

TOWN COUNCIL MINUTES
Town Hall Council Chambers
February 4, 2019, 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
Maureen Kiely, Councilor
Arthur Mathews, Councilor
Michael Molisse, Councilor

Absent: Brian McDonald, Councilor

Also Present: Ted Langill, Chief of Staff
Brian Connolly, Chief Financial Officer
Joseph Callanan, Town Solicitor
Kathleen Deree, Town Clerk
Robert Feldman, DPW Crew Chief

Recording Secretary: Mary Barker

President Smart called the meeting to order at 7:33 PM. After the Pledge of Allegiance, Town Clerk Kathleen Deree called the roll, with one member absent. President Smart reported that Councilor McDonald was not feeling well.

ANNOUNCEMENTS

Councilor Molisse announced the death of two town legends: Representative Bob Ambler and State Senator Allen McKinnon. A moment of silence was observed.

MINUTES

Ordinance Committee Meeting Minutes of January 14, 2019

A motion was made by Vice President Mathews to approve the minutes of the January 14, 2019 Ordinance Committee meeting and was seconded by Councilor Haugh. UNANIMOUSLY VOTED.

Budget/Management Committee Meeting Minutes of January 22, 2019

A motion was made by Vice President Mathews to approve the minutes of the January 22, 2019 Budget/Management Committee meeting and was seconded by Councilor Molisse. UNANIMOUSLY VOTED.

Town Council Meeting Minutes of January 22, 2019

A motion was made by Vice President Mathews to approve the minutes of the January 22, 2019 Town Council meeting and was seconded by Councilor Molisse.
UNANIMOUSLY VOTED.

PUBLIC HEARINGS

19 001-Fund Transfer-Free Cash to Reserve Fund-Daylighting of the Smelt Brook in Weymouth Landing

A motion was made by Vice President Mathews to open the public hearing on measure 19 001 and was seconded by Councilor Molisse. This was published on January 25, 2018.
UNANIMOUSLY VOTED.

Brian Connolly presented the request to replenish the reserve fund from free cash. Town Council President Smart asked if there were any comments from the public, to which there was no response.

A motion was made by Vice President Mathews to close the public hearing on measure 19 001 and was seconded by Councilor DiFazio. UNANIMOUSLY VOTED.

19 003-Free Cash for Bucket Truck and Wood Chipper

A motion was made by Vice President Mathews to open the public hearing on 19 003 and was seconded by Councilor Molisse. This was published on January 25, 2018.
UNANIMOUSLY VOTED.

Councilor Molisse reported that the Budget/Management Committee reviewed the measure at its meeting on January 22, 2019 and approved it pending a favorable public hearing. Brian Connolly presented the measure with Mr. Feldman from the DPW. Councilor Happel asked if the 40b procurement process was followed. Mr. Feldman responded that they obtained three quotes as required.

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

A motion was made by Vice President Mathews to close the public hearing on 19 003 and was seconded by Councilor Molisse. UNANIMOUSLY VOTED.

18 129-Traffic Regulation Parking Restrictions, Phillips Street and Commercial Street

A motion was made by Vice President Mathews to open the public hearing on measure 18 129 and was seconded by Councilor Molisse. This was published on January 25, 2018.
UNANIMOUSLY VOTED.

Traffic Engineer Owen MacDonald presented the measure and a Powerpoint presentation. The measure was sought as a result of complaints and request for police action.

Councilor DiFazio asked at the subcommittee meeting for the administration to discuss with the nearby restaurant owner. Mr. MacDonald responded that the police chief confirmed it is okay with the owner of Jimmy's Diner. Councilor Molisse asked why only one side of the street is included? Mr. MacDonald responded that it leaves enough room for large vehicles. There were also calls from residents that employees are parking all day.

Councilor Kiely asked how it will affect pedestrian safety; would it block pedestrian passage? Mr. MacDonald responded that moving the parking will avoid parking on the sidewalk and blocking pedestrian access. They also wanted to avoid any further signage. Councilor Molisse noted that the restaurant was prohibited from on street parking in the Zoning Board's approval. He asked if anyone checked this?

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

A motion was made by Vice President Mathews to close the public hearing on measure 18 129 and was seconded by Councilor Molisse. UNANIMOUSLY VOTED.

18 130-Traffic Regulation-Bus Stop-Mutton Lane

A motion was made by Vice President Mathews to open the public hearing on 18 130 and was seconded by Councilor Molisse. This was published on January 25, 2018. UNANIMOUSLY VOTED.

