

TOWN COUNCIL MINUTES
Town Hall Council Chambers
February 3, 2014

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

Also Present: William McKinney, Chief Financial Officer
George Lane, Town Solicitor
Kathy Deree, Town Clerk
Richard Swanson, Town Auditor

Recording Secretary: Jody H. Lehrer

President O'Connor 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 Conlon announced office hours for the next day expressing that everyone is welcome to discuss any issues.

APPROVAL OF MINUTES

A MOTION was made by Vice President Smart and seconded by Councilor Mathews to approve the Town Council minutes of the January 6, 2014 meeting of the Town Council. UNANIMOUSLY VOTED.

RESIDENT AND COMMUNITY COMMENT

President O'Connor welcomed resident Robert Montgomery Thomas to speak on three issues.

Mr. Thomas spoke about the format of the online Town Charter, about reimbursing employees attending conferences in "far off cities," and about membership on the Board of Licensing Commissioners that Mr. Thomas alleged constituted a violation of the Town Charter. Mr. Thomas also spoke about the contract for rubbish removal.

Town Solicitor Lane addressed a contention by Mr. Thomas that Solicitor Lane did not respond to Mr. Thomas during the course of a meeting. Solicitor Lane stated that his responsibility as a town solicitor was to the boards, committees, and officers of the town. Solicitor Lane also disputed Mr. Thomas's contention that the board was illegally constituted or that motions were illegally made. Solicitor Lane also stated that regarding the rubbish removal contract, the bond covers the entire period of the contract and that there were no grounds for invalidation.

President O'Connor noted that the Town is currently redesigning its website and will make sure the new formatted version of the Town Charter is in better condition.

A MOTION is made by Vice President Smart to take items 8 (Communications and Reports from the Mayor, Town Officers, and Town Boards) 9 (Reports of the Committees), and 10 (New Business) out of order and is seconded by Councilor Mathews, UNANIMOUSLY voted.

COMMUNICATIONS FROM THE MAYOR, TOWN OFFICERS, AND TOWN BOARDS

14 006 - Statement of Interest – Abigail Adams Middle School Boiler Replacement

Mr. McKinney, Chief Financial Officer, noted that the Weymouth School Committee voted on January 9, 2014 to authorize the Superintendent to submit to the Massachusetts School Building Authority a Statement of Interest Form for Abigail Adams Middle School for the replacement of boilers to improve efficiency, reduce utility costs, ensure non interrupted services, and extend the useful life of the building. The estimated cost is \$900,000. The reimbursement rate, if selected by the Authority, is 54.16%. Mr. McKinney read into the record as follows:

“Resolved: Having convened in an open meeting on Thursday, January 9, 2014, prior to the closing date, the Weymouth School Committee, in accordance with Town Charter, By-Laws, and Ordinances of the Town of Weymouth, has voted to authorize the Superintendent to submit to the Massachusetts School Building Authority a Statement of Interest Form for Abigail Adams Middle School located at 89 Middle Street which describes and explains the following deficiencies and priority category for which Weymouth may be invited to apply to the Massachusetts School Building Authority in the future:

The district is seeking funding to replace the boilers which are forty-three years old. Replacement would improve efficiency, reduce utility costs, insure non-interrupted service and extend the useful life of the building. The project is identified as Priority Five, categorized by the School Building Authority as any replacement, renovation, or modernization of school facility systems, such as roofs, windows, boilers, heating, and ventilation systems, to increase energy conservation and decrease energy related costs in a school facility. It is hereby further specifically acknowledged that by submitting this Statement of Interest, the Massachusetts School Building Authority in no way guarantees the acceptance or the approval of an application, the awarding of a grant or any other funding commitment from the Massachusetts School Building Authority, or commits to the Town of Weymouth to filing an application for funding with the Massachusetts School Building Authority.”

A MOTION was made by Vice President Smart to consider item 14 006 under 2-9b (same night action) and was seconded by Councilor Mathews. UNANIMOUSLY VOTED.

A MOTION by Vice President Smart for favorable action on measure 14 006 and was seconded by Councilor Mathews. UNANIMOUSLY VOTED.

