

**TOWN COUNCIL MINUTES  
Town Hall Council Chambers  
December 2, 2019, Monday**

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

Absent: Fred Happel, Councilor

Also Present: Ted Langill, Chief of Staff  
Kathleen Deree, Town Clerk  
Joseph Callanan, Town Solicitor  
James Malary, Chief Financial Officer  
Patricia O’Kane, Principal Assessor  
Kevin Spellman, Vice Chair of Board of Assessors  
Richard Swanson, Town Auditor  
Robert Luongo, Director of Planning  
Owen MacDonald, Traffic Engineer

Recording Secretary: Mary Barker

President Smart called the meeting to order at 7:30 PM. After the Pledge of Allegiance, Town Clerk Kathleen Deree called the roll, with two absent. Councilor Hackett was delayed with a work commitment and Councilor Happel was not well.

**ANNOUNCEMENTS**

Councilor Harrington announced the annual town Christmas tree lighting at the town hall on Sunday, December 8, 2019, sponsored by the Mayor and Community Events Committee.

**PUBLIC HEARINGS**

**19 113-Fiscal Year 2020 Tax Classification**

A motion was made by Vice President Mathews to open the public hearing on measure 19 113 and was seconded by Councilor Molisse. This was advertised on November 22, 2019.  
UNANIMOUSLY VOTED.

Trish O’Kane, Principal Assessor, and Kevin Spellman, Vice Chair Board of Assessors presented the measure. Mr. Spellman read the letter to the Mayor recommending a shift of 1.45 –

same as last year. Ms. O’Kane reported a single rate without the shift would be \$12.95 per \$1,000 value: with the shift, it would decrease the residential 98 cents and increase \$5.81 per thousand on the commercial. The town saw another great year- \$2,225,053 in sales and values are still strong and increasing, although not as much as in prior years. The average tax bill this year with the shift will be \$4,772.53.

Councilor Molisse noted that this measure was deliberated in the Budget/Management Committee meeting earlier in the evening.

President Smart noted the growth over the last year mostly through Union Point. He asked if they see the market remaining stable for the residential another year? Ms. O’Kane responded yes to both. They can look at what has already happened and can predict it will remain strong. The rate per thousand if the shift is adopted will be \$11.92/thousand for residential class and \$18.71/thousand for commercial/industrial/personal property.

The town is on pace with other communities. Ms. O’Kane responded that Weymouth is still one of the lowest single family tax bills. Valuations have changed dramatically over the last five years. Ms. O’Kane noted that all of this information is available on line. With the amenities, etc, it makes Weymouth a very desirable place to live. Small apartment buildings increased as well; which shows the rents are desirable.

President Smart asked, as valuations go up, how does it affect the per thousand rate? Ms. O’Kane responded that they are reporting markets from 18 months ago; when the market starts to turn, they need to raise taxes through the appraised values. So when values decrease, bills increase. New growth also factors into the equation.

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

**Robert Montgomery Thomas, 20 Humphrey Street** – he asked for clarification of the increase; it’s 98 cents residential and a \$5 increase on commercial? Ms. O’Kane responded that the residential will decrease and the commercial will increase, with the same shift of the past few years because the market has stayed steady. He asked if apartments are taxed at the commercial rate. Ms. O’Kane responded that no; they are taxed at the residential rate.

A motion was made by Vice President Mathews to close the public hearing on measure 19 113 and was seconded by Councilor Molisse. UNANIMOUSLY VOTED.

**19 111-Safety Zone (20 mile per hour speed limit) on a Portion of Pleasant Street**

A motion was made by Vice President Mathews to open the public hearing on measure 19 111 and was seconded by Councilor Molisse. This was advertised on November 22, 2019. UNANIMOUSLY VOTED.

