

TOWN COUNCIL MINUTES

Town Hall Council Chambers

Zoom #868 2807 5774

April 3, 2023, Monday

Present: Arthur Mathews, President
Michael Molisse, Vice President
John Abbott, Councilor
Lisa Belmarsh, Councilor
Kenneth DiFazio, Councilor
Fred Happel, Councilor
Christopher Heffernan, Councilor
Gary MacDougall, Councilor
Greg Shanahan, Councilor

Absent: Pascale Burga, Councilor
Maureen Kiely, Councilor

Also Present: Kathleen Deree, Town Clerk
Richard McLeod, Town Solicitor
Brian Connolly, Town Auditor
Jim McGrath, Asst. Town Engineer, DPW
Jay Donovan, Engineering, DPW
James Malary, Director of Municipal Finance

Recording Secretary: Mary Barker

President Mathews called the meeting to order at 7:35 PM. After the Pledge of Allegiance, Town Clerk Kathleen Deree called the roll, with two absent. President Mathews reported that Councilor Burga had a prior commitment and Councilor Kiely was under the weather.

ANNOUNCEMENTS

Councilor Shanahan announced the Town Clean-up Day; the Mayor's office seeks volunteers to register ahead and participate in a town-wide cleanup to take place on April 22, 2023.

Councilor Abbott announced the annual Fiesta Shows Carnival from April 17-23 on the grounds of WHS.

MINUTES

Budget/Management Committee Meeting Minutes of March 20, 2023

Vice President Molisse motioned to approve the minutes from the March 20, 2023

Budget/Management Committee meeting and was seconded by Councilor Shanahan. Unanimously voted.

Town Council Meeting Minutes of March 20, 2023

Vice President Molisse motioned to approve the minutes from the March 20, 2023 Town Council meeting and was seconded by Councilor Shanahan. Unanimously voted.

Vice President Molisse motioned to take item 11, Motions, Orders and Resolutions out of order and Councilor Shanahan seconded. Unanimously voted.

MOTIONS, ORDERS AND RESOLUTIONS

Vote to Dispense of April 18, 2023 Town Council Meeting and Reschedule to April 24, 2023- Pursuant to Code of Ordinances Section 2-302-President Arthur Mathews

President Mathews requested a change to the date of the next meeting, normally the third Monday of the month, in order to allow the administration sufficient time to prepare the FY24 operating budget, to be presented on April 24, 2023.

Vice President Molisse motioned to dispense of the regularly reschedule next Town Council meeting and reschedule to April 24, 2023 and was seconded by Councilor Shanahan. Unanimously voted.

PUBLIC HEARINGS

23 021- Street Acceptances- 7 Streets

Vice President Molisse motioned to open the public hearing on the measure and was seconded by Councilor Shanahan. Abutters were notified on March 23, 2023. Unanimously voted.

Jim McGrath and Jay Donovan from DPW presented the measure, with a slide show detailing each street's characteristics:

Fort Point Road- this will run from River to Caldwell; it's a 20' wide, narrow layout that does not currently encompass the seawall. The reason they propose accepting this is to do drainage and construct a new seawall within the 60' right of way. No land will be taken from owners. When complete, 24' will be roadway; the rest will be seawall and sidewalks.

Wolcott Street- accepting will conclude all streets in this area.

Chelsey Way- this was on the list in 2015 but for budgetary reasons, it didn't make the cut. It was constructed in the 90's and is in good condition.

Crest Avenue/ Quarry Avenue- both streets were reconstructed 10 years ago with new infrastructure- water mains, etc. This is a follow up to that project. No changes are proposed.

All roads are being accepted as is, but there will be some waivers requested.

Oakdale- this was paved within the last year and a half. The owners agreed then to have the town accept the road after completion.

Rosemary – a plan was submitted in 1991 and there are no changes to it. Improvements might be necessary in the near future.

President Mathews asked the Engineering team to give the public an overview of the process, since the town hasn't often accepted private roads. Mr. McGrath explained it. The first step is for the owners to submit a petition; 75% of the abutters must sign off for consideration. The town assesses the road to determine if it's worthy. If needs work, how will it be funded- by bond or will the residents be responsible for cost? Residents must submit a plan and profile, and from that, the parcel description is written. Once everything's in place, it's then forwarded to the legal department and Mayor's office to petition for acceptance. Mr. Donovan added that a lot of work goes into the process before it gets to the mayor's office and not every petition gets advanced.

