

**TOWN COUNCIL MINUTES
ORDINANCE COMMITTEE
Town Hall Council Chambers
VIA Zoom # 813 8220 1564
August 27, 2020**

Present: Kenneth DiFazio, Chairman
Brian Dwyer, Vice Chair
Arthur Mathews, Councilor
Rebecca Haugh, Councilor

Absent: Christopher Heffernan, Councilor

Also Present: Joseph Callanan, Town Solicitor
Richard Swanson, Town Auditor
Robert Luongo, Director of Planning
Owen MacDonald, Traffic Engineer

Recording Secretary: Mary Barker

Chair DiFazio called the meeting to order at 6:35 PM. Town Clerk Deree called the roll and Councilor Heffernan was absent due to a prior commitment.

20 088 – Traffic Regulations-Speed Limit-A Portion of East Street

The Chair reported that this measure was referred to the Ordinance Committee on June 1, 2020. The committee met on July 14, 2020 and a public hearing was held on August 10, 2020.

In March, Sgt. Morse performed a speed monitoring study and based on results, the Traffic Engineer recommended the speed limit be adjusted to 25 mph on a portion of East Street between Hanian Drive and Commercial Street. The Planning Department held a community meeting with neighborhood residents on June 25, 2020. On July 10, 2020 the Traffic Engineer submitted a list to the Director of Planning, outlining the potential alternatives based on all of the feedback.

The chair sent the committee members a consolidation of items to deliberate in forwarding measure 20 088 to the full Town Council with a recommendation for favorable action:

1. A motion was made by Councilor Haugh to recommend to the full Town Council that the town install 25 mph speed limit signs, on both sides of East Street, from Green Street to Commercial Street, with at least 3 signs in each direction, motion was seconded by Councilor Mathews. Councilor Haugh noted that currently there are no speed limit signs on East Street between Green Street and Unicorn Avenue.

Councilor Mathews noted the motion states that signs will be installed, but not that the speed is being reduced. He requested to add language to include reducing the speed limit in addition to installing signs.

Councilor Haugh noted the language in the measure refers to a speed limit reduction on East Street, from Commercial Street to Hanian Drive. She would amend the measure to read East Street, from Commercial Street to Green Street. She asked if her amended motion could include sign installation or would that need to be a separate motion? The Chair responded that it could be included in a single motion if there is no objection.

Councilor Haugh amended the motion; that the committee forward a recommendation to the full Town Council that the town reduce the speed limit on East Street to 25 mph, from Commercial Street to Green Street, and install 25 mph speed limit signs, on both sides of East Street, from Green Street to Commercial Street, with at least 3 signs in each direction. Councilor Mathews seconded the motion. The Chair asked Solicitor Callanan, Mr. Luongo and MacDonald if they had any comments on the motion. Mr. Luongo responded that the motion expresses the will of the public and Mr. MacDonald concurred.

A roll call vote was taken:

Councilor Haugh-Yes, Councilor Dwyer-Yes, Councilor Mathews-Yes, Chair DiFazio-Yes. Unanimously voted.

2. The Chair entertained a motion pursuant to Section 13-104 of the Code of Ordinances to Install 2 stop signs on East Street; one facing towards Green Street and one facing Commercial Street at the intersection of East Street and Unicorn Avenue.

Although a motion hasn't been made yet, they are discussing the measure and this is part of it. Councilor Mathews expressed his concerns in a prior meeting with installing signs at an intersection, when correspondence from the Traffic Engineer and Sgt. Morse cautioned that it does not meet any of the criteria set forth by the Federal Highway Administration's Manual on Uniform Traffic Control Devices. He would personally like to see them there, but if someone gets in an accident at the location, the town could potentially be challenged on the legality of signs at an intersection. The Solicitor outlined what could happen if the town were placed in that position. Given the information from the traffic engineer and police, it doesn't meet the criteria laid out, so he cannot support that.

Councilor Haugh agreed, but she knows this is the Chair's district, and a lot of the residents have lobbied for this. There were nine major accidents in five years. If the measures they take now don't resolve the issue, they can revisit. Vice Chair Dwyer asked what is the harm in installing them? Chair DiFazio asked Solicitor Callanan to weigh in, but because he anticipated there might be questions on this particular motion, he noted he would also suggest that they consider a "Caution-Dangerous Intersection" sign. Although it hasn't been discussed, it could be a possible alternative.