Owen MacDonald presented the measure. Columbian Square is a fairly heavily trafficked car and pedestrian use of the intersection. The plan prepared was for significant improvements by a design consultant, but the funding wasn’t available. This is to implement one aspect of it at a

low-cost. State legislation established safety zones in areas that require a lower speed. The proposal is to establish the zone in Columbian Square, on Columbian Street from Torrey Street, to near the post office. A speed study was undertaken, as required by MassDOT. General practice is to set a speed less than the 80<sup>th</sup> percentile to account for general imprecision in speedometers. Crashes here are about the highest in town, excluding state highways. The recommendation is for 20 mph and is enforceable by police.

President Smart noted there were comments regarding sign and flashing crosswalks brought up in the Ordinance Committee review and Mr. MacDonald was asked to go back and take a look at options. Mr. MacDonald reported he wasn't able to reach who he needed to speak with at MASS DOT. Councilor Heffernan also supports the signal lighting; it has had a long history of pedestrian accidents. He asked that they explore looking at grant funding; there are programs available to explore.

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

**Gary MacDougall, 131 Sunnyplain Ave.** - asked if this extends to onto Torrey Street? He reported that a lot of the constituents on Torrey have the same issue with speeding on their street. Could they look at it as well? Mr. MacDonald responded that this proposal does not address Torrey Street, but they can look at it separately.

**Robert Montgomery Thomas**, asked Mr. MacDonald if there is going to be any signalization? Mr. MacDonald responded that it is not under this proposal, but would be implemented once funding becomes available. Mr. Montgomery Thomas asked if there could be a police presence to administer the speed limit and have a police detail during certain hours. Mr. MacDonald responded that he has no purview over internal police issues.

President Smart commented on the suggestion. Mr. Montgomery Thomas is suggesting to leave a police officer sitting in Columbian Square for half a day? He noted that having grown up there the speed limit is 30 mph. 85% of the median speed is 29 mph. They have to post for 20 mph in order to make it enforceable. He is not in favor of taking an officer off the district patrol to sit in the square every day. Mr. Montgomery Thomas suggested that they could negotiate a detail for critical times.

A motion was made by Vice President Mathews to close the public hearing on measure 19 111 and was seconded by Councilor Molisse. UNANIMOUSLY VOTED.

### **19 112-Traffic Regulations-Bus Stops, new Bus Route 226**

A motion was made by Vice President Mathews to open the public hearing on measure 19 112 and was seconded by Councilor Molisse. This was advertised on November 22, 2019. UNANIMOUSLY VOTED.

Mr. MacDonald presented the measure. The MBTA will make a new bus route. When the Old Colony Rail Service was reinstated, the bus service in South Weymouth ceased. MBTA extended some of its routes. One was to extended Route 225 from the Landing through Columbian Square.

As the bus leaves Quincy Center Station, they tend to have more demand than capacity, and some South Weymouth people could only get on every third bus. To remedy the situation, they are proposing Route 226, from Braintree, through the Landing on Washington and Middle to Main to Columbian into Columbian Square. The current 225 route does not stay on Washington. New stops will be needed on Washington in the area between Front and Broad Street. This will provide a connection from Weymouth landing to South Weymouth. In addition to the new stops, the layover on Columbian Street outside the hospital (Fogg / Main), is shorter than required and they propose to extend the stop by 35 feet and that will take out 2 parking spaces. The new stops on Washington were discussed with the MBTA- opposite Prospect Street on the west side, in front of Dunkin Donuts and the southerly one suggested was opposite Richmond Street which is currently a construction zone and not a viable stop. The MBTA solution is Fire Escape Ministries Church. (Both will be taking up 2-3 parking spots at each stop; 2 on Columbian, and 2-3 on each on Washington Street.)

Councilor Heffernan asked how often the new route will run? The 225 Route currently is a long one. Mr. MacDonald responded it should run about as often as the 225 Route.

