

SPECIAL TOWN COUNCIL MEETING MINUTES
Town Hall Council Chambers
March 24, 2014, Monday

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

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

Recording Secretary: Mary Barker

President O'Connor called the meeting to order at 7:40 PM. After the Pledge of Allegiance, Town Clerk Kathy Deree called the roll, with all members present.

ANNOUNCEMENTS

Council President O'Connor acknowledged a late start due to technical difficulties.

Councilor Mathews announced that the annual Herring Run cleanup will take place on April 5, 2014. Volunteers are invited to the park behind Niko's and are advised to wear appropriate gear and bring gloves. Light refreshments will be provided.

Councilor Haugh announced that MassDOT will hold an informational meeting on the Fore River Bridge replacement project. The meeting will be held March 27, 2014, 7-8:30 PM at the Fore River Club, 17 Sheridan St. in Quincy. A question and answer session will follow the presentation.

Councilor Conlon announced that due to a conflict, he will not hold office hours on April 1, 2014. He also reported that Mayor Kay is pleased to announce the March 27, 2014 launch of the enhanced town website with new features and functionality. Residents will be able to follow special news and announcements through subscription, Facebook and Twitter feeds.

Councilor Conlon also announced the Wessagusset School Parent Council will hold a Comedy Night on March 29, 2014, 7 PM at the Weymouth Elks hall. Tickets are \$20 and include a silent auction, dancing, raffles and comedy entertainment.

OLD BUSINESS

Starwood Proposal-Discussion on Senior Housing- Councilor Ed Harrington

Councilor Harrington asked the Council to consider leaving open possibility for more senior housing. He noted adding an additional 1000 units would bring in \$4-5 million revenue. He cited Rice Eventide as an example (220 units on 9 acres). The developer entertained similar proposals. This type of option would not take a lot of space. Jim Wilson was asked months ago and informed the Council that there was plenty of open space to take this into consideration. He provided a handout prepared by the Planning Department of a land use chart. He asked the legislative proponent to consider adding legal language that would allow this as an option.

Council President O'Connor noted that he will keep this matter on the table.

Starwood's Continued Discussions with Council

-Update on Legislation and Memorandum of Understanding-Mathew Barry, Starwood Vice President, Robin Daniels, Starwood Director of Development

Mr. Barry noted that the slides may be presented out of order. Some updates to the legislation were based on the last meeting and include language Councilor Harrington requested. They will then review the financials and the open issues.

He addressed the concerns raised by Jim Clarke with removal of the reuse and master plans and recognized the concerns. The only major revision is the definition of major zoning and that they are only obligated to go back to the town in which the land resides for any waiver. He reported that any change to the permitted use as it stands today will be done through Weymouth's process and this should satisfy the concern. He reviewed examples of what the process could include for Councilor Hackett. Councilor Mathews noted that he is not sure the Town Council asked to make sure the waiver process continues through the BZA and not the Council. He would also like to hear the Planning Department Director's opinion on the changes. Councilor Lacey responded that it is a positive step forward. He is still reviewing the master plan and how it meshes with the legislation and looks forward to meeting later in the week to obtain further details.

Mr. Barry then reviewed the additional changes and revision to allow exclusively senior housing. Councilor Harrington responded that he thought it was sufficient, but would like an attorney opinion. President O'Connor responded that he will send a letter to the Mayor in request that it be reviewed as quickly as possible. He also asked for a copy of the powerpoint presentation emailed to the Council office.

A discussion of the development of commercial property followed. In the original legislation, the MEPA process took into account the water and sewer usage rates, and traffic counts. Councilor Smart asked if proposed legislation will trigger a MEPA review.

Councilor Mathews went on record as not comfortable with this yet and that at the very least, it will require a Notice of Project Change. He asked what the effect would be to the two other towns. Council President O'Connor noted this will require legal review. Councilor DiFazio asked if the Village Plan is gone. Mr. Barry responded that it is still in. Ms. Daniels reviewed the definition of senior housing and noted it was changed because the current zoning bylaws are ambiguous. The language is crafted to exclude children and to conform with what's already in place. Verification of the state law will need to be made. Councilor DiFazio asked if the proponent still envisions a village plan committed to clean fuel transit system. Mr. Barry responded that it still includes a commitment to shuttle service to MBTA services and an area called the transit village. Councilor Molisse noted that the developer takes what is in the language of the bylaws, includes their restrictions and crafts in the covenants.