Mr. MacDonald presented the measure which is a result of the MBTA making stops accessible to mobility challenged individuals. The stop on Mutton Lane was chosen to make it accessible since it has no safe location (no sidewalk).

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

A motion was made by Vice President Mathews to close the public hearing on measure 18 130 and was seconded by Councilor. UNANIMOUSLY VOTED.

A motion was made by Vice President Mathews to reconsider opening measure 18 129 and was seconded by Councilor Molisse. (There were two parts to the measure.) UNANIMOUSLY VOTED.

Owen MacDonald presented the second part of the measure, which addresses the Commercial street parking on either side of the driveway to the condo entry.

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

Amy Geary 1296 Commercial Street- responded that she is the board member who wrote letters to the Town Council requesting parking restrictions. She sent two letters and several pictures.

Ted Gallo, 1296 Commercial - also a board member of the condo trustees. Provided an additional photo and backed up Ms. Geary's comments. He noted the bigger issue is the right side, which angles away from Jackson Square. It isn't safe for traffic on Commercial or cars leaving the condo drive.

Councilor DiFazio asked if the lines were moved an additional three feet, would it comply with the measure. Mr. MacDonald responded that they would lose a valid space on one side. Councilor DiFazio reported that in discussion at the committee meeting, it was decided to mark the lines by paint. Signs wouldn't be considered unless the painted markings don't work.

President Smart noted the compromise is a balance between what residents want, and keeping the square vibrant.

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

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

19 013-Home Rule Petition – To Continue the Employment of the Police Chief

CFO Connolly requested on behalf of the Mayor that the Town Council approve for final submission to the General Court of Massachusetts for enactment:

AN ACT AUTHORIZING THE TOWN OF WEYMOUTH TO CONTINUE THE EMPLOYMENT OF POLICE CHIEF

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

Section 1. Notwithstanding any general or special law to the contrary, Richard Grimes, Chief of Police of the Town of Weymouth, may continue in his position beyond the age of retirement of 65 years, pursuant to Chapter 32 of the General Laws, up to five (5) years, until the date of retirement December 2024, or the date he is relieved of his duties by the Mayor of the Town of Weymouth in accordance with applicable laws, rules or regulations; provided, however, that he remains physically and mentally capable of performing the duties of the position. He shall not remain in service beyond the age of 70. If requested, either party shall, at the expense of the town, be examined by an impartial physician designated by the Mayor to determine his individual capacity. No deductions shall be made from the regular compensation of Richard Grimes, pursuant to chapter 32 of the General Laws for any service subsequent to the date he reaches 65 years of age,

and upon retirement he shall receive a superannuation retirement allowance equal to that which he would have been entitled to had he retired on that date. Richard Grimes shall continue to be a member in service under section 1 of said chapter 32, for purposes of eligibility for benefits under section 7, 8 or 100 of said chapter 32 during any period after his 65th birthday while serving as Chief of Police for the Town of Weymouth.

Section 2. This act shall take effect upon its passage.

Prior to the act taking effect upon its passage, the General Court may make clerical or editorial changes to the bill and may make other amendments within the scope of the general public objectives of this petition, provided the same are approved by the Mayor prior to the enactment and final form by the General Court.

19 014-Home Rule Petition – To Continue the Employment of Captain John Concannon

that the Town Council approve and for final submission to the General Court of Massachusetts for enactment:

*AN ACT AUTHORIZING THE TOWN OF WEYMOUTH TO CONTINUE THE
EMPLOYMENT OF CAPTAIN JOHN CONCANNON*

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

Section 1. Notwithstanding any general or special law to the contrary, John Concannon, Captain of the Weymouth Police Department, may continue in his position beyond the age of retirement of 65 years, pursuant to Chapter 32 of the General Laws, up to five (5) years, until the date of retirement August 2024, or the date he is relieved of his duties by the Mayor of the Town of Weymouth in accordance with applicable laws, rules or regulations; provided, however, that he remains physically and mentally capable of performing the duties of the position. He shall not remain in service beyond the age of 70. If requested, either party shall, at the expense of the town, be examined by an impartial physician designated by the Mayor to determine his individual capacity. No deductions shall be made from the regular compensation of John Concannon, pursuant to chapter 32 of the General Laws for any service subsequent to the date he reaches 65 years of age, and upon retirement he shall receive a superannuation retirement allowance equal to that which he would have been entitled to had he retired on that date. John Concannon shall continue to be a member in service under section 1 of said chapter 32, for purposes of eligibility for benefits under section 7, 9 or 100 of said chapter 32 during any period after his 65th birthday while serving as a Captain for the Weymouth Police Department for the Town of Weymouth.