Solicitor McLeod added that under Massachusetts law, the resident owns to the center line of the private roadway. Municipalities are not required to provide services (trash pickup, plowing, etc.). When petitioned, owners are required to prepare plans and they can be expensive (for example, it would cost \$40K for Rosemary), but fortunately for Weymouth residents, the town is funding preparation of the plans. Town costs include the research, preparing deeds and recording fees. The town prioritizes older streets first, although they intend to accept them all. If all were done at once, it would be expensive and would require a dedicated legal department. If some residents can't pay their share, the town would present a betterment plan on the tax bill, with a lien on property, and the owner can either pay it down or pay off with the transfer of the property. Fees have tripled over the last ten years.

President Mathews reiterated for the public that private roads are not eligible for Chapter 90 money from the state to pay for road improvements. The amount of funding the town receives is based on the number of miles of its public roadways.

Councilor DiFazio asked approximately how many roads has the town accepted? Mr. McGrath responded well over 100. Councilor DiFazio asked how many applications are pending with an as-built. Mr. McGrath responded, less than 6. The best thing residents can do to get street on the list is to get it to that point. Mr. McGrath added that Engineering does a search their records too- sometimes there are plans on file that can be substituted with other recordings, that saves residents and the town the recording costs, such as one they had on record for Chelsey Way. Councilor DiFazio urged residents considering having streets accepted to check first with Engineering whether something on record can be used.

Councilor Happel– reported that he had feedback from several in the Fort Point Road area who have concerns with the project. He understands the road must be accepted by the town to move forward with the seawall project, but he urged the administration listen to their concerns regarding parking and greenery. Mr. Donovan responded that they are very open to meeting with the residents. A meeting is scheduled for Thursday that will include public discussion.

Councilor Belmarsh- asked how the administration chooses the roads? Mr. McGrath responded

that Chelsey, Crest, Quarry and Rosemary were on the list from 2015. Oakdale was recently paved, and the goal is to accept reconstructed roadways as soon as soon as completed to make them eligible for Chapter 90 funding. Councilor Belmarsh asked if they allow public streets to become private ways? Mr. McGrath responded he would not recommend a road staying private, and the Zoning Board would request an HOA. The only one he is aware of that is an HOA is Dandelion Way. President Mathews added that it's up to the Planning Board to approve a subdivision. He added that the town could also attach a performance bond. Mr. Donovan explained that once a road is constructed, it's better for the developer to start the acceptance process immediately.

Councilor MacDougall- asked if there are any prior to 2015 still in queue? Mr. McGrath responded no. Councilor MacDougall asked how many requests are currently waiting? Mr. McGrath responded that they probably have 25 requests. If the residents request acceptance but the DPW determines the roadway is in disrepair. Mr. McGrath responded that technically, the residents would be responsible for the repairs, and then could reapply.

Councilor Abbott- added that he appreciates the work, and urged they continue. Many residents who are asked aren't aware whether they live on public or private ways. Town in theory does not have to provide services.

Councilor Shanahan- asked for particulars the MEPA meeting Thursday for the seawall. Mr. McGrath responded it will be at 6 PM at the Whipple Center. Information is available on the town calendar and Engineering page.

President Mathews asked if there were any questions or comments from the public, to which there was the following:

Fort Point Road:

Joe Taylor, 39 Fort Point Road – he met with the town, discussed it and is willing to grant easements to move the process along. There are some features he does not agree with that affect his property and he will address them with Jim McGrath.

President Mathews explained to the public that the council will not vote the measure tonight; the Public Works Committee and Planning Board will meet to deliberate before the council considers a vote.

Erin O'Brien, 25 Fort Point Road- stated that this is a long overdue vital project vital to the seawall. As an abutter, she is willing to give the road to the town, with a bow. She is glad to see it. She urged then to take it, primarily for safety. There were 2 floods in the neighborhood during which the WFD could not get to her property when a CO alarm when off. Her situation is not unique, and it is due to a failing seawall. If this doesn't go through, it is unsafe. There is also the efficiency argument to be had. If the properties are washed away, the town loses tax values. She wants to live in a town that keeps its community safe. The DPW and administrative team has done a wonderful job getting to this point and she doesn't want to micromanage them.

Chris Newman, 55 Fort Point Road– addressing the parking situation. Once the road changes to

public, he will lose parking without a driveway. He hopes discussion will be resolved over the next discussions.

Richard Walsh, 111 Fort Point Road – under the impression that taxes were not going to be dropped because the view will be gone. The road has always flooded. The seawall is put in incorrectly. He has been through several floods. The 2 feet added to the seaway is going to block his view, but he is okay with it. He does not agree with the wording in the contracts they were pressured to sign- “solvent rights.” He regrets signing it.

Solicitor McLeod added that the administration met with each resident individually. The road improvements will include drainage and repaving. They listened to their concerns and they respect them. More than 90% of the residents want this done. It’s going to cost over \$10 million, and they are moving into the second phase, with construction starting next spring. No property is being taken and they are concerned with the parking situation. Mr. McGrath added that construction will not begin until the fall of 2024.

