

TOWN COUNCIL MINUTES
Town Hall Council Chambers
January 6, 2014, Monday

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

Also Present: Susan M. Kay, Mayor
William McKinney, Chief Financial Officer
George Lane, Town Solicitor
Kathy Deree, Town Clerk

Recording Secretary: Mary Barker

President Mathews called the meeting to order at 7:30 PM. After the Pledge of Allegiance, Town Clerk Kathy Deree called the roll, with all members present.

ANNOUNCEMENTS

Councilor Haugh announced that the North Weymouth Civic Association will hold its annual election for the 2014 Board of Directors on January 15, 2014, 7-8:30 PM, which is open to all dues paying members and those interested in becoming members.

Councilor Hackett announced that the two recent Library events were well attended. The Polar Express drew 95 children and the Magic show had 123 attendees. She expressed the library's thanks.

Election of Officers
Council President

A Motion was made by Councilor Smart to OPEN the nominations for Town Council President, and was seconded by Councilor Harrington. UNANIMOUSLY VOTED.

A MOTION was made by Councilor Smart to NOMINATE Patrick O'Connor as President of the Town Council and was seconded by Councilor Molisse. UNANIMOUSLY VOTED.

A Motion was made by Councilor Smart to CLOSE the nominations for Town Council President, and was seconded by Councilor Harrington. UNANIMOUSLY VOTED.

A MOTION was made by Councilor Smart to ELECT Patrick O'Connor as President of the Town Council and was seconded by Councilor Molisse. UNANIMOUSLY VOTED. Council President elect O'Connor received a standing ovation.

President O'Connor made the following remarks:

"Thank you first off to the outgoing President, President Mathews. You have run a stellar meeting and although I know there is another agenda item recognizing you next, as far as being here; when I first ran for this office, I was only twenty one years old. I wouldn't be sitting here today without the support of my family and my friends and it's quite an honor to be sitting here.

Secondly, thank you to my colleagues for entrusting me with the privilege of leading this Council. In my opinion the Weymouth Town Council is the best team a community could ask for. The partisan divide in Washington D.C. and the Capitol Buildings in city and town halls across the country does not exist in this chamber. We work together. We resolve our differences. We provide solutions to problems and in my opinion, never have we been more effective in legislating or advocating for our constituents or our community than right now; however, it's not perfect. The staffing levels of all departments are not where they should be. Commercial development has for far too long stopped at our borders. Route 3A and Weymouth Landing need to be addressed and revitalized. We have far too many substance abuse issues, and there is a lack of a long-term vision. A lot of these problems are not unique to Weymouth. Many of them are societal issues or economical; nevertheless, they are problems in our community and this Council will not stop until we have as many solutions as possible to fix these problems. Some may not be able to be solved, but rest assured we, as a Council will try our hardest because we love and believe in this community. Over the next two years, I charge all of my colleagues to think of the goal of this Council to be progress; progress in making sure the recreation gem of Legion Field is finally restored; progress in making sure there is a final plan for the Emery Estate; progress in a long-term plan for all of our departments; progress in Net School Spending met, and the deficit erased; progress in less drugs on our streets polluting our children; progress in increasing staffing levels in all of our departments; progress in an accountable developer in Weymouth Landing; progress through a transparent and thorough review of Starwood's proposal for Weymouth to take over governance of Southfield.

This progress, I'm happy to say starts today, and as my first action as President, I'm establishing two new freestanding committees of the Weymouth Town Council. I'm seeking to establish these committees when the Rules Committee debates the 2014-2016 Rules under Rule 31. The first of these is a Mental Health and Substance Abuse Committee. This committee will tackle two of the most pressing issues facing our community. This committee will identify our needs and problems, investigate what works in other communities, and advocate for good state and federal initiatives that would assist Weymouth. Far too many of our residents suffer in silence with mental illness and far too many are losing their battle with substance abuse.

The second committee is a Long-Range Planning Committee. This committee will meet with all departments at least once annually to discuss the long-range needs, visions, staffing constraints and problems facing each one of the departments. We need a long term- ten, twenty, thirty, forty year vision for where we want to be, what we want to do, and how we get there.

Weymouth's best days lie ahead; I am very confident in that. This is a great community filled with great people. I'm excited about the future and look forward to working with all of you to make Weymouth an even better place to live, to work and to raise a family. Thank you."