14 007 - Ordinance Change – Section 5-101 Written Contracts Amendment

Mr. McKinney, CFO, submitted this measure to the Town Council to amend the Code of Ordinances as it relates to written contracts amendments. He is requesting the language is changed in section 5-101 from \$5,000 to \$10,000.

A MOTION was made by Vice President Smart to refer item 14 007 to the Ordinance Committee and was seconded by Councilor Mathews. UNANIMOUSLY VOTED.

REPORTS OF COMMITTEES

Budget Management Committee – Chairman Michael Molisse

13 134 Free Cash-School Department

This measure was referred on December 16th, the committee met earlier in the evening and voted unanimous favorable action.

A MOTION was made for favorable action on this measure by Councilor Molisse, seconded by Councilor Smart, UNANIMOUSLY VOTED.

13 135 Reserve Fund Transfer Pension

This measure was referred on December 16th, the committee met earlier in the evening and voted unanimous favorable action.

A MOTION was made for favorable action on this measure by Councilor Molisse, seconded by Councilor Smart, UNANIMOUSLY VOTED.

13 136 CPC – Weymouth/Braintree Regional Recreation Conservation District

This measure was referred on December 16th, the committee met earlier in the evening and voted unanimous favorable action.

A MOTION was made for favorable action on this measure by Councilor Molisse, seconded by Councilor Smart, UNANIMOUSLY VOTED.

13 137 CPC – Fogg Library

This measure was referred on December 16th, the committee met earlier in the evening and voted unanimous favorable action.

A MOTION was made for favorable action on this measure by Councilor Molisse, seconded by Councilor Smart, UNANIMOUSLY VOTED.

13 138 CPC – Whitman’s Pond Vegetation Management

This measure was referred on December 16th, the committee met earlier in the evening and voted unanimous favorable action.

A MOTION was made for favorable action on this measure by Councilor Molisse, seconded by Councilor Smart, UNANIMOUSLY VOTED.

14 002 Police Department Line Item Transfer

This measure was referred on January 6th, the committee met earlier in the evening and voted unanimous favorable action.

A MOTION was made for favorable action on this measure by Councilor Molisse, seconded by Councilor Smart, UNANIMOUSLY VOTED.

14 003 Appointment to Commission on Disabilities – Francesco Hladysz

This measure was referred on January 27, the committee met earlier in the evening and voted unanimous favorable action.

Mr. Hladysz was present and noted that he is participating in the inclusive current enrollment program at Bridgewater State University and would like to be on the Commission on Disabilities in order to spread the word of this program.

President O’Connor said that he had met Mr. Hladysz at the State House when he was advocating for programs in state universities and that Mr. Hladysz is “incredible.”

Councilor Conlon (member on the Commission on Disabilities) commented that Mr. Hladysz will be quite an asset.

A MOTION was made for favorable action on this measure by Councilor Molisse, seconded by Councilor Smart. UNANIMOUSLY VOTED.

Councilor Hackett thanked Councilor DiFazio for his service as past chair of the Budget/ Management Committee and commended that he always encouraged the active participation of the members.

NEW BUSINESS

14 005 FY 2013 Audited Financial Statements and Management Letter – Richard Swanson – Town Auditor

Mr. Swanson said that Melanson Heath and Company will attend on February 18, 2014 Town Council and Budget /Management Committee meetings. He requested that Mr. Biron of Melanson Heath and Company and himself be included on the agendas.

Mr. Swanson said he will be discussing measure 14-005- the FY 2013 Audited Financial Statements and Management Letter to the Town Council at the meeting.

A MOTION was made for referral of measure number 14 005 to the Budget/Management Committee by Vice President Smart, seconded by Councilor Mathews. UNANIMOUSLY VOTED.

OLD BUSINESS

Review of Mayor Kay's Meetings on Town Department Impacts of Starwood Proposal –Town Council Vice President Michael Smart and Councilor Jane Hackett

Councilor Hackett and Councilor Smart were designated by President O'Connor to attend the meetings of the departments.