Mr. Barry reviewed other changes that included board appointee legal residence requirement, trash collection and cost of service. Councilor DiFazio expressed concern with the cost of services that are already included in the tax bill. Councilor Mathews objected to the two-tier rate this establishes. He does not consider this matter resolved. Councilor McDonald responded that the discussion should be centered around why residents of condos in town are charged twice; it is not the proponent's but the town's problem. Councilor Conlon reported that at full build out the town will be subsidizing \$500,000 for trash pick up to Southfield. Mr. Barry was unaware that whether or not trash is picked up residents are charged for the service. He thought the offer was a substantive benefit in reducing the municipal service to the town. Councilor Hackett noted that there are other developments that pay full taxes and do not receive municipal services, such as WeatherVane- it is not unique to Southfield. Councilor McDonald noted some of these quirks were a result of mitigation. He noted this is different; it is a build out of a community that will have minimal impact to the schools. Following this discussion, Council President O'Connor noted that the condo owner practice should be reviewed, but not hold up what is being offered. The MOA is a good change. Mr. Barry concluded the review with a list of the changes for a final draft of the new act.

-Presentation of Financials

Mr. Barry reported he met with school representation, the CFO and assessors office and made certain changes to accommodate what was presented. Councilor Lacey noted that the intent was to meet with each department and that hasn't been completed. It was intended to determine the projection of the cost to be offset by revenues. There was a brief discussion as to the benefit of reviewing the financials prior to having all departments reviewed first. Mr. Barry presented the analysis and reviewed the methodology. The rate assumes a 2.5% increase per year. All departments conformed except schools, which requested a 3% increase. Councilor DiFazio objected to the inconsistency in values. Mr. Barry responded that the model was based on guidance from the town of Weymouth and that the calculations are based on an assessed value on 100% of the current market values. Councilor Mathews noted that appeal of assessed value is in process.

Councilor Harrington noted he would like to see the practice of limiting ability for an owner to rent out the property more restrictive. Councilor Hackett noted it more important to scrutinize the unit types for consistency with the reuse plan and the vision. Councilor Lacey asked if all units tie back to the ranges in the reuse plan. Mr. Barry responded yes. Councilor Conlon asked if buyers are restricted as to number of units allowed for purchase. Ms. Daniels responded that she was unsure they could make this restriction. Councilor Lacey responded that it is a mixed-use plan; it's important to acknowledge that some are able to purchase and some are not. Councilor McDonald noted that as a mixed use there will be apartments; the Council can't micromanage the standards-these will be developed by the condo associations. Councilor Lacey asked the percentage of apartments as related to the total program. It is just over 25% and 25% is condos. Mr. Barry responded that this perpetuates the plan already in place developed ten years ago. There was a brief discussion of the smart growth concept that was incorporated to get the original plan through multiple agencies. Mr. Barry reviewed the residential and commercial assessment values. Councilor DiFazio noted that it assumes a 2.5% increase but not before 2019 and was changed from the previous analysis.

Councilor Mathews asked if it was consistent with the DOR values and why SSTTDC noted a lag. Mr. Barry responded that is due to no faith in the market until the parkway challenge is met. There was a discussion of commercial assessment and cumulative value of the commercial component and the analysis in the financials that included when and what is counted as new growth and when it can be booked as revenue under the confines of Prop 2 ½. Councilor Hackett noted they will need to be aggressive at the state to make sure it can be counted in 2015. Councilor Mathews asked why census figures were used in some years; but not in others. Mr. Barry responded that they used the most current information they could locate, but verified the school values with the school department. Councilor DiFazio had some questions of the master plan average number of bedrooms per housing type vs. the residents per type, which Mr. Barry noted was information taken from census. It does not take into consideration the number of bedrooms. He would need to review the zoning to verify the information. Councilor Lacey noted the zoning determines how many bedrooms can be built out in each type of housing. Ms. Daniels responded that the report takes an average. They can discuss with the Planning Department to provide a more workable plan.

Councilor DiFazio also reviewed the employee projection based on 900,000 sq. ft. build out of 750,000 office and 150,000 retail space. The reuse plan is 500,000 that would support a village reuse plan. The discussion also included the Capital Improvement Plan and whether there is additional revenue that should be included in the tax bills to the residents of Southfield. The costs and expenditures are calculated out. Councilor Lacey noted they need to spend more time on this to make sure that it's properly vetted. They have heard from the public safety leaders that deficiencies exist. He asked if the model includes a jumpstart to add additional personnel and equipment. Mr. Barry responded that the calculations are separate for police and fire. Councilor Lacey noted he was not convinced it is sufficient to take on a small community, or adequate cost coverage for the transitional period, but the vetting has to take place first. Councilor Mathews asked how the expenses per Southfield resident compared to the current Weymouth average. Mr.

Barry pointed the information out in the expenditure page of the report. Council President O'Connor reported that has requested the expenditure list from the administration and will send a letter to the Mayor to have it available before the next meeting. Councilor Molisse noted there is a lot of work to be done for public safety and the town clerk will be taking on an additional workload. There are the school expenses to consider; unless many students are added, the Chapter 70 funds are limited. Councilor Hackett thanked the school superintendent, school committee and administration for the work in providing the information for the report. Council President O'Connor noted his intent to invite the superintendent to the April 7th meeting.

