

TOWN COUNCIL MEETING MINUTES
Weymouth Town Hall
Council Chambers
March 7, 2016
EXECUTIVE SESSION

Present: Patrick O'Connor, President
Michael Smart, Vice President
Kenneth DiFazio, Councilor
Ed Harrington, Councilor
Arthur Mathews, Councilor
Jane Hackett, Councilor
Rebecca Haugh, Councilor
Thomas Lacey, Councilor
Michael Molisse, Councilor

Absent: Robert Conlon, Councilor
Brian McDonald, Councilor

Also Present: Mayor Robert Hedlund
Ted Langill, Chief of Staff
Joseph Callanan, Town Solicitor
Kathleen Deree, Town Clerk

Recording Secretary: Diane Hachey

EXECUTIVE SESSION-PURPOSE OF DISCUSSING STRATEGY REGARDING POTENTIAL LITIGATION AGAINST NATURAL GAS COMPANIES, RESULTANT FROM POTENTIAL EXPANSION PLANS

Vice President Smart motioned to go into executive session for purposes of discussing strategy regarding potential litigation against natural gas companies, resultant from potential expansion plans; noting that discussing this in open session would have a detrimental effect. He further noted that the Council will reconvene in open session for the purpose of adjournment.

At 9:12 PM Councilor Smart motions for a roll call vote to enter executive session, motion seconded by Councilor Mathews. Roll call was taken by Kathy Deree, as follows:

Robert Conlon (not present)
Kenneth DiFazio-yes
Jane Hackett-yes

Ed Harrington-yes
Rebecca Haugh-yes
Thomas Lacey-yes
Arthur Mathews-yes
Brian McDonald (not present)
Michael Molisse-yes
Vice President Michael Smart-yes
Council President Patrick O'Connor-yes

Mayor Hedlund explained as background that there are three separate projects, Calpine, Access Northeast and Algonquin. He has hired Joe Callanan as a result of his experience with land use issues; he worked in the Attorney General's Office and he has been the point person thus far. Decisions need to be made and he wants to collaborate with the Town Council and is seeking their input, initially he thought we would have several alternatives from which to choose.

Joe Callanan reiterated that he has reviewed the proposals. Access Northeast would run from Braintree to the Fore River Bridge -4 miles. Calpine wants to expand and the town has tried negotiating options and have advised Calpine that they need to work with us and they have refused. We are working with Spectra and he and the Mayor met last week with Calpine and Spectra; unfortunately moving forward it doesn't appear that we will have a good working relationship. In an attempt to hold up construction, the town rejected a Conservation application, as it didn't contain the proper signature. The town is currently in litigation and we continue to hold up the project as best we can in order to hopefully delay the construction timeline (ie: wetlands permits and street opening permits)--which they are hoping to begin in May--we are trying to find their weaknesses and work them to the town's advantage.

The project requires 2 million gallons of water which we cannot supply, so we can make them obtain a hydrant. He stresses that we cannot stop the project's progress, but can hopefully delay.

The deal under discussion is \$12 million upfront and \$6 million incrementally-\$3 million over the first three years.

The Mayor poses the question as to whether or not the Council wishes to continue litigation-or negotiate the best deal possible, knowing that we can't deter the project. We don't have the resources to go up against national corporations. We are utilizing both internal and external Counsel and may need to come before Council for an additional appropriation to support this effort. It is projected that \$75,000 dollars in attorney's fees will be needed for the remainder of the year.

Joe Callanan noted that federal regulations trump our chances of legally winning, the town's chances of winning in court are highly unlikely, and the Waterways hearing will

bring up issues. If we made it to Superior Court and Appeals Court the question becomes if this is sufficient enough to meet their deadlines.

Councilor Haugh feels that money cannot compensate the monumental, negative effect this project has on North Weymouth, Councilor Lacey agrees.

Councilor DiFazio notes that other than fighting the cause, there is no monetary benefit. He suggests that for appearance sake, we negotiate for the highest amount of mitigation funds. He is not advocating at all for fighting this for arguments sake because we are being advised that we will lose in court and this would result in no mitigation whatsoever.