Election of Officers **Council Vice President**

A Motion was made by Councilor Mathews to OPEN the nominations for Town Council Vice President, and was seconded by Councilor Harrington. UNANIMOUSLY VOTED.

A MOTION was made by Councilor Mathews to nominate Michael Smart as Vice President of the Town Council and was seconded by Councilor Harrington. UNANIMOUSLY VOTED

A Motion was made by Councilor Mathews to CLOSE the nominations for Town Council Vice President, and was seconded by Councilor Harrington. UNANIMOUSLY VOTED.

A MOTION was made by Councilor Mathews to ELECT Michael Smart as Vice President of the Town Council and was seconded by Councilor Harrington. Council Vice President-elect thanked his family for their support and noted he looks forward to continuing to work with the Council. UNANIMOUSLY VOTED.

Accolades to Council President Arthur Mathews- Vice President Patrick O'Connor, Mayor Susan M. Kay

Mayor Kay congratulated both nominees and stated she looks forward to working with them. She acknowledged Councilor Mathew's service as President of the Council over the last four years. She noted there were many late night and early morning phone calls between her and the Council reporting on events and he was most helpful. Councilor Mathews was also helpful putting together the trash program. She read a certificate of recognition.

President O'Connor presented a plaque to Councilor Mathews in recognition. Councilor Mathews thanked his colleagues. The lines of communication have been great. Their main focus was to make Weymouth a better place. He noted that being surrounded by the people he is: Mayor, Councilors, department heads, etc. in Weymouth has made the job much easier. He appreciates the rule that calls for a change in leadership every four years, so that all of the Councilors the same chance to lead. He is looking forward to President O'Connor becoming the next president.

MINUTES

Budget/Management Committee Meeting Minutes of December 2, 2013

A Motion was made by Vice President Smart to approve the minutes from the December 2, 2013 Budget/Management Committee meeting and was seconded by Councilor Mathews. UNANIMOUSLY VOTED.

Town Council Meeting Minutes of December 2, 2013

A Motion was made by Vice President Smart to approve the minutes from the December 2, 2013 Town Council meeting and was seconded by Councilor Mathews. UNANIMOUSLY VOTED.

RESIDENT AND COMMUNITY COMMENT

Citizen Response to Starwood Proposal-Tricia Pries of 15 Woodbine Road

Ms. Pries thanked former President Mathews for his accessibility as President of the Council, and then read the following address to the Council:

"Nothing is what it seems – it might be so much more – what a fabulous New Years' post from a friend. But then the base redevelopment popped to mind and immediately I saw an unforeseen dark side to this thought.

The proposal from Starwood initially sounds great. Here they come to save the day – we will get tax revenue immediately, and the development of the base will proceed. Starwood has said many times they have solutions, they bring solutions. But I can't say I've heard one single solution that

is for the economic benefit of the towns – not for the benefit to the developer, who will realize approximately \$800 million dollars in gross revenue.

Weymouth has about 56,000 people and there are about 500 who live in the private development called Southfield on town land that should be developed for the economic benefit of the town.

Housing is not a primary economic engine and is against the BRAC laws.

What I have seen are much different revenue projections for Weymouth, one from the developer showing it will bring in some money; and another from Tri-Town saying it will run an ever-increasing deficit for years to come. With these two contrary projections how can the Town Council support these changes? I look forward to the public hearing so citizens can ask questions to understand these conflicting financial claims.

Starwood/LNR's proposed solution has Weymouth providing municipal services, such as police, fire, road maintenance and schools immediately; and puts the administrative burden of holding tax collections on Weymouth. But there are no provisions for funding the capital expenses or to pay for the additional personnel now or in retirement, required to provide such services, or to pay for the additional administration required at Town Hall. Is the town anticipating these costs when working with the budget in the event this legislation gets passed without notice?"

Council President O'Connor thanked her for her comments, requested a copy and noted her remarks will be taken under consideration.

Support for Starwood's Proposal on Changes to the Enabling Legislation-Eric Miller of 11 Privet Path

Mr. Miller was accompanied by Steve Lamont, 16 Thistle Lane, and congratulated the new president and vice president and then read the following remarks to the Council:

"Thank you, President O'Connor for the opportunity to come before the Weymouth Town Council. A little over a year ago, I sat in this seat and commented on the forward progress of the Southfield project from the resident's perspective. At that time public safety and water/sewer agreements had just been signed, new residents were moving in and it looked like Southfield was poised to move forward. I even went so far as to comment that the project was working and that while there were problems none of those problems would be road blocks to progress. I was wrong, this project isn't working.