Councilor Kiely noted it's great to provide service from the Landing area to the hospital. She is concerned with the loss of any parking spaces in the Landing; particularly in front of Fireside Ministries. When they have services, the parking is bumper to bumper along Washington Street. Would it be possible to have one of the stops in the middle and maybe further up near Western Auto? Businesses and residents are already hurting for spaces. Mr. MacDonald responded that while the Dunkin Donut stop is not the perfect location, it has a very visible off-street lot adjacent. He spoke with the manager, and her biggest concern was that people would be parking in her lot to use the bus. With regard to Fire Escape Ministries- he could not locate a phone number to reach them. He has been working with the Planning Director to find more parking in the Landing area. They would welcome suggestions.

President Smart asked if there was a way to loop into the commuter rail station as a bus stop. Mr. MacDonald responded that would be a time loss on the run for the MBTA. Councilor Heffernan noted there is an existing stop at the Greenbush station. Mr. MacDonald noted that the bus comes down another way and does not come by that stop.

Councilor Haugh noted that this is supposed to go into effect in December. Will the route start before the information is provided? Mr. MacDonald responded that they usually run them on the third Saturday.

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

**Garry MacDougall** – asked if the bus stops will be handicapped accessible? Mr. MacDonald responded yes.

**Kathy Swain, 171 Mill Street**- noted that cars can't get out of the Dunkin Donuts lot when the bus is there; it's a terrible spot and not safe. Mr. MacDonald responded that the bus stops briefly to let passengers on and off.

**Elizabeth Foster Nolan, 54 House Rock Road**, suggested cancelling other stops from Quincy and coordinate routes. The Ministry has a Facebook presence, in order to get in touch with. It's not fair to add encumbrances to people of Weymouth.

President Smart asked if there were other locations on the short list? Mr. MacDonald responded yes; the initial suggestion was to stop near the intersection of Front Street.

President Smart asked if the council approves the measure, could they request they come back after a 3-6 month trial? Mr. MacDonald responded that he believes so.

Councilor Molisse asked if they are losing 4 spaces in front of Dunkin Donuts? Mr. MacDonald responded 2; and possibly 3.

President Smart asked if this is because there are too many curb cuts made along the route? Mr. MacDonald responded yes; that and off-street parking.

Councilor Kiely noted that when there's a mass or funeral at Sacred Heart, there are not sufficient spaces. This will hurt the other small businesses. It's worth trying to reach out to Fire Escape Ministries.

President Smart noted that the measure is still in committee- he urged Mr. MacDonald to work with the MBTA to consider making some changes.

Vice President Mathews agreed he should reach out to MBTA and see what other alternatives can be worked.

A motion was made by Vice President Mathews to close the public hearing on measure 19 112 and was seconded by Councilor Molisse. UNANIMOUSLY VOTED.

**19 114-Utility Petition- Pole Relocation for Madison Street**

A motion was made by Vice President Mathews to open the public hearing on measure 19 114 and was seconded by Councilor Molisse. Abutters were notified on November 25, 2019. UNANIMOUSLY VOTED.

NGRID did not have a representative present to address the petition.

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

**Arthur Sharp, owner of 6 Madison Street**- said he would have preferred to speak with the NGRID representative regarding whether a pole on the street could be eliminated.

A motion was made by Vice President Mathews to continue the public hearing on measure 19 114 to December 21, 2019 and was seconded by Councilor Molisse. UNANIMOUSLY VOTED.

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

### Fiscal Year 2021 Budget Overview- Ted Langill, Chief of Staff

Mr. Langill gave an overview in a Powerpoint presentation.

#### A New Chapman Update

##### Design Development

- Began 5/14/2019
- Submitted to MSBA on 11/7/19
  - On time, slightly under budget
- Received MSBA comments on 11/27
- Town has 14 days to respond

##### Construction Document Stage

- 60% documents due by 4/6/20

##### Community Forum Project Update 12/17

President Smart asked if the arch not included? He reported that Councilor Molisse will assume the council appointee on the committee.