Jacob Stewart 43 Fort Point Road- He is aware of the vote. He and his family will support this. The plan lacks transparency. It will remove parking from residents who have no option or an offer of resolution. Offering greenspace takes away residents already giving up parking. He also was concerned with the 1-week notice for the Order of Taking. They want simple assurances that they will have adequate parking. He wants to see the seawall constructed, a 5’ sidewalk and roadway. What they agreed to is not what is in the current plans.

President Mathews urged the traffic engineer be invited to the meeting on Thursday. If there is a way to preserve parking or a solution for the residents, he urged they address it.

Don Trudeau 49 Fort Point Road- reiterated they need the wall, but the plans presented recently, were different than what they expected. The town does not allow overnight parking on a public way. The size of proposed greenway compromises parking spaces. Neighbors are afraid that if the town accepts the road, their concerns will be set aside.

Wolcott Street

There was no comment.

Chelsey Way

Greg Egan, 29 Chelsey – asked if any changes will be made? Mr. McGrath responded no changes. It is being accepted to allow the town to do any future repairs.

Crest Ave

There was no comment.

Oakdale St

There was no comment.

Quarry Ave

Karen Gravino, 22 Quarry Avenue- asked what changes will be made? Mr. McGrath responded

that no changes are proposed. It was reconstructed in the past. Ms. Gravino asked if the roadway can be widened. There is not enough room to place to turn around. She asked if there any difference to private or public? Mr. McGrath responded that the residents would be responsible for future repairs. President Mathews added that the work done 10 years ago, the town taxpayers paid for it. If accepted, Ch 90 funds can be used. If it's not accepted as a public road, it is the owner's responsibility to make any necessary repairs. Mr. Donovan added that the main distinction is that the town can't spend Ch 90 funds on a private way.

President Mathews asked how much the town received in Chapter 90 funds last year? Mr. McGrath responded just under \$2 million. He clarified that Quarry was actually done with CDBG funds.

Crest Avenue

There was no comment.

Rosemary Lane:

Katie Boidi, 27 Rosemary Lane- this is one of the 2015 streets, and there are newer residents Solicitor McLeod responded that they use the 2015 list, knowing there has been changes of ownership.

Councilor Abbott asked if there will be another opportunity for the public to speak on this? President Mathews responded that it depends on whether the public hearing is closed. It will go to the Public Works Committee, then their recommendation comes back to council. Councilor Abbott suggested keeping it open especially for Fort Point Road to make sure their concerns have been resolved.

Councilor MacDougall asked if there a master list of public/private streets, and can they get it published? Mr. Donovan responded there is; it gets updated yearly, and it can put it on the engineering page.

Erin O'Brien, 25 Fort Point- reminded the council that they missed vital windows, and it was delayed for 4-5 years. Voting not to close delays another year. Many who aren't here want it to move forward.

Steve Lively, 125 Fort Point- noted people are conflating the taking with the seawall project. They are two separate projects. There is no reason to delay if the plan goes through; everyone is better off with the taking and it hurts all with no seawall.

Peter Flanagan, 79 Fort Point- noted it's easy to oppose; flooding is a massive issue. He appreciates the work and they know they will never get 100% consensus. He urged they move forward, and then deal with the details.

Solicitor McLeod added that there is a small section of Fort Point Road that's already a public way. It seems a benefit to the residents. Middle of road to seawall is town property, and no one's property is being taken.

Doug Tatreau 69 Fort Point Road explained as a longtime resident that part of the road is already public, from Wolcott to Bacon, down Bacon to Birch, had a water issue. The town was asked and resolve that issue and that how the section became public.

Vice President Molisse suggested the reservations that some of the residents brought up can be addressed without having to hold open the public hearing. Councilor Belmarsh agreed.

Vice President Molisse motioned to close the public hearing on the measure and was seconded by Councilor Shanahan. Unanimously voted.

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

23 022-Zoning and Land Use By-Laws and Map for South Weymouth Naval Air Station, as Amended

On behalf of Mayor Hedlund, James Malary requested that the Town of Weymouth approve the Zoning and Land Use By-Laws and Map of Naval Air Station (NAS) South Weymouth, as amended, and dated March 7, 2023.

Vice President Molisse motioned to refer the measure to the Ordinance Committee and Planning Board was seconded by Councilor Shanahan.

Councilor Belmarsh asked for virtual committee meetings. President Mathews responded that WETC does not have the staff or resources to record/televisе them. Secondly, he included a request for laptops for the council in their budget. If any member wishes to record a meeting, it is their right and they are free to do so.