Solicitor Callanan responded in a previous meeting, they went over the legality that having signs not aligned with federal or state standards could potentially increase the liability for the town. A motorist could complain that a sign or other traffic device was the cause of a traffic injury. Those types of lawsuits are easy to get out of as long as the town is following the national standards, they would get out of the case very early in the process. If they install a traffic device that doesn't meet the standard, however, it doesn't mean they will be liable for the accident. It just means it will be harder to get out of it.

Vice Chair Dwyer asked if this is based on real world knowledge in Weymouth, or a general theoretical discussion of how the law would work if one were to try to avoid culpability? Solicitor Callanan responded that he has not run across the issue in Weymouth, but cited his prior experience at the state and in the legal business. He is familiar with lawsuits like this. It's that the cost of the defense would be greater. The likelihood of being held responsible or being a substantial cause for someone's automobile accident is still low. The motion to dismiss phase would go later into the summary judgment stage, and that would include discovery, producing records, and potential depositions of multiple parties. It increases the defense costs. The town has an insurance policy that is a pool where costs are spread over five years. The town would bear the increased defense costs. He can research the issue of enforcement. He does not typically share his opinion on policy, but about legality. His recommendation is that any traffic control device should comply with state and federal requirements.

Chair DiFazio asked if the committee had considered a "Caution" sign? It is a dangerous intersection and if there is one more accident where a car traveling from a northerly direction rams into one of the three end houses, something has to be done; insurance policy or not. It's a unique intersection and coming from the north, you don't recognize it is coming up ahead after the hill. He noted that no motion was made on this suggestion.

3. Chair DiFazio entertained a motion to recommend that the DPW install reflectors on all appropriate sign and telephone poles on East Street in both directions.

Councilor Mathews said it is a good idea, but the town has a policy of taking things that don't belong off of poles, and questioned whether they have the authority to affix things on poles that the town does not own. He deferred to the Solicitor. Solicitor Callanan suggested that the town work with utility pole owners to obtain permission to install reflective devices on the poles. Councilor Mathews noted poles are jointly owned by National Grid and Verizon. The town has rights to a certain level with fireboxes and wires, but they could approach the owners to get their permission.

Councilor Mathews made a motion to recommend that the town work with National Grid and Verizon to have the DPW install reflectors on telephone poles in either direction and motion was seconded by Councilor Haugh. Councilor Haugh asked if they should also have the town look at whether the street lighting there is adequate? The Chair responded that it's further along in his suggestions.

A roll call vote was taken: Councilor Haugh-Yes, Councilor Dwyer-Yes, Councilor Mathews-Yes, Chair DiFazio-Yes. Unanimously voted.

Chair DiFazio entertained a motion that the full Town Council request that the town DPW work with the residents of East Street to remove any and all shrubbery that obstructs a motor vehicle operator's line of sight. He doesn't perceive there are many spots, but if there are, they should work with the residents to make a clearer line of sight. Councilor Mathews asked for clarification. Would this include shrubbery on private property or town-owned land? Chair DiFazio responded that it includes private property; there's hardly any town-owned land in the area. If there are any, he is certain the DPW could approach an owner and they could come to an amicable solution. He asked the Solicitor what is the usual practice if there was an issue with a resident who didn't trim their shrubs, for example? The Solicitor responded that generally, the town has an easement wider than the constructed roadway, so the town has rights along the road not in the constructed road portion. They have the right to go on private property to remove trees, rocks, walls, etc. It depends on how wide the street is and how wide the constructed path is.

During this discussion, Councilor Haugh pulled up the map of the street for the committee to view and asked where exactly is being discussed? Chair DiFazio responded that it could be along the full length of East Street, anywhere there might be an impediment to line of site for drivers. Councilor Mathews suggested the traffic engineer should make the determination to make the recommendation to the DPW as it is his expertise. The Chair noted there may be none, but the issue was brought up in the community meetings.

Councilor Mathews made a motion to recommend to the full Town Council that the traffic engineer and the DPW look into all of the properties along East Street to see if there is shrubbery along the roadway that obstructs motor vehicle operator's line of sight and was seconded by Councilor Haugh.

A roll call vote was taken: Councilor Haugh-Yes, Councilor Dwyer-Yes, Councilor Mathews-Yes, Chair DiFazio-Yes. Unanimously voted.

