Building Committee

- **Jennifer Curtis-Whipple, Superintendent of Weymouth Public Schools**
- **Lisa Belmarsh, Chair of the Weymouth School Committee**
- **Hill International Project Manager**
- **HMFH Architects Project Designer**

Chief of Staff Langill presented a power point with the Superintendent and other parties:

- Project Design Timeline
- District Educational Plan
- Classroom Teams by Grade
- Site Selection
- Existing Conditions- Site Plan
- The Time has Come...
- Critical Renovation Issues
- Design Options
- Final Options Comparison
- Preferred Solution- Site Plan
- Educational Visioning Concept
- Current Plan: First Floor
- Current Plan: Second Floor
- Bird's Eye View
- Entry- Bird's Eye View
- Entry- Perspective View
- Key Factors in Preferred Option
- What is Sustainability at Chapman Middle School?
- Sustainability Charette
- Project Energy-to-Cost Target
- Community Survey

A discussion took place with the presentation. Councilor Molisse suggested that anyone who hasn't been in the schools should see the building. Mr. Langill reported there will be another public forum in February with more specific numbers.

Councilor Hackett asked about final cost comparisons and whether they will look to bond. Mr. Langill noted that they are not taking anything for granted and they will do what they can to limit the impact to taxpayers. They will include energy incentives but are unsure of labor costs and the impact of tariffs. The current conditions of the building are not conducive to current learning standards. Constituents should know the anticipated costs, and a potential override is slated in the spring.

MOTIONS, ORDERS AND RESOLUTIONS

Motion to Carry Over Outstanding Measures-Vice President Arthur Mathews

A Motion was made by Vice President Mathews to carry over outstanding measures and was seconded by Councilor Molisse. UNANIMOUSLY VOTED.

ADJOURNMENT

The next regular meeting of the Town Council Meeting has been scheduled for Monday, January 7, 2019.

At 10:33 PM; there being no further business, a MOTION was made by Vice President Mathews to adjourn the meeting and was seconded by Councilor Molisse.
UNANIMOUSLY VOTED.

ATTACHMENTS: Maria Chapman Middle School update

Respectfully Submitted by Mary Barker as Recording Secretary.

Approved by Michael Smart as President of the Town Council.

Voted unanimously on 22 January 2019