Councilor Hackett said that over the last week, Mayor Kay has scheduled meetings with department heads to enable them to ask questions about Starwood's proposed legislation. To date, the Finance Department, Department of Public Works, Police Department, the Fire Department, and by next Monday, the DPCD, Water and Sewer Department, and the School Department will have presented. The departments are doing their best and using due diligence regarding the meetings.

President O'Connor noted that department heads will be requested to attend a future TC meeting to handle questions from the Council. The dates are not established yet for the specific department heads.

The Mayor will present at a future meeting to report on the internal meetings she is having. The only meeting set now is for the Finance Department, with Mr. McKinney, to appear on February 10, 2014.

Starwood's Continuing Discussion with Town Council Regarding Proposed Enabling Legislation – with Matthew Barry, Starwood Vice President.

Starwood Presentation

Mr. Barry, of Starwood, offered a Power Point presentation to support his discussion this evening (attached). Mr. Barry stated that Robin Daniels of Starwood was not available this evening.

Mr. Barry began by reviewing notes on eight items from the January meeting including quorum, recreation, existing permits, project documents being re-negotiated, taxing and assessing transition, and calculation of eligible housing units, parkway funding, and infrastructure bond. See Power Point –attached.

Mr. Barry also discussed the establishment of a dedicated commercial zone. Starwood proposes preparation of an MOU between Starwood and the Town to address this concern. Starwood notes that allocation and reservation of capital investment in water and wastewater is appropriate for an MOU rather than through normal zoning provisions.

Councilor Hackett asked if she could refer to a prior item – that concerning the recreation component. She wondered if rather than take out the word "generally" in the legislation if it be possible to actually add language from the reuse plan which says this cannot be changed unless the Town agrees to a change in order to provide surety regarding what is proposed. Starwood said it could add this language.

Councilor Harrington agreed with Councilor Hackett. He recalled that we would include specific types of recreational facilities. Mr. Barry said the reuse plan is very specific and there is a specific list that is known.

Councilor DiFazio said there would be problems if Mr. Barry cannot hear what is being said on this issue. He stressed that he wants what was in the plan and that if he or others think there should be a tot lot or a baseball field they will let Starwood know when the time comes.

Mr. Barry next addressed the various alternatives concerning development at South Field, such as water capacity (noting that there was no plan from SSTTDC), wastewater capacity (noting no plan existed from SSTTDC), the parkway, and governance (noting that currently SSTTDC has the highest commercial tax rate in the state).

Mr. Barry stated that ultimately the project is “broken” and that SSTTDC is on the verge of imminent bankruptcy. He said that in FY 14 costs at South Field for CEO and CFO salaries will exceed those relating to fire, police, and public works.

Councilor DiFazio asked if tax revenues at SSTTDC exceed two line items reflecting services and overhead for executives. Mr. Barry said “yes” the tax revenues exceed these two amounts.

Mr. Barry said that there is a burden on commercial development because SSTTDC shifts costs to commercial tax rate.

Mr. Barry stated that regarding governance, the costs of services such as water, wastewater, and building permits costs too much because of the “middleman” (SSTTDC).

Additionally he stressed that there will be no more “host community payments” noting that Starwood would continue to pay host community costs under the proposed legislation.

Mr. Barry said that under its plan – the proposed legislative revision – there would be between 900,000 and 2,000,000 square feet of commercial development. He further noted that there would be a vibrant town center with retail and restaurants with recreational amenities as required under the reuse plan. He contrasted this with the current legislation , without amendments, that would provide no vibrant town center nor recreational amendments.

Mr. Barry talked about state receivership noting that if proposed legislation is enacted there would be enhanced town control and receivership would not occur, but if existing legislation is not modified there is “no assurance of local control.”

Upon conclusion of Mr. Barry’s PowerPoint presentation, President O’Connor opened the meeting for questions from the members of the Town Council.

Bond Question

Councilor Smart asked about the water and sewer bond. He asked how the bond is structured and how it will be paid back.

Mr. Barry said that Starwood would fund the cost of building an on- site wastewater treatment plant and that once the facility exists Starwood would place a bond on it. The bond is a financing mechanism that could be paid back over time with new connection fees. As new development progresses the connection fees pay back the bond. Mr. Barry said Starwood would build the facility 100% at risk.