5. The Chair entertained a motion that the DPW review the adequacy of street lighting along East Street.

A motion was made by Councilor Mathews to recommend to the full Town Council that the Department of Asset Management and the traffic engineer review the adequacy of street lighting along East Street and was seconded by Councilor Haugh. Vice Chair Dwyer asked if there are regulations in town that govern intersections and streets. He supports the motion but would like to know by what methodology the DPW will determine the adequacy. Solicitor Callanan responded that he was unsure if there are standards, but the town took over the operation of streetlights from National Grid. He doesn't recall if there are determinations of what standards are or where they should be. Mr. Luongo added that the oversight of street lighting is under the purview of the

Department of Asset Management and they have the ability to increase or decrease intensity of the lighting.

A roll call vote was taken: Councilor Haugh-Yes, Councilor Dwyer-Yes, Councilor Mathews-Yes, Chair DiFazio-Yes. Unanimously voted.

6. The Chair entertained a motion to have the DPW refresh painted curb and crosswalk warning signs on both sides of East Street, as well as any crosswalk lines.

A motion was made by Councilor Mathews to have the DPW refresh painted curb lines and crosswalk lines, on both sides of East Street, and install crosswalk signs and was seconded by Vice Chair Dwyer. Chair DiFazio noted the curb lines help drivers stay in the lane at night. Possible future further development on Wharf Street will add to the traffic concerns. Councilor Haugh said there is a crosswalk near Unicorn Avenue, but she asked if there is a sidewalk on the opposite side. If there isn't, it doesn't provide adequate safety to pedestrians. Councilor Mathews amended his motion to have the traffic engineer evaluate the location of the crosswalk. Mr. Luongo noted they could include moving the fog lines further into the roadway to give the perception that the road is narrower than it is, and that also helps to slow traffic. Councilor Mathews amended his motion to include that as well.

The Chair summarized the motion: the traffic engineer will evaluate moving the fog lines closer to the center line of the roadway and repaint them, review current crosswalks for safety design and have a crosswalk installed in either direction on East Street.

A roll call vote was taken: Councilor Haugh-Yes, Councilor Dwyer-Yes, Councilor Mathews-Yes, Chair DiFazio-Yes. Unanimously voted.

Councilor Mathew noted that traffic enforcement is paramount to all of these changes, and he recommended that if the Council supports the lower speed limit, the Mayor and police provide a presence and traffic enforcement in the area as they are able. He would also like to see the town purchase more speed capture signs if the town receives additional grant funding. Vice Chair Dwyer endorsed this suggestion. Councilor Haugh prefers the approach of informing people as a first step, rather than provide. Chair DiFazio asked Mr. Luongo if the police could run a 6-month enforcement schedule for speeders after the signs are installed? Mr. Luongo responded that he could have a single page mail out sent to the residents. If they include the abutting streets it could be a lot of properties, but he noted that Ed Baker of the Weymouth News is in attendance, and they could request an article be published that the town is getting serious and receive some public relations through him.

Councilor Mathews responded that it's important to go out and enforce it. If they adopt a 10 mph shift on any street, people won't generally enforce it, but if it's accompanied by enforcement, they will. It's not necessarily the area residents who speed, but the cut-through traffic. Vice Chair Dwyer agreed and also endorsed looking to potential grant funding for electronic signs. They have proven very effective. Councilor Haugh reiterated

her concerns with a motion that dictates police action. Chair DiFazio agrees that all of these suggestions have merit.

7. Councilor Mathews made a motion to forward to the full Town Council that if additional funding becomes available, the town purchases an electronic speed board for East Street, and was seconded by Councilor Haugh.

A roll call vote was taken: Councilor Haugh-Yes, Councilor Dwyer-Yes, Councilor Mathews-Yes, Chair DiFazio-Yes. Unanimously voted.

Councilor Haugh thanked Chairman DiFazio for his work on this measure; he has been working on the traffic problem on this street for at least a decade.

ADJOURNMENT

At 7:22 PM, there being no further business, a motion was made by Councilor Mathews to adjourn and was seconded by Councilor Haugh.

A roll call vote was taken: Councilor Haugh-Yes, Councilor Heffernan-Yes, Councilor Mathews-Yes, Vice Chair Dwyer-Yes, Chair DiFazio-Yes. UNANIMOUSLY VOTED.

Attachment:

Respectfully Submitted by Mary Barker as Recording Secretary

Approved by Ken DiFazio as Budget/Management Committee Chairman
Voted unanimously on 8 September 2020