This project isn't working for the residents of Southfield. We are subject to a quasi-municipality that isn't held accountable to its own residents. We pay more for water, sewer, trash, and have a higher tax rate than other Weymouth residents, yet our elected leaders are nearly powerless to fix any of these problems under the current system of governance. We knew there would be some higher costs associated with being the first residents in Southfield, but nothing is being done by Tri-Town to reduce these costs, in fact they keep going up. We only want to be treated equal to any other Weymouth resident and have those who govern be accountable to the governed. Our residents will not rest until that goal is accomplished.

This project obviously isn't working for this Council. Even this Town Council is unable to hold Tri-Town accountable for their actions. How many times has the CEO been asked to come before this Council and how many times has that happened? Under the current rules of governance only the State legislators have any ability to hold Tri-Town accountable for their actions. How is that local control? How can a town manage its finances when it doesn't know year to year whether a

large service contract like police and fire protection will be renewed? This is why we need sweeping changes to this legislation.

This project isn't working for the residents of the three towns. After the base closed, Southfield was supposed to be an economic engine to drive growth and increase tax revenue for community. The growth was also supposed to supply local businesses with new customers. So far only a tiny fraction of the promised revenue has been delivered, very few additional customers are available to the local businesses, and if changes aren't made it'll be years before any additional growth is achieved.

This project isn't working for the Commonwealth. They invested millions of dollars to build a parkway with the hopes of off-setting that cost with increased tax revenue. Very little of that revenue has come to pass and there have been warnings that without changes to governance, there will be no future investment in this project from the Commonwealth.

I can't imagine that this project can be working for Tri-Town either. They've been unable to find funding for a permanent water source, permanent sewer treatment, or to complete the parkway. They're quickly using any and all free cash to keep their doors open with their high overhead and large debt service obligations. And at the current rate of spending, will very likely not have enough revenue to fully fund Fiscal Year 2016 thus requiring either a bailout from the Towns or the Commonwealth; or some other dramatic action to keep their doors open.

This bad situation we find ourselves in isn't anyone's fault, we are here because of an unfavorable confluence of events. No one has ever redeveloped a Naval Air Station that overlays three communities in two counties before. No one could have predicted the worst financial crisis since the Great Depression. This legislation was originally written and approved because at the time it looked like the best way to develop the base. I think it's obvious now that this way will not work without some significant changes.

If I may paraphrase Councilor Lacey, here we are ten years later at 11 o'clock at night still talking about Southfield. I couldn't agree more. While I've only been involved with Southfield for the last three years, I couldn't imagine the frustration that many of you are experiencing. How much longer do we need to wait for progress? Every other base that closed the same time as South Weymouth has already been redeveloped.

Even with no further growth at Southfield, the tax revenue generated will exceed expenses to the Town of Weymouth starting immediately the first year and continuing into the foreseeable future. With proper planning this positive net revenue could be used to hire new police officers or build a new fire station to help properly serve all of Weymouth. The School Committee would be able to plan years in advance in order to make sure the community is ready for the additional school children that will be produced. How sad is it that one of the greatest concerns is school children? These young faces are viewed as a burden to be dealt with instead of our town's future?

The residents of Southfield deserve to be fairly represented. This Council deserves to have the authority to decide what happens within the borders of Weymouth. The residents of Abington, Rockland and Weymouth deserve the parks, trails, shopping and the economic benefits that Southfield will provide. The Commonwealth deserves a return on its investment. And Tri-Town needs to become what it was always intended to be, a redevelopment authority and not a quasi-municipality that exists as an example of government waste and bureaucracy. This legislation will fix all of these issues.

Southfield is here to stay whether the legislation changes or not. The question now is; are we satisfied with continuing to force a square peg into a round hole. Or do we step back, review what has worked and what has not, and work with the developer to get his project back on track?

The Southfield Neighborhood Association, whose membership includes nearly every homeowner within Southfield, voted unanimously to support the proposed changes to the enabling legislation. Our residents are asking this Council to voice their support of the proposed changes to the enabling legislation to the local State delegation. These changes provide the best opportunity of success for the Town of Weymouth, the State, the residents of Southfield, as well as the entire South Shore. Thank you for your time."