Infrastructure Question

Councilor Smart asked about the new infrastructure necessary to support the development, such as roads, utilities, curbing, and other costs. He wanted to know how the infrastructure would be structured, who would pay for it, and how it would be paid back.

Mr. Barry noted that Starwood would pay for all infrastructures, and will fund all costs for electric, cable, telephone, natural gas, and road development . The repayment method is that as land is sold to residential builders, the cost is built into the cost of the land when the land is sold. Another repayment option is an assessment bond-which is an encumbrance on the land and whether it is a commercial developer or a

residential developer, as they purchase the land, there is the land value and the bond associated with the land. There is no risk to the towns.

High End Homes

Councilor Conlon asked whether there were plans for the development of high-end homes at South Field, in the \$700,000 or \$800,000 range. He noted that it looks now like the homes are going for \$400-\$500 thousand.

Mr. Barry noted that Starwood has considered higher end homes. He said that there will be additional large lot single family homes. Councilor Conlon said that he would like to see expensive homes built because the more a home costs the more revenue the Town of Weymouth gets.

President O'Connor said that to wrap up the main discussion is governance, and the issue of the bond that hasn't been brought up yet, and recreation. He wants to ensure that everything in the plan remains. Also, design standards and finances are important issues.

Market Values of Homes at South Field

Councilor MacDonald asked how much higher are the market values at South Field than the values of other homes in town, like the town houses. He is questioning what will average increased value mean for the town.

Mr. Barry said that Starwood residences are selling at 30% higher than average for the town. When the parkway is completed and when there is a town center the prices will increase accordingly. Once amenities are in place prices will go up significantly.

Councilor MacDonald also addressed the issue of smart growth to end urban sprawl. He noted that people buy into it because they want to. He brought up Pine Hills, noting that the council wants them to appear at a future meeting.

He noted that on a smaller scale one could think of the blight in the landing and that if one could turn what is blight into a nice area this council would be very happy.

President O'Connor said that with regard to Pine Hills he spoke to Lee Hartman and they are trying to schedule something. Mr. Hartman will bring the developers of Pine Hill to discuss how the development took place.

Councilor Lacey said that Starwood complicated matters by combining changing legislation and the reuse plan. The Council voted in '05 to approve the reuse plan. He is frustrated with Tri Town and the lack of development and providing excess revenue back to the Town. He feels that the legislation is broken but the reuse plan should be left intact. Furthermore, Councilor Lacey does not need to hear scare tactics about state receivership. He stressed that Starwood needs to work on governance and legislation. Given the challenges that he has with Tri Town's lack of leadership, lack of execution, lack of collaboration and more he doesn't want them to be expanded. He urged working on governance and legislation but leave the reuse plan intact. A 20-year bond for the town to pick up is too risky. He asked Mr. Barry to comment on expanding the board at Tri Town and giving more borrowing power.

Mr. Barry said that the bonding capacity cannot be from the full faith and credit of the town so the extension provides the most efficient way to move forward with the project. The tax pledge bond is not allowed. The only bond that can go forward is the utility bond, backed up by the infrastructure and paid for by future development when they connect to infrastructure.

Mr. Barry said regarding the board, the role is essentially limited to the role of a Planning Board. It is important for the reorganized Tri Town, after legislation is passed, to act efficiently.

Starwood has looked at the reuse plan and believes that certain aspects should be carried forward. They are amenable to Councilor Lacey's suggestion, and say that the whole reuse plan stays in place and these items

are removed. He is willing to sit down with Councilor Lacey in an effort to identify the elements to be pulled forward. Mr. Barry further noted that he is willing to bring back the specificity in the reuse plan regarding recreation.

Councilor Lacey asked what happens on the Rockland side if they build out the 900,000 square feet of commercial.

Mr. Barry said that it was decided to work on an MOU with Weymouth concerning the dedicated commercial zone and where it is and how to allocate those services. He noted that a concern had been what if Rockland is rezoned for 100% of commercial. Mr. Barry noted that there is insufficient land left to build the balance of residential because Weymouth controls the commercial zoning.

