

**MINUTES OF THE TOWN COUNCIL
PUBLIC WORKS COMMITTEE
Town Hall Council Chambers
September 24, 2012 - Monday**

Present: Ed Harrington, Chairman
Ken DiFazio, Vice-Chairman
Arthur Mathews, Councilor
Michael Smart, Councilor
Francis Burke, Councilor

Also Present: Robert Conlon, Councilor
Jeff Bina, Director, DPW

Recording Secretary: Mary Barker

Chairman Harrington called the meeting to order at 6:48 PM.

Issue – Inter-municipal Agreements

Vice Chairman DiFazio was invited to the table and reviewed the following chronological timetable. He noted his requests to SSTTDC have not produced adequate responses to the information he is seeking.

CHRONOLOGICAL TIMETABLE

1. **February 28, 2002** Mayor Madden agrees with STTDC to provide the following in order to support Phase 1 of the project:
 - a. As of January 1, 2003 Weymouth will increase its committed water provision from 112,000 (gallons per day) gpd to 150,000 gpd of water.
 - b. As of January 1, 2003 Weymouth will increase its acceptance of sewer flows from the base to 120,000 gpd.
2. **December 27, 2007** Mayor Madden agrees with SSTTDC to increase the limits of providing water and sewer to complete Phase 1 as follows:
 - a. As of January 1, 2008 Weymouth will increase its commitment for water to the project from 150,000 gpd to 245,000 gpd.
 - b. As of January 1, 2008 Weymouth will increase its acceptance of sewer flows from 120,000 gpd to 187,000 gpd.
3. **March 7, 2008** Mayor Kay enters into a (memorandum of agreement) MOA, which maintains the above limits and additionally lays out the framework for the current payment scale and fees.

4. **September 2011** – Weymouth’s representatives on the SSTTDC Board appear before the Council and upon inquiry indicate that SSTTDC will not be seeking a request for additional water for Southfield from Weymouth than what has been previously requested pursuant to the 2008 MOA.
5. **April 2, 2012** the Town Council Budget/ Management Committee reported to the Town Council that a letter dated September 13, 2011 (from Environmental Partners to SSTTDC) had been discovered which indicates that SSTTDC requested Environmental Partners to perform a technical feasibility assessment of an alternative water/sewer plan for Southfield, one that was entirely different than set forth in the Southfield FEIR and 2008 NPC. To the surprise of many this study suggested that the town of Weymouth provide 40% of Southfield’s full build out water and sewer needs.
6. **May 31, 2012** As Chair of the Budget/Management Committee Councilor DiFazio requested from Weymouth’s representatives on the SSTTDC Board of Directors to provide a copy of the results of the feasibility study. Further, he requested that our representatives confirm the amount of dollars expended over the last 12 months to obtain the MWRA as a preferred water source for Southfield.
7. **June 5, 2012** He received from Weymouth’s representatives on the SSTTDC Board the feasibility study as well as a response that SSTTDC has not expended any funds over the past twelve months in an effort to obtain an independent water source outside that of utilizing Weymouth, Hingham or Rockland, such as the MWRA. The report was subsequently distributed to all Councilors.
 - a. * The results of the study indicate that with certain capital improvements and granting of permits, the Town of Weymouth could potentially satisfy not just 40% of Southfield’s water and sewer demands at full build out, but the water/sewer demands of the entire Southfield project at full build out.
 - b. * The results of the study also indicate that SSTTDC introduced to Environmental partners a so called “alternative build out scenario” which contemplates the project demanding less water and sewer at full build out.
8. **June 18, 2012** Councilor DiFazio appeared before the Town Council and distributed correspondence outlining his concerns regarding the feasibility study itself and the assumptions made by SSTTDC regarding Southfield’s water and sewer demands.
9. **July 13, 2012** He discussed the correspondence to our SSTTDC representatives requesting specific information regarding the so-called “alternative build-out

scenario” which was input by SSTTDC into the feasibility study performed by Environmental Partners.

