

**TOWN COUNCIL MINUTES
BUDGET/MANAGEMENT COMMITTEE
Town Hall Council Chambers
April 7, 2014, Monday**

Present: Michael Molisse, Chairman
Patrick O'Connor, Vice Chairman
Jane Hackett, Councilor
Rebecca Haugh, Councilor