Mr. Barry noted that if Starwood builds 900,000 square feet of commercial, Weymouth will receive \$7 million a year of excess revenue. If the full 2 million square feet of commercial is developed in Weymouth, the town will get \$12 million dollars of tax revenue in excess of costs.

Councilor Smart noted that the MOU draft needs to state the “Weymouth”, that the 900,000 to 2 million square feet must be in Weymouth, currently depicted on the map, with as much detail as possible.

Mr. Barry said that this specificity in legislation might not be possible as the legislature may not be able to direct Weymouth to do this. Therefore the agreement should include that language.

Councilor Smart commented regarding Councilor Conlon’s remarks and said that in 2004 or 2005 there was discussion regarding mega houses or “McMansions.” He said that there are a limited number of three bedroom houses in the reuse plan – its smaller homes. Councilor Smart noted his concern during growth meetings that there was not sufficient space for schools, and a lack of water, sewer, police. The more resident at Southfield, the more services are required.

Councilor Conlon said that the “McMansions” generate a lot of money and that smart growth is not really smart growth but taking residential homes and combining them on small lots. The developer makes a lot more money. He also questions the suggestion of having nine members on the Tri-Town Board. Weymouth has 40 percent voting power currently, with two members of the five-member board; he suggests maintaining the board membership at five.

Councilor Haugh asked about water and when the development would occur and whether Starwood could commit to a timeline.

Mr. Barry said we could commit to what we control. He has had discussions with the MWRA. In the same MOU that covers dedicated commercial zones, he could put in time lines for awarding work and moving forward with designs. He noted Starwood has no control over DEP permitting. Water and wastewater is preventing work from moving forward on the residential side, parkway and water and sewer is preventing commercial. Starwood would be happy to commit to when we will start without committing on behalf of state and federal agencies.

Councilor McDonald said that he thinks membership on the Tri Town Board of Directors evolved from the state audit. He said folks living in Southfield are Weymouth residents. Specifics of the legislation state that the two members of the board have experience in large undertakings of development projects. Weymouth will go from two votes to four.

Councilor Hackett said she doesn’t see a residency requirement for Weymouth, Abington, and Rockland appointees within the legislation, but does see residency requirement for Southfield and for Commonwealth of Massachusetts appointees.

Mr. Barry agreed he would add this language.

Responses to Written Questions

At the January 27, 2014 Town Council Meeting, President O'Connor asked Mr. Barry, of Starwood, to prepare written responses to 62 questions authored by Councilor DiFazio prepared on January 20, 2014.

Tonight, Mr. Barry addressed the first 15 of the 62 questions. See the attachment for the full text of all questions and the responses from Starwood. Below is a summary of comments made by Councilors regarding Starwood's responses to the first 15 questions:

Regarding Question 1

This question pertained to four proposed changes in the proposed legislation.

Councilor DiFazio said the four issues are water and sewer, debt, and phasing. He noted that it seems that Starwood is now saying the real issue is governance. He asked why can't Starwood sit down with Tri Town and work out the governance problem?

Mr. Barry clarified that the four issues are water, wastewater, parkway, and governance. Starwood has not added a fifth. He said zoning changes are restrictive and require a positive vote by all three towns. Commercial developers see the rigidity and lack of certainty.

Regarding Question 2

This question pertained to taxation without representation. Councilor DiFazio addressed the issue raised by Starwood about taxation without representation at Southfield and said that anyone who lives in the borders of Weymouth at Southfield can see the Mayor and tell her who they want to be the next member on the Tri Town Board. They have the same opportunities that all the rest of the residents have.

Vice President Smart said that we have argued with the Mayor that we should have better representation at Southfield. He noted that as a District Councilor he cannot go to Mr. Donovan and tell him what to do or any of the at large councilors as well; he can make a suggestion but doesn't have clear representation there.

President O'Connor said this is a classic case of taxation without representation. Southfield residents pay taxes to an appointed board that represents these individuals. There is no election to advocate for where their tax dollars are spent. For three and a half years the Town Council has asked the CEO to come before the Council and he has denied this request.

Regarding Question 3

This question addressed the provision of current services at Starwood.