Council President O'Connor thanked him for his comments, requested a copy and noted his remarks will be taken under consideration.

OLD BUSINESS

Council Discussion on Starwood Proposal-Councilor Ed Harrington

Council President O'Connor noted that this matter was placed on the agenda at the request of Councilor Harrington and the focus is on the timeline. Councilor Harrington suggested it should be on every meeting agenda until it is resolved. He would like to see some ideas from his colleagues for a course of action as to how to proceed. He is also pleased that President O'Connor intends to form a long range planning committee- this issue should be a part of that planning.

Council President O'Connor noted that Starwood representatives have been invited to the next Town Council meeting to review the agenda items that were previously brought up and he will keep it open for Town Council comments and to decide what will be needed going forward.

Councilor Conlon agreed with putting this matter on every meeting agenda and read the following remarks:

"An insider at the State House advised me that Starwood Corporation's political influence at the State House level is increasing. Starwood Corporation will use this to their advantage to get their legislation passed without the approval of Weymouth or the other two towns (Rockland and Abington).

I am sure that the law firm of Ropes & Gray, legal counsel for Starwood, has stacked the deck against the towns, so that Starwood will get maximum profit from the legislation. To prevent such action, I propose inserting the following clause into their legislation:

Starwood Corporation must reimburse Weymouth for any unforeseen expenses for providing municipal services to Southfield for a period of ten years, or when a minimum of two (2) million square feet of commercial property is developed, whichever occurs first.

During this time an escrow fund is to be established by Starwood Corporation with an initial amount of \$10 million dollars escrowed. Additionally, an annual audit will be conducted by the State Auditor for all municipal service expenses provided by the Town of Weymouth to Southfield. If the results of the audit determine that General Funds from the town of Weymouth have been used because the tax base from Southfield is not sufficient to pay for town services, then Starwood Corporation would be legally bound to reimburse the Town of Weymouth from the escrow funds held.

The escrow fund will be in the name of Starwood Corporation; however, both the Town of Weymouth and State Auditor's Office would be named as partners on the account.

If after the annual audit it is determined that the tax base from Southfield has insufficient revenues, then Starwood Corporation must release funds no more than 30 days following the audit to cover all expenses incurred by the Town of Weymouth.

If there are any disputes between the parties, then the primary document will be the official State Auditor's report.

I am personally willing to sit down with the attorneys from Ropes & Gray to further discuss the insertion of this clause."

Councilor DiFazio agreed the matter should be on every agenda going forward. He recommended the CFO and CEO from SSTTDC and the administration in Weymouth should be invited to respond to Starwood's proposal. Too many inconsistencies have been brought forward. He also noted there are 50-100 issues that were mentioned by Councilors. It is incumbent that a list be developed (by a subcommittee) so that they are delineated and the Council President can decide how they are reviewed.

Council President O'Connor responded that the administration and Weymouth's CFO will be present going forward. A punch list is a good idea and will be taken under advisement.

Councilor Lacey advocated to bring specific recommendations to change or amend the proposed legislation before it is filed. He noted the urgency around the working group, strongly allied with the Mayor's Office, but with a specific request to amend the legislation specific to the protection of Weymouth. He is not interested in having SSTTDC present during the discussion with Starwood for a back and forth. He is interested more in hearing SSTTDC will be in protective mode with eight years of little progress made. The Council should do its due diligence and use their resources, beginning with page one.

Councilor McDonald noted that Councilor Lacey summed it up- they do not need a point/counterpoint with Starwood and SSTTDC. The key component is the legislative session. If they lose this one, it will be a year from now before they are filing, as there is a time constraint. Tri-Town has had eight years to secure water/sewer and the financing to complete the parkway. They need to leverage the best deal now for Weymouth. He appreciated the forum held in Rockland. The Boards of Selectman of Rockland and Abington will fight as hard as they can, as will Weymouth, to protect the interest of their towns.

Mayor Kay noted that she did not come prepared to speak. She did note that the administration has not been sitting back; they are inspecting the document and the financial piece. They need finite plans for water and sewer. She met with Starwood last week to work up a list. Eliminating SSTTDC is not feasible; like or not, they are a part of the process. If they do not want to bring them in, they have the documentation. They do have to be careful; whatever is put into place will bind the town for years to come. She recommended establishing a committee comprised of members from the Council, administration, Starwood and SSTTDC-- for the good of all of the communities. She has consistently asked for Town Council input, and she will continue to do so. She likes the idea of formulating committees.