Section 2. This act shall take effect upon its passage.

Prior to the act taking effect upon its passage, the General Court may make clerical or editorial changes to the bill and may make other amendments within the scope of the general public objectives of this petition, provided the same are approved by the Mayor prior to the enactment and final form by the General Court.

CFO Connolly, on behalf of the Mayor, withdrew measures 19 013 and 19 014.

19 015-MSBA Statement of Interest-Talbot Boiler

A motion was made by Vice President Mathews to consider a late agenda item and was seconded by Councilor Molisse. President Smart noted an omission in the title of the measure on the revised agenda. UNANIMOUSLY VOTED.

Brian Connolly, on behalf of the Mayor presented the request.

Resolved: Having convened in an open meeting on February 4, 2019 prior to the closing date, the Town Council of Weymouth, in accordance with its charter, by-laws, and ordinances, has voted to authorize the Superintendent to submit to the Massachusetts School Building Authority the Statement of Interest that will be submitted to the MSBA by no later than Friday, February 15, 2019 for the Ralph Talbot Primary School located at 277 Ralph Talbot Street, Weymouth, Massachusetts 02190 which describes and explains the following deficiencies and the priority category(s) for which an application may be submitted to the Massachusetts School Building Authority in the future.

The district is seeking funding to replace the two boilers in the building which are thirty-five years old; replacement would improve efficiency, reduce utility costs, insure non-interrupted service and extend the useful life of the building. The project is identified as Priority Five, categorized by the School Building Authority as any replacement, renovation, or modernization of school facility systems, such as roofs, windows, boilers, heating and ventilation systems, to increase energy conservation and decrease energy related costs in a school facility. It is hereby further specifically acknowledges that by submitting this Statement of Interest Form, the Massachusetts School Building Authority in no way guarantees the acceptance or the approval of an application, the awarding of a grant or any other funding commitment from the Massachusetts School Building Authority, or commits the Town of Weymouth to filing an application for funding with the Massachusetts School Building Authority.

A motion was made by Vice President Mathews to consider measure 19 015 under 2-9(b), same night action and was seconded by Councilor Molisse. UNANIMOUSLY VOTED.

A motion was made by Vice President Mathews to approve 19 015 and was seconded by Councilor Molisse. UNANIMOUSLY VOTED.

REPORTS OF COMMITTEES

Budget/Management Committee-Chairman Michael Molisse

Councilor Molisse reported that the Budget/Management Committee met on February 4, 2019 to deliberate the following measures:

19 001 Fund Transfer – Free Cash to Reserve Fund-Daylighting of the Smelt Brook in Weymouth Landing

This measure was referred to the Budget/Management Committee on January 7, 2019. The committee met on January 22, 2019 and voted to forward to the full Town Council

with a recommendation for favorable action. A public hearing was held on February 4, 2019.

Measure 18 123 originally funded this daylighting expense from the reserve fund, with the intent of transferring the amount from Free Cash back to the Reserve Fund once Free Cash was certified.

On behalf of the Budget/Management Committee, a motion was made by Councilor Molisse to approve measure 19 001; that the Town of Weymouth transfer the sum of \$275,000 from Free Cash to the Reserve Fund for the purpose of replenishing funding costs associated with the daylighting of the Smelt Brook in Weymouth Landing.

Measure 18 123 originally funded this daylighting expense from the reserve fund with the intent of transferring the amount from Free Cash to the Reserve Fund, once Free Cash was certified. The motion was seconded by Vice President Mathews. UNANIMOUSLY VOTED.

19 003-Free Cash for a Bucket Truck and Wood Chipper

This measure was referred to the Committee on January 7, 2019. The Committee met on January 22, 2019 and voted to forward to the full Town Council with a recommendation for favorable action. A public hearing was held on February 4, 2019.

On behalf of the Budget/Management Committee, a motion was made by Councilor Molisse to approve measure 19 003; that the Town of Weymouth transfer the sum of \$233,528 from Free Cash for the purpose of funding costs associated with purchasing a medium duty truck with aerial device and man-bucket and a wood chipper for the Weymouth DPW.