Mr. Barry then reviewed the projected total expenses. There was a discussion of the host community fees. Councilor Haugh asked why Weymouth would get fees for something built in one of the other host communities. Mr. Barry responded that Weymouth would receive the fees regardless of where it is built.

He then reviewed the tax pledge bond and the funding over the life of the bond. Councilor Lacey asked if 2021 is the first year it has the opportunity to be refinanced and if so, it assures the existence of the SSTTDC, and the potential for them to bond further. He asked for a way to refinance it in 2020 and completely eliminate the SSTTDC. He does not want the entity to have the ability to borrow anything further than they already have. Councilor Mathews asked for more information than what they have on the trash analysis. He wants to see how they come up with the numbers after meeting with the DPW. He asked if Starwood is amenable to Weymouth taking on the trash and Starwood funding the bond. Mr. Barry responded that they are open to other alternatives than the trash service. He suggested they could provide water and hookup, and tear up the host community schedule to fund the bond. There are many ways to engage the conversation, but they would need to be bigger things than the trash pickup option. Councilor Conlon suggested the host community payment is a separate issue and untouchable.

A motion was made by Vice President Smart to suspend Rule 24 to allow the meeting to extend beyond 11 PM and was seconded by Councilor Mathews. VOTE carried 9/2 (Councilors Hackett and Harrington- NO).

Council President O'Connor requested that the analysis be further developed to include the impacts from the meals tax and the Community Preservation Act. Councilor Hackett expressed her concern with the first several years; the per-resident model doesn't take into consideration that future growth is going to put the community in deficit for public safety services to Southfield and the rest of the town between 2015 and 2019. Councilor Haugh commented that the cash flow analysis is dramatically lower than what was indicated initially in October; it shows the drastic need for commercial growth.

Councilor Conlon commented that the failure of the Street Works project leaves the residents of Quincy on the hook. It needs to be heavily invested in the first years to ensure its success. Mr. Barry responded that the project here differs from Quincy and is not in the same risk category. There was a brief discussion of a measure before the Budget/Management Committee regarding the reimbursement of legal fees and a motion

was made by Councilor DiFazio that the proponent should not be invited back before the Council until it is resolved and was seconded by Councilor Conlon. Mr. Barry noted that Starwood has asked for a scope of services, time frame and cost before committing to a response. Councilors Hackett, Conlon, Lacey and O'Connor noted they would not support a move that could further delay the consideration of the proposal and recommended the Mayor be allowed to complete her due diligence. Council President O'Connor noted that there is communication between the parties and they should be given the opportunity to resolve the issue.

VOTE failed 3/8 with a roll call: Councilor Conlon-Yes, Councilor DiFazio-Yes, Councilor Hackett-No, Councilor Harrington-No, Councilor Haugh-No, Councilor Lacey-No, Councilor Mathews-Yes, Councilor Molisse-No, Vice President Mathews-No, President O'Connor-No.

Mr. Barry noted that Starwood has made an offer that goes back to October to reimburse for legal costs, but requests reasonable expectation that there would be a cost and timeframe. Councilor Hackett suggested they move it forward.

REPORTS OF COMMITTEES

Rules Committee/Chair Rebecca Haugh

14 003-Review of Town Council Rules and Regulations for 2014-2016

Chair Rebecca Haugh reported that the committee met on March 14, 2014 and voted to forward the results of their review of the rules with revisions to the full Town Council with a recommendation for favorable action.

On behalf of the Rules Committee, a motion was made by Councilor Haugh that the Town Council adopt all recommendations and was seconded by Councilor DiFazio. Councilor Harrington asked if Rule 32 was checked for violation. Councilor Haugh responded that it was discussed at committee and reworded from the original proposal.

A substitute motion was made by Councilor Hackett to table the matter to the next meeting; she suggested it warrants further discussion and was seconded by Councilor Harrington. UNANIMOUSLY VOTED.

NEW BUSINESS

National Grid Request for Proposal/Solar Phase II Initiative- Councilor At Large Brian McDonald

Councilor McDonald reported that he recently was made aware of a program for installing solar panels on unused vacant properties and recommended there might be interest, and that a review of the town's consideration of energy services should occur.

A motion was made by Councilor McDonald to refer the matter to the Environmental Committee, and a meeting will be scheduled. The motion was seconded by Councilor Molisse. UNANIMOUSLY VOTED.

ADJOURNMENT

The next meeting of the Town Council will be held on Monday, April 7, 2014. At 11:19PM, there being no further business, a motion was made by Vice President Smart to adjourn and was seconded by Councilor Mathews. UNANIMOUSLY VOTED.

Respectfully submitted by Mary Barker as Recording Secretary

Approved by Council President Patrick O'Connor

Voted unanimously on 5 May 2014