#### Free Cash

- Certified \$7,133,015 with breakdown (sources)

#### FY20 Budget update

- Tax levy
- Local receipts
- Cherry Sheet (state aid)
- Total operating revenue
  - Levy slightly higher than budgeted, state aid slightly lower

#### Revenue / Budget Growth

- FY17
- FY 18 and 19 actuals
- FY20 budgeted
- FY20 adjusted,
- FY 21 estimated

#### Free Cash Calculations

Comments on full day kindergarten - there have been 2 meetings with school administration. They are asking tough questions and gathering information and will have to spend some time to review those figures. This is a significant budget dilemma and they do not wish to negatively impact future budgets.

Councilor Heffernan noted that he understood that there was a change to the charter school reimbursement. Mr. Langill responded that it depends on growth. He's not sure how much more

growth will occur. They are seeing folks coming back to the public schools and the new Chapman and full day Kindergarten will entice them. Charter reimbursement was never fully funded. He hopes this time the state's promises are kept.

Councilor Molisse thanked him; full-day Kindergarten is a program that everyone wants.

At 8:46 PM, during this discussion, Councilor Hackett arrived.

Vice President Mathews noted that it has been practice to not use free cash to fund recurring expenses. Is that an approach they will take again this year? Mr. Langill responded that the Mayor is committed to putting more funding in the stabilization fund and to fund priority CIP projects, in addition to a set-aside for the snow removal budget.

President Smart asked what the tax collection rate is? He also noted one of the measures before Council tonight (19 110-Deeds in Lieu of Foreclosure) goes back to 1993. Mr. Langill responded that it's close to over 98%. Mr. Langill responded that the administration inherited a backlog of uncollected taxes. They now have an annual policy in place and he is confident collections will remain high. President Smart asked about the meals tax collection. Mr. Langill responded that it has been incrementally increasing over the last four years. Year-to-date figure is tracking ahead of last year's \$800,000.

Vice President Mathews noted that stabilization fund deposits from free cash were \$2 million in FY16, \$2 million in FY17, and \$1.85 million in FY18; what is expected this year? Mr. Langill responded right now it appears to be approximately \$1 million, bringing the balance to \$8 million.

Councilor Harrington asked about uncollected taxes and municipal lien certificates that have to be paid. Mr. Langill noted the tax lien revenue is shown in the free cash revenue and is not budgeted. It was over \$800,000 the last two years.

### **19 116-Purchase of a New Fire Engine**

On behalf of Mayor Hedlund, Mr. Langill requested that the Town of Weymouth transfer the sum of \$120,000 from account 12320007-585001 (Measure 19-063 Fire Engine Lease) and \$546,345 from Free Cash for the purpose of funding costs associated with the purpose of a new fire engine for the Weymouth Fire Department. This was identified as item #26 on the FY2019-2023 Capital Improvement Plan. This new engine would replace a 1994E-ONE Typhoon (Engine 2).

A motion was made by Vice President Mathews to refer measure 19 116 to the Budget/Management Committee and was seconded by Councilor Molisse. Mr. Langill noted for President Smart that the funds from the original measure 19 063 were not expended and are therefore available for the current measure.) UNANIMOUSLY VOTED.

## REPORTS OF COMMITTEES

### **Ordinance Committee-Chair Ken DiFazio**

Councilor DiFazio reported that the Ordinance Committee met on November 18, 2019 and deliberated the following:

### **19 109-Amendment to Zoning Ordinance-Billboard Relocation Overlay District- Citizen Petition**

This measure was referred to the committee on October 21, 2019. On October 28, 2019 they received a letter from the Town Solicitor of the legal implications of the measure. Repealing the zoning would result in already permitted billboards becoming electronic legally nonconforming structures. The other billboards along Route 3A could not be removed without compensating the landlords.