Councilor DiFazio addressed Starwood's contention that there is an uncertainty of providing services at Southfield. He said that the services would be in a state of flux because the number of people living out there and the commercial developments will change as time marches on. He said he doesn't see where the problem of providing services up to date is actually a problem.

Councilor Hackett said she has a problem with how services are actually contracted for and delivered. It is difficult to budget year to year not knowing how or when contracts are going to be negotiated. The town is half way through the school year and we do not have a contract for education. For police and fire, services calls increase as the population grows, but they are one to two year contracts so can we bring on additional police and fire if we don't know whether we will have the revenue to support those we hire. She clearly has a problem with the municipal services arrangements as they exist.

Councilor McDonald said you cannot attract commercial development if there is no guarantee of sewer and water.

Regarding Question 4

This question pertained to the selling of property by LNR.

Councilor DiFazio asked whether Starwood has submitted any site plans during 2013 to Tri Town. Mr. Barry said the last one was submitted on January 28, 2013 for Corcoran building project.

Regarding Question 5

This question addressed the issue of requiring “joint town control” on all major decisions as Southfield.

Councilor DiFazio asked whether the existing requirement that all three towns must agree to amend zoning gives more protection to know that the existing zoning will be there longer than if it was left to the three towns individually to do what they want within their borders.

Mr. Barry said that a developer is not looking to get approval from three towns to do something, it is uncertain enough to attract commercial development. The proposed legislation would require approval for major decisions only from the town where the affected property is located.

Councilor McDonald asked how many commercial developments that you have worked on have required approval for changes in a plan by three communities.

Mr. Barry said that in one development where a portion of the land in Florida was in two communities, his company forced the landowner to subdivide the parcel expressly to avoid the necessity of speaking with two towns. The landowner understood the challenge they were looking to avoid.

Regarding Question 6

This question addressed water and wastewater project status at Southfield.

Councilor DiFazio asked whether Starwood has knowledge of what Tri Town has done thus far to obtain water usage for the site. Mr. Barry said that he knows there are no plans in place.

Councilor DiFazio asked if Starwood was aware of the latest plan to use water from all three host communities. Mr. Barry said he was not aware of that but had heard discussions that the water would possibly come from Abington.

Mr. Barry said there are three options that Starwood is considering regarding water, all involving MWRA. One is connecting to the nearest connection in Braintree. The second solution is that Braintree is considering connecting to the MWRA so piping will serve Braintree as well. The third option is that there is a connection at the Fore Rive Bridge that could connect into North Weymouth; it would provide the whole town of Weymouth with an emergency supply and would also provide MWRA water to North Weymouth. The capacity would be diverted to provide future build out of Southfield. Weymouth residents would receive Weymouth water at Weymouth rates. MWRA is willing to work with Starwood on an agreement and they have the water to supply.

Councilor McDonald said he had heard three water options including Tri Town negotiating with Rockland and Abington for water, then MWRA was explored with a connection through Braintree, and then the third time was that Rockland and Abington were back on the table. He is confident that the MWRA has the water but he is not confident that Rockland and Abington have the water.

Regarding Question 7

This question addressed possible amendment of the reuse plan to address issues relating to expectations pertaining to affordable housing, recreation, and commercial development.

Councilor Lacey asked that Starwood make clear their approach regarding the reuse plan so that the Council understands what it is being asked to consider.

Regarding Question 8

This question addressed the sharing of excess tax revenues with the towns.

Councilor DiFazio said it is not unusual that there has been no excess tax revenue to date, given the pace of the project.

Councilor Lacey said that he disagrees. He agreed with Starwood's contention that the 46%, 42%, 12% equation is not fair to Weymouth and noted that it never should have been set up geographically. He said that Starwood is "spot on" with the observation that 85% of developable property is in the town of Weymouth. Councilor Lacey also said that on two occasions Tri Town voted to not send excess revenues back to the three communities and that this is an indicator of how they have been managing, not responding, and not executing on their legal existence.

Regarding Question 9

President O'Connor said that the answer to this question had already been provided in responding to question number three – addressing the provision of current services to Southfield - and that Starwood could move on to question 10.

Regarding Question 10

This question addressed possible misalignment of objectives among towns, SSTDC and Starwood.