This equipment is listed as #6 and #21 on the Town's FY2019-2023 Capital Improvement Plan.

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

19 004-Appointment to the Cultural Council-Catherine Bevans

This measure was referred to the Committee on January 22, 2019. The Committee met on February 4, 2019 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 19 004; that the Town of Weymouth appoint Catherine Bevans of 28 Aspinwall Avenue to the Cultural Council for a term to expire on June 30, 2021. The motion was seconded by Vice President Mathews. UNANIMOUSLY VOTED.

19 005-Appointment to Commission on Disabilities-Ronald Rizzo

This measure was referred to the committee on January 22, 2019. The committee met on February 4, 2019 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 19 005; that the Town of Weymouth appoint Ronald Rizzo of 164 Pearl Street to the Commission on Disabilities for a term to expire on June 30, 2022. The motion was seconded by Vice President Mathews. UNANIMOUSLY VOTED.

19 006-Appointment to the Community Events Committee-Casey Tocchio

This measure was referred to the Committee on January 22, 2019. The Committee met on February 4, 2019 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 19 006; that the Town of Weymouth appoint Casey Tocchio of 209 Green Street to the Community Events Committee for a term to expire on June 30, 2022. The motion was seconded by Vice President Mathews. UNANIMOUSLY VOTED.

19 007-Reserve Fund Transfer for Unpaid Bills

This measure was referred to the Committee on January 22, 2019. The Committee met on February 4, 2019 and voted to forward to the full Town Council with a recommendation for favorable action. A public hearing was held on February 4, 2019.

On behalf of the Budget/Management Committee, a motion was made by Councilor Molisse to approve measure 19 006; that the Town of Weymouth transfer the sum of \$4,979.75 from the Reserve Fund for the purpose of paying the following unpaid bills:

Unpaid Bill	Department	Amount
Mass. Bay Electric	Police	\$1,019.75
Mass. Bay Electric	Police	\$570.00
Mass. Bay Electric	Police	\$2,154.00
Mass. Bay Electric	Police	\$1,236.00
	Total	\$4,979.75

Furthermore, that the Town Accountant is hereby authorized to pay such bills. The motion was seconded by Vice President Mathews. UNANIMOUSLY VOTED.

Ordinance Committee-Chairman Kenneth DiFazio

Councilor DiFazio reported that the Ordinance Committee met on January 14, 2019 to deliberate the following measures:

18 129-Traffic Regulations Parking Restrictions-Phillips Street and Commercial St.

This measure was referred to the Committee on December 13, 2018. The Committee met on January 14, 2019 and voted to forward to the full Town Council with a recommendation for favorable action. A public hearing was held on February 4, 2019.

On behalf of the Ordinance Committee, a motion was made by Councilor DiFazio to approve 18 129; that the town of Weymouth, through Town Council, pursuant to G.L. Chapter 40, § 22, amend the 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 of Ordinances, Chapter 13, Regulations Affecting Motor Vehicles, Attachment 1- Appendix A under Schedule III, Parking Restricted.

A substitute motion was made by Councilor Mathews to increase the Commercial Street right side restriction from 290 feet to 296 feet north and was seconded by Councilor Molisse. UNANIMOUSLY VOTED.

18 130-Traffic Regulation – Bus Stop, Mutton Lane

This measure was referred to the Committee on December 17, 2018. The Committee met on January 14, 2019 and voted to forward to the full Town Council with a recommendation for favorable action. A public hearing was held on February 4, 2019.

On behalf of the Ordinance Committee, a motion was made by Councilor DiFazio to approve measure 19 130; that the Town of Weymouth through Town Council, pursuant to G.L. Chapter 40, § 22, amend the Town of Weymouth Code of Ordinances, Section 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. The motion was seconded by Vice President Mathews. UNANIMOUSLY VOTED.

ADJOURNMENT

The next regular meeting of the Town Council Meeting has been scheduled for Tuesday, February 19, 2019, due to the Presidents’ Day Holiday.

At 8:27 PM; there being no further business, a MOTION was made by Vice President Mathews to adjourn the meeting and was seconded by Councilor Haugh. UNANIMOUSLY VOTED.

ATTACHMENTS:

Respectfully Submitted by Mary Barker as Recording Secretary.

Approved by Michael Smart as President of the Town Council.

Voted unanimously on 19 February 2019