10. **July 17, 2012** Councilor DiFazio received a response from our SSTTDC Board Members that was not a response to his request but merely regurgitated his request without providing any requested information.
11. **July 18, 2012** He issued a second request to our SSTTDC Board members in an attempt to be more specific about the information requested regarding SSTTDC’s input of lower water demand and sewer flows within the “alternative build out scenario.”
12. **August 3, 2012** –He received a response from the Law Firm of Nutter McClennan & Fish, LLP to his July 18, 2012 request indicating once again that SSTTDC, now through its attorneys was not going to provide the formula by which they calculated water and sewer demands for the so called “alternative build out scenario.”
13. **August 13, 2012** As succinctly as possible Councilor DiFazio noted that he once again requested the two calculations which would support the so-called “alternative build out demands in the feasibility study.
14. **August 16, 2012** He received a second response from the Law Firm of Nutter McClennan & Fish, LLP to correspondence dated August 13, 2012. This report indicates there is no further information is available.

Vice Chairman DiFazio reviewed the town’s calculation. He noted that it is important because it appears that from the numbers, Tri-Town is using less than what was proposed in the original reuse plan. It also doesn’t address the independent water source as outlined in the feasibility study. It appears the commercial size is being reduced while the residential side is increased; it is difficult to know since the entity has not responded to the questions as posed on numerous occasions.

Chairman Harrington noted that a response was received from Mr. Connolly and Mr. Wall of SSTTDC in response to the invitation to attend this meeting and he read it into the record:

“Dear Councilor Harrington:

Thank you for your letter of August 31, 2012 inviting us to a meeting of the Public Works Committee on September 24, 2012. You indicate that the Environmental Partners Water and Sewer Study will be the topic of discussion that evening. We are including the following communications received from Councilor DiFazio and our responses to the same on this subject which may give you further insight into our thoughts:

- 1. July 13, 2012 letter from Councilor DiFazio and our July 17, 2012 response*
- 2. July 18, 2012 letter from Councilor DiFazio and the August 3, 2012 response from*

counsel.

3. *August 13, 2012 letter from Councilor DiFazio and the August 16, 2012 response from counsel.*

To summarize our responses, the EPG report is only part of the overall due diligence that South Shore Tri-Town is in the process of compiling to make an educated decision as to future water and sewer sources at Southfield. The board of directors has not been presented any recommendations from our staff as to a final path, and therefore it is premature to discuss the EPG study as a final report on the overall issue. Accordingly, once a final recommendation is received, debated and voted upon by the board of directors, we'd be happy to discuss the final decision with you and the Public Works Committee.

We might also point out that SSTTDC is still in negotiations with respect to a water and sewer agreement with the town of Weymouth; therefore, any public discourse at this stage would be counterproductive to the negotiation process.

We hope you understand that for the above reasons, we must respectfully decline your invitation at this time, and as soon as the issue is completed we would be happy to address the results with you.

Very Truly Yours,

Joe Connolly

Jeff Wall

South Shore Tri-Town Development Corporation"

Councilor Mathews noted that it is unfortunate that SSTTDC has declined to attend twice; he would like to ask several questions and is uneasy that they are using attorneys to respond to the most recent inquiries.

Councilor Conlon agreed that the actions taken so far are not overreacting-it's Weymouth's water that is at the base of the survey. He is also concerned with the use of attorneys and is insulted that the invitations to attend have not been met favorably.

Vice Chairman DiFazio noted it will be interesting to see what happens when the day comes that they want to use host community resources. It's seven years into the reuse, and although no one foresaw the economic downturn, they still do not have a plan for an independent water supply. He also reminded the committee that the final decision and any memorandum of agreement will come from the Mayor.

Chairman Harrington asked what the town's legal position will be should the Mayor choose not to commit to providing water/sewer services to the development which essentially are Weymouth residents. Councilor Mathews responded that the application must originate and be applied through the town of Weymouth, not the developer. There was a brief discussion on the water source, the enabling legislation, and the need to get the information to the public. The information will be reported out to the full town

Council and remain in committee. There is need for further discussion with the Mayor and all interested parties.

At 7: 25PM, there being no further business, a motion was made by Councilor Mathews to adjourn, seconded by Councilor Burke and unanimously voted.

Respectfully submitted by Mary Barker as Recording Secretary

Approved by Councilor Harrington as Chairman