The committee met on November 7, November 14, and November 25, 2019. A joint public hearing was held with the Planning Board on November 12, 2019. On November 19, 2019, the Planning Board issued its unanimous recommendation to reject the petition and take no action on the amendment, and Councilor DiFazio read a portion of that decision:

*“The Planning Board resumed its deliberations at a duly advertised meeting on November 18, 2019, and agreed that residents along the Route 3 corridor had experienced unintended consequences relating to the placement of electronic billboards. The Board further agreed that billboards have had a demonstrable adverse impact to residents along Route 3. However, the Planning Board ultimately concluded that at this time the removal of the Billboard Overlay District would limit the options available to remedy the situation and may ultimately be a hindrance to any compromise. As such, on November 18, 2019, the Planning Board voted unanimously to recommend that the Weymouth Town Council reject the petition as submitted, or alternatively to take no action on measure 19 109.”*

After receiving the recommendation, the Ordinance Committee further deliberated and on November 25, 2019, voted unanimously not to go forward with the citizens’ petition to repeal the overlay district.

On behalf of the Ordinance Committee, a motion was made by councilor DiFazio to deny the amendment and was seconded by Councilor Mathews. President Smart stated that a yes vote supports the action recommended by the Ordinance Committee. Motion passed by a 7-1 vote. (Councilor Molisse- NO). President Smart reported that because repeal of the zoning requires a 2/3 vote, it does not pass.

### **Issue - Route 3 Billboards**

Councilor DiFazio read his report into the record:

*“Subsequent to the passing of the Billboard Relocation Overlay Zoning District, the Mayor and Administration entered into a Billboard Relocation Agreement between the Administration and Cove, LLC. Although well intentioned, I report that the administration’s implementation of the Billboard Relocation Agreement between the Town of Weymouth and Cove Outdoor, LLC has*



*resulted in multiple adverse consequences to our community. Further it appears that continued implementation will almost certainly result in more Weymouth residents being adversely affected by the planned siting of more EBB's to fulfill Weymouth's obligations under the Billboard Relocation Agreement between the Town of Weymouth and Cove Outdoor, LLC.*

*The goals and objectives of the Billboard Relocation Agreement executed between the Mayor and Cove Outdoor, LLC were aggressive and had the possibility of resolving several billboard and open space issues in our town. To name a few, removing all static billboards in North Weymouth, relocating a Rte. 18 Billboard on the Abington Line, maintaining 42 acres of open space at Finnell Drive as well as generating revenue from EBB's being sited for the first time in the Town of Weymouth.*

*Since September 3, 2019 the Ordinance Committee, through many meetings, discussion with residents, review of citizens' petitions, discussions with Cove, LLC, the Mayor, and members of the administration we have determined that the following has previously occurred and continues to plague several neighborhoods at this time.*

*First, it appears that the Billboard Relocation agreement was entered into without sufficient knowledge of the possible detrimental effects of siting and operating EBB's. The town permits already awarded to Cove by the state required previous approval by the Town of Weymouth. These two permits have been approved by the town and subsequently approved by the state without the necessary scrutiny needed to protect Weymouth citizens from the adverse effects of EBB siting and operation. It is now known that that potential impact of an operational EBB spreads much further than the statutory 500 ft. radius for notice to abutters.*

*In fact, it appears that the relocation agreement may have been signed and the permits granted by the town of Weymouth without any approved guidelines issued by the Town of Weymouth Planning and Development Dept. in place. The CMR which governs state EBB permitting specifically states that a duly authorized official of the city or town where the proposed sign is to be located must certify that the proposed location is in conformity with ordinance bylaws, special permits and/or variances of the city of town. The two permits already approved do not appear to have been required to satisfy any of the rigors of a special permit or variance that is typically contemplated to safely site an EBB. The reason being there is not conclusive evidence that any of these requirements were in place at the time the permits were submitted to the state for acceptance.*