Council President O'Connor responded that he would prefer to keep the matter within the Town Council so it can be thoroughly vetted; by assigning it to a subcommittee it would eliminate some

members for discussion under the open meeting laws. He asked when the department head's information will be available. Mayor Kay responded that she has not completed it yet, and will let him know the date. She is willing to proceed diligently. It is the only revenue enhancing matter facing Weymouth and she wants to see it succeed.

Councilor Mathews noted that SSTTDC shouldn't be excluded from the discussion, but not as a back and forth with Starwood. He would like to see the costs of services that the Council may not be aware of (assessing, etc.). He recommends them coming to a future meeting. He noted it is important to develop a list from Starwood and whether they are amenable to changes. He questions where the actual plan for water/sewer is and if the suggestion is a hook up from North Weymouth, questions the cost inherent in this. He would like to see everything in writing to protect the town of Weymouth. Councilor Mathews suggests compiling a list; working with the Mayor, and reviewing item by item or page by page to see where they stand on the issues.

Councilor Harrington noted that having SSTTDC appear with Starwood is healthy, but not necessarily the individual members. He did suggest having Jim Wilson to help with their deliberation. He asked how many dollars they want to get out of the project to help Weymouth's finances as the last chance to balance out the tax base.

Councilor Conlon responded that he concurred. Of utmost importance is getting the information out and not to eliminate various speakers. He also recommended doing it diligently – stressing that the development will not disappear.

Councilor Lacey responded that more information is helpful to all but a back and forth discussion is inefficient. He advocated for Weymouth's representatives from SSTTDC appear and not their employees.

Council President O'Connor noted that he has supported not bringing in SSTTDC specifically because a back and forth will not be helpful. He noted that bringing in Jim Wilson to assist in deliberations may be a conflict of interest.

Councilor Hackett noted that the Council has the intellectual capacity to review and make comment to suggest changes. They have the time, the leadership, the support of the administration, and are in position to continue working to bring this forward. She believes that we should see what they bring, and work until they are satisfied to go forward. A new municipality in Tri-Town is not what Weymouth signed on for years ago. They need to work to make the document something that can work to protect Weymouth.

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

14 001-Authorization to Overexpend-Snow Removal

CFO William McKinney requested on behalf of the Mayor in accordance with MGL Chapter 44 Section 31D, that the Town Council authorizes the Department of Public Works, with the approval of the Mayor, to over expend any all line items (program 0620) associated with snow removal.

A Motion was made by Vice President Smart for action under 2-9b, (same night action) and was seconded by Councilor Mathews. UNANIMOUSLY VOTED.

A MOTION was made by Vice President O'Connor to approve item 14 001-Authorization to over expend-Snow Removal to the Budget/Management Committee and was seconded by Councilor Smart. Councilor Lacey requested the current account balance. CFO McKinney responded that there is less than \$30,000 remaining in the account, which will be depleted by the cost of the last snowstorm. UNANIMOUSLY VOTED.

14 002-Police Department-Line Item Transfer

CFO William McKinney requested on behalf of the Mayor that the Town of Weymouth transfer the sum of \$395,000 from Police Department to Police Department Salary for the purpose of funding the costs associated with overtime:

<u>Dept.</u>	<u>Salary</u>	<u>Overtime</u>	<u>Amount</u>
Uniform	13104120-510001	13104220-513001	\$370,000
Tech Svc./Dispatch	13104165-510001	13104265-513007	\$20,000
Investigation	13104150-510001	13104250-513001	\$5,000
		Total	\$395,000

A MOTION was made by Vice President Smart to refer measure 14 002-Police Department-Line Item Transfer to the Budget/Management Committee and was seconded by Councilor Mathews. UNANIMOUSLY VOTED.

ADJOURNMENT

The next regular meeting of the Town Council has been scheduled for Tuesday, January 21, 2014, due to the Martin Luther King, Jr. Holiday. At 8:41 PM; there being no further business, a MOTION was made by Vice President Smart to adjourn the meeting and was seconded by Councilor Mathews. UNANIMOUSLY VOTED.

Respectfully submitted by Mary Barker as Recording Secretary

Approved by Newly Elected Council President Patrick O'Connor

Voted unanimously by Town Council on 3 February 2014