President O'Connor asked if other communities have fought, it was noted that Boston is currently in litigation.

Joe Callanan notes that our best argument is that there is no other designated port area, he further stated that we can't use the argument of segregating projects.

Councilor Mathews asked if we explained that we would make their life miserable if this project comes to fruition. Joe confirmed that yes, they do not care.

Mayor Hedlund mentioned that they were at a meeting recently with Calpine and a follow-up meeting has been scheduled for further discussion. We can have public arguments to make them look bad.

Councilor Mathews suggests that we play the card that they are violating the TIF agreement and we will pursue this since they are not meeting their obligation—go after Spectra.

Joe Callanan reiterates that Calpine owns the parcel and Spectra can take over the north parcel by eminent domain, we could hold it over them, but he questions what we would gain.

Councilor Mathews suggests giving them the right of first refusal on the parcel, but Mr. Callanan interjects that they are no longer interested in expanding. Their obligation is to complete landscaping and in the meantime we would fight actual building of the station. If we delay enough, they could possibly go away—they are seeking approval in the fall and we could make innovative arguments in an effort to stall them. They are proposing this location due to similar industry in the area.

Councilor Lacey suggests the argument to FERC that there is no need for the project; Mr. Callanan advises that it would be an expensive legal undertaking to argue that point.

Mayor Hedlund noted that he is torn on the issue and cited similar situations he dealt with at the State House. He is looking to the Council for their thoughts on fighting or mitigating for the best we can to get the most money, as we are being legally advised that we will lose in court. The town offered an alternate location, north of Route 3, behind the Gun Club and they didn't go for it.

Councilor Haugh notes that reports indicate many inconsistencies and that they hope that people overlook them; she feels strongly that we demand they fix the inconsistencies. Mr. Callanan explained that FERC has already asked Spectra for additional clarification and at the end of the day, they will still be able to obtain the necessary licenses to move forward on the project.

Councilor Mathews suggests that we ask for \$50 million, but consider no less than \$25 million. Additionally he suggests investigating to have the parcel taxed at real property value in perpetuity.

Councilor Haugh stated that Calpine wants a second stack and she feels that 5 million dollars alone, just for North Weymouth, and 10 million in total, would remediate that. She stresses that no employment opportunities for residents or enhancements whatsoever will result to North Weymouth on this project.

Councilor Lacey likens this situation to LNR mitigation, and suggests we go to court.

Councilor DiFazio wants the most we can obtain for mitigation and feels do what we need to obtain, be it threaten, or stop and talk money, our goal is to get the highest monetary mitigation. He suggests that administration meet with them and come back to us with the results.

Councilor Mathews suggests giving them a wish list of needs for North Weymouth to pay for.

Mr. Callanan would like a wish list of ideas versus a "check" amount...ie: boat ramp, walking trails, thinking that this may help our position.

Councilor Hackett suggests fighting in the short term, do not give a number at this point as we do not know their plans. She suggests not giving them a figure, but obtain one from them.

President O'Connor feels that our charge is to continue to negotiate and mitigate and come back to Council to update.

Councilor Harrington cautions that Spectra has a legal dream team and notes that they have been down this road before and raises this issue as related to the fight or mitigate stance.

Mayor Hedlund thanks the Council for their collaborative efforts.

At 10:35 PM Councilor Smart motions for adjourning executive session and going into open session for purposes of adjournment, motion seconded by Councilor Mathews. Roll call vote by Kathy Deree as follows:

Robert Conlon (not present)
Kenneth DiFazio-yes
Jane Hackett-yes
Ed Harrington-yes
Rebecca Haugh-yes
Thomas Lacey-yes
Arthur Mathews-yes
Brian McDonald (not present)
Michael Molisse-yes
Vice President Michael Smart-yes
Council President Patrick O'Connor-yes

Motion to go into open session voted unanimously.

At 10:36 PM Councilor Smart motions for adjournment, motion seconded by Councilor Mathews and voted unanimously.

Respectfully submitted by Diane Hachey as Recording Secretary
Voted unanimously on 16 November 2020

Approved by Council President Arthur Mathews