*It also appears that the relocation agreement was entered without requiring LBT. The issue of the efficiency of LBT remains undetermined at this time. Although Cove LLC markets the technology as a potential lifesaver in unwanted light mitigation, to our knowledge, not one EBB exists in the Commonwealth of Massachusetts that utilizes the feature therefore we as a town are unable to actually to observe the technology. The technology is manufactured only in Canada and Georgia and it remains to be seen if the technology will mitigate any unwanted lighting from an EBB. Therefore, moving forward, it is not clear whether this technology must be utilized and whether it works at all.*

*It appears that the language of the Weymouth Billboard Relocation Overlay Ordinance stating that “no more than three electronic billboards are the only permitted use within the overlay district” is not consistent with the definition of electronic billboards as contemplated by the permits submitted and the language of the relocation agreement. Unlike the language in the Weymouth ordinance these documents seem to identify an EBB permit as one structure with multiple faces. Therefore, where the town ordinance contemplated a maximum of three EBB faces to be erected the agreement that has been entered into results in the erection of three structures with two faces each for a total of six faces. This result was never contemplated during the Weymouth ordinance approval process.*

*It appears now that before a written agreement between the landowner of the 42 acre Finnell property and the town could be executed, two EBB’ with two faces each have already been permitted, sited and one is currently operating to the detriment of several neighborhoods. This sequence of events leaves the town exposed without a written commitment from the landowner to donate or transfer the land to the town for open space.*

*It appears that the CMR (CMR 700 CMR 3), which governs EBB permits including their permitting, compliance, and revocation specifically provides for revocation of permits for a number of reasons. To name a few, a permit may be revoked for 1) any action relating to signs or outdoor advertising that adversely impacts the public health, safety, welfare or the environment, or 2) The director reserves the right after notice and opportunity for hearing, to revoke for cause any permit at any time based upon any submission of false or misleading or deceptive information. To date the administration has not elected to proceed in this direction as the consensus seems to be that none of the adverse effects experienced thus far rise to the level of meeting the state’s standard for EBB permit revocation.*

*It also appears unclear whether the two EBBs which have already been permitted, sited, and one operational, have been permitted before a written commitment has been executed to remove all North Weymouth static billboards.*

*Finally, it appears that the town completely underestimated the negative effects of EBBs and the opposition by citizens to the appearance of the boards and the very real adverse effects of the boards upon properties located much further from the EBB board location than expected. I for one have concluded that there has not been produced to date to this committee any reliable methodology of EBB pre-operational testing requirement which are capable of accurately predicting the lighting impacts caused by an EBB siting on surrounding areas.*

*Information provided by the administration to this committee indicates that in order to completely extinguish the adverse effects of the EBBS contemplated by the relocation agreement that the administration entered into in April 2019, the town would require upwards of 13 million dollars to settle the matter to ensure that there would be no EBBs in Weymouth. This extraordinarily high cost estimated by the administration at the committee’s request has not been considered a viable option to resolve our citizens’ concerns.*

*Rather, the administration, while still accomplishing some of the goals set forth in the Billboard Relocation Agreement has produced several alternatives, which may mitigate the adverse effects*

*of EBB siting. These alternatives involve an additional siting of a multiple face EBB at Finnell Drive. These alternatives still do not completely address the negative impacts of the 611 Pleasant Board. Further, several of the alternatives include the mitigation of the current 611 and 613 boards by requiring the Town of Weymouth to pay upwards of 2.5 million to the parties of the agreement. Although four of the five members of the Ordinance Committee expressed an appetite to further evaluate a monetary payment to resolve the adverse impacts of the 611 and 613 boards, it does not appear at this time that the administration is pursuing this alternative.*

*In conclusion, to the displeasure of several neighborhoods, a double faced board at 611 Pleasant Street is and has been operational since November 19, 2019. It certainly appears that complete mitigation of the adverse effects of that board may require a monetary payment by the town of millions of dollars. Most recently it has learned that Cove LLC plans to sell the rights to the 611 boards leaving the town to have to deal with different entity in its negotiations to mitigate the adverse effects of that board. And lastly, each of the several alternative resolutions proposed by the administration to mitigate the adverse effects of the already permitted EBBs and possibly obtain the 42 acres for open space involves the siting of a new double boarded EBB at the Finnell Drive location. This proposed double faced board will almost certainly result in another EBB upon different impacted neighborhoods.*