There were no comments.

Regarding Question 11

This question pertained to the work of Starwood regarding financing of water and wastewater facilities.

Councilor DiFazio asked about rates to pay the debt service to which Mr. Barry responded that one mechanism is a utility bond placed on the infrastructure after construction. Once the work is completed there could be a utility bond on this debt that is paid over time by connection fees. Future Weymouth residents with homes and businesses in Southfield would pay connection fees.

Councilor Haugh asked about the third proposal regarding water services via a connection with MWRA through North Weymouth. She wanted to know if MWRA rates end up being less than Weymouth rates, and if so, who would keep the excess revenue. Mr. Barry clarified that in the connection fees that the cost of buying MWRA water and distributing it through North Weymouth and other costs that have to be added on the top of that, will bring it up to the Weymouth rates.

Councilor Harrington asked Mr. Barry whether after the wastewater treatment facility is constructed, whether or not it would be owned by Starwood. Mr. Barry said that the project would be private from start to finish. Councilor Harrington questioned whether the fees to be charged would be regulated by a state agency; Mr. Barry said he would investigate.

Councilor Mathews asked whether once the wastewater facility is built, if it will be operated and maintained privately. Mr. Barry said that yes, it will be. Councilor Mathews requested language in the legislation to establish this.

Mr. Barry said Starwood doesn't make money on building water and wastewater facilities. Starwood makes money selling land and building commercial space.

Councilor Mathews said he doesn't want future Weymouth residents to move there and have a two tiered sewage rate.

Regarding Question 12

This question addressed the cost of development of the water and wastewater treatment facilities and whether Starwood would reimburse to Weymouth monies not expended in the development of such facilities.

Councilor DiFazio explained his reasoning for posing this question-- because Starwood is trying to “entice” the Council to take on a \$45 million dollar bond, claiming it will cost \$45 million dollars, but five years from now it may only cost \$45 million.

Mr. Barry thanked Councilor DiFazio for putting the question in context. Mr. Barry said what he is really trying to entice the Council with is \$7 to \$12 million dollars per year of annual excess tax revenues.

Regarding Question 13

This question addressed how much further along has Starwood moved in attaining water and sewer resolutions than where Tri Town is currently.

Councilor Mathews asked if a sewage treatment facility were to run as a private entity who would be responsible for sewage infrastructure, such as leak detection. Mr. Barry noted that Starwood would create a sewage basin or district; with all land within Southfield being managed by one sewage district, which would be managed by Starwood. Councilor Mathews asked whether this would be included in the legislation and Mr. Barry said he could show the Council where he believes it is stated and is willing to strengthen this language in the proposed legislation.

Regarding Question 14

This question addressed the source of the requirement that a Southfield resident be on the board of the SSTTDC.

There were no comments.

Regarding Question 15

This question addressed the plan for debt service for the existing parkway.

Councilor Hackett asked if there is a timetable indicating how soon the state must agree or disagree on the elimination of the claw back provision. Mr. Barry said there is a date in the legislation by which the relevant departments must negotiate a new agreement to remove the claw back.

Councilor Harrington thanked Councilor DiFazio for the questions and thanked Mr. Barry.

President O’Connor said the questions would be continued on March 10. He asked that Mr. Barry have the relevant information on the reuse plan, recreation, wastewater facility language that Weymouth is not charged with any costs related to it, and that there is a regulatory agency that oversees maintenance and fee structure of the wastewater treatment facility.

The meeting on February 10th will involve Mr. McKinney, CFO, and at that meeting there will be additional questions answered by Starwood. The Council will invite SSTTDC Board of Directors, CFO Jim Wilson and CEO Kevin Donovan as well.

President O’Connor will keep the members informed about setting up a separate meeting with Plymouth’s Pine Hills.

ADJOURNMENT

There being no further business, a MOTION was made by Vice President Smart to adjourn at 10:50 PM , seconded by Councilor Mathews. UNANIMOUSLY VOTED.

Respectfully submitted by Jody H. Lehrer, Recording Secretary

Approved by Patrick O’Connor, Council President
Approved unanimously on 3 March 2014