Unanimously voted.

23 035-FY23 Opioid Settlement – Special Purpose Stabilization Fund

On behalf of Mayor Hedlund, James Malary requested that the Town of Weymouth accept the provisions of MGL c.40 § 5 B and establish an Opioid Settlement Special Purpose Stabilization Fund as a special reserve to appropriate fund received from the statewide opioid settlements, for prevention education, treatment, and support of recovery services to those impacted by opioid use disorder.

Vice President Molisse motioned to refer the measure to the Budget/Management Committee and was seconded by Councilor Shanahan. Unanimously voted.

23 036- Free Cash Transfer to Fire Department Overtime

On behalf of Mayor Hedlund, James Malary requested that the Town of Weymouth transfer the sum of \$15,000 from Sick Incentive Pay account, \$40,000 from Fire Out-of-Grade Pay account, \$35,000 from Fire Salaries Account, \$50,000 from Fire Details Account and \$680,000 from Free Cash for a total of \$820,000 to the Fire Department Overtime account

Vice President Molisse motioned to refer the measure to the Budget/Management Committee and was seconded by Councilor Shanahan. Unanimously voted.

23 037- Reappointment to Memorial Committee- Frank Burke

On behalf of Mayor Hedlund, James Malarly requested that the Town of Weymouth, in accordance with 2-10 of the Town Charter reappoint Frank Burke of 93 Bluff Road to the Memorial Committee, for a 3-year term to expire on June 30, 2026

23 038- Reappointment to Zoning Board of Appeals- Brandon Diem

On behalf of Mayor Hedlund, James Malarly requested that the Town of Weymouth, in accordance with 2-10 of the Town Charter reappoint Brandon Diem of 22 Stratford Road to Zoning Board of Appeals for a 2-year term to expire on June 30, 2025

23 039- Reappointment to Conservation Commission- Scott Dowd

On behalf of Mayor Hedlund, James Malarly requested that the Town of Weymouth, in accordance with 2-10 of the Town Charter reappoint Scott Dowd of 133 Pierce Road to Conservation Commission for a 3-year term to expire on June 30, 2026

23 040- Reappointment to Board of Library Trustees- Tracy Muniz-Gately

On behalf of Mayor Hedlund, James Malarly requested that the Town of Weymouth, in accordance with 2-10 of the Town Charter reappoint Tracy Muniz-Gately of 12 Montcalm Street to Board of Library Trustees for a 3-year term to expire on June 30, 2026

23 041- Reappointment to Recreation Commission- Barbara Nieters-Kearney

That the Town of Weymouth, in accordance with 2-10 of the Town Charter reappoint Barbara Nieters-Kearney of 105 North Street to for a 3-year term to expire on June 30, 2026

Vice President Molisse motioned to adopt the reappointment list, measures 23 037, 23 038, 23 0369, 23 040 and 23 041 and was seconded by Councilor Shanahan. Unanimously voted.

23 042- Appointment to Cultural Council- Melanie Gingrich

On behalf of Mayor Hedlund, James Malarly requested that the Town of Weymouth, in accordance with 2-10 of the Town Charter appoint Melanie Gingrich of 24 Chestnut Creek to Cultural Council for a 2-year term to expire on June 30, 2025

Vice President Molisse motioned to refer the measure to the Budget/Management Committee and was seconded by Councilor Shanahan. Unanimously voted.

23 043- Appointment- Community Events Committee- April Lenahan

On behalf of Mayor Hedlund, James Malarly requested that the Town of Weymouth, in accordance with 2-10 of the Town Charter appoint April Lenahan of 14 Shawmut Avenue to Community Events Committee for a 3-year term to expire on June 30, 2026

Vice President Molisse motioned to refer the measure to the Budget/Management Committee and was seconded by Councilor Shanahan. Unanimously voted.

23 044- Appointment to Cultural Council-Gina O'Leary

On behalf of Mayor Hedlund, James Malary requested that the Town of Weymouth, in accordance with 2-10 of the Town Charter appoint Gina O'Leary of 200 Trotter Road to Cultural Council for a 2-year term to expire on June 30, 2026

Vice President Molisse motioned to refer the measure to the Budget/Management Committee and was seconded by Councilor Shanahan. Unanimously voted.

ADJOURNMENT

The next regularly scheduled meeting of the Town Council is April 24, 2023 and the Annual Town Meeting is on May 15, 2023. At 9:00 PM; there being no further business, Vice President Molisse motioned to adjourn the meeting and was seconded by Councilor Shanahan. Unanimously voted.

Respectfully Submitted by Mary Barker as Recording Secretary

Approved by Arthur Mathews as President of the Town Council
Approved at TC on 4-24-2023