*After months of meetings with the administration and obtaining input from many of our residents, the decision on how this town will continue to implement the Billboard Relocation Agreement going forward now rests with administration. On behalf of the Ordinance Committee, I thank all parties who participated in this rather extensive review of our citizens' concerns. This report concludes the Ordinance Committee's review of this matter and any further review by the town council will require a vote to do so."*

Councilor Harrington suggested they discuss pursuing from another angle; trying to fix it internally instead of another arena to get some satisfaction. The whole process appears to be flawed from the beginning. If that is the case-- is there a state agency that could look at it from the process angle.

Councilor DiFazio responded that it's his recollection is that asking the state for relief, per the solicitor, is that it didn't rise to the level that it could be repealed. If there is such an agency, he is not aware of it.

Solicitor Callanan responded that there is no reason why MassDOT would revoke the permits as they weren't issued in error or by fraud.

Councilor Harrington responded that he can't accept that; asking the solicitor to make a recommendation when it appears it may be a conflict of interest since he was involved in the crafting of the agreement. He recommended they avail council of outside counsel.

Solicitor Callanan responded his interest lies in the best interest of the town.

Councilor Harrington responded that the solicitor is representing the mayor in these issues and then coming before the town council as their representation. He would prefer to consider outside counsel.

Solicitor Callanan responded that he is the attorney for the town; not strictly for the mayor nor the town council.

Councilor Harrington responded that he is uncomfortable with this, and it doesn't seem appropriate that it should have occurred this way. Assertions were made that agreements were made when they weren't and it wasn't contradicted. The council received flawed information by which the council made recommendations. He would like to pursue it from this angle.

Councilor Molisse agreed the results are not pleasing. The council needs to take a stand, even if it means getting an attorney to fight this. To give any money is extortion. There was no process followed. They are asking the solicitor questions on a contract that he drew up.

Councilor Heffernan agreed also. Make sure that neighborhoods aren't pitted against each other. If it means getting an advisory from the attorney general's office to know they have looked at all options to bring the billboards down. If it includes hiring outside counsel he would agree.

Councilor Kiely also agreed she doesn't want to see neighborhoods pitted against one another. Law is subject to interpretation. She agreed with other councilors. "Adversely impacted"--she would join her fellow councilors.

President Smart suggested they would need to draft a letter to send to the Attorney General's office to see if we can hire an additional attorney. They also need to follow up on duties and responsibilities of the solicitor-it has always been that way. It's not unusual to have a solicitor representing the town and council both. That is the way this government has always operated.

A motion was made by Councilor Molisse to draft a letter to the Attorney General and was seconded by Councilor Harrington.

Vice President Mathews stated he agrees with the fact that there is a disagreement with the solicitor. When the permit was originally permitted it stated it had to be finalized before submittal of the permit. What worries him is the upcoming charter review. There is nothing currently in the Charter. 3-30 – 4 furnish all legal advice...if they send a letter to the Attorney General, he is concerned that it will be referred back to the town, citing the Charter and Code of Ordinances. He supports the letter, but is not sure where it stands in relation to the manner in which the charter is written.

Councilor Hackett thanked the impacted residents and assured them the council is listening. She thanked the Ordinance Committee for the hours and work they put into it this matter. When there was a cable issue in 2000, rather than getting their own counsel, they hired specialized counsel. She suggested an outside attorney who is on the cutting edge. Petitioning the mayor, council president or ordinance chair to work to come up with a way. A fresh set of eyes may be helpful. Not all revenue is worth it, but they also do not want to tear apart their government.

President Smart will speak to administration about additional outside counsel as an option.

Councilor Heffernan suggested an opinion from the Attorney General is good. They need to do due diligence. They need to make sure they have as many eyes and opinions. He supported the motion.

Councilor DiFazio noted the relocation agreement marches on. He suggested the administration advise the council on a regular basis of the status. It's an ongoing situation and they should get progress reports. The council needs to be informed.

President Smart reported he will send a memo to the mayor requesting that the Council be kept in the loop, because clearly they were not. It was in the ordinance, but the billboard section was added at the end. This is a strong mayoral form of government and the council can't be included in every single action. He will request an update of meetings, permit requests and issuance, etc.

Councilor Haugh supported the letter. Now that they have delved into every detail of billboards, she pointed out the Panda billboard was abandoned for 15 years. Should the billboards be abandoned, they have to protect the neighborhoods to make sure the structures are removed as they are abandoned.

Councilor Harrington added that the motion should include whether or not the process should stand if it was faulty and the decision was made with the assertion in place that people were protected when they were not. Also, another issue is whether it's appropriate for the town council to continue to act without its own legal representation. They could address this in the future with the state Ethics Commission. Any individual councilor could request this.

Vote passed 8-1; (Councilor Hackett- No).

**Budget/Management Committee, Chair Michael Molisse**

Councilor Molisse reported that the Budget/Management Committee met on December 2, 2019 and deliberated the following:

**19 110-Deeds in Lieu of Foreclosure**

This measure was referred to the Budget/Management Committee on November 12, 2019. The committee met on December 2, 2019 and voted to forward the measure to the full town council with a recommendation for favorable action. James Malary, Chief Financial Officer, gave the council a brief overview of the measure.

On behalf of the Budget/Management Committee, a motion was made by Councilor Molisse to approve measure 19 110; that the Mayor of the Town of Weymouth is authorized, in accordance with Chapter 60, §77c of the General Laws of the Commonwealth of Massachusetts and the MA Department of Revenue I.R.G. No. 02-206, to accept a deed in lieu of tax foreclosure for the following properties currently in Tax Title:

Owner's Name	Map-Block-Lot	Assessed Value	Taxes Due
South Shore Holdings Ltd.	42-497-035	\$222,300.00	\$62,165.45
South Shore Holdings Ltd.	42-497-047	\$35,900.00	\$11,622.45

Further, that the Council approves of the town deeding Parcel No. 42-497-047, 0 Jordan Drive, for conservation purposes for the preservation and protection of a public water drinking supply (with scrivener error corrected) and Parcel No. 42-497-035, 0 Jordan Drive for general town purposes, as it is an unbuildable lot.

President Smart commended the CFO on follow up to getting all of the taxes collected from the bank.

The motion was seconded by Vice President Mathews. UNANIMOUSLY VOTED.

**19 113-Fiscal Year 2020 Tax Classification**

This measure was referred on November 18, 2019. The committee met on December 2, 2019 and voted to forward to the full town council with a recommendation for favorable action pending satisfactory outcome of the public hearing.

On behalf of the Budget/Management Committee, a motion was made by Councilor Molisse to approve measure 19 113; 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 2020. The motion was seconded by Councilor Mathews. UNANIMOUSLY VOTED.

**NEW BUSINESS**

**19 115-Appointment/ Contract of Town Auditor- Council President Michael Smart**

President Smart requested that the council consider extending the contract of the Town Auditor for an additional year; that the Town of Weymouth, in accordance with 2-8(a) of the Town Charter, appoint Richard Swanson of 53 Clough Rd. Dedham as the Internal Auditor for a term to expire on December 31, 2020.

A motion was made by Vice President Mathews to refer measure 19 115 to the Budget/Management Committee and was seconded by Councilor Molisse. UNANIMOUSLY VOTED.

**ADJOURNMENT**

The next regular meeting of the Town Council has been scheduled for Monday, December 16, 2019. At 9:45 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.

Respectfully Submitted by Mary Barker as Recording Secretary

Approved by Michael Smart as President of the Town Council.  
Voted unanimously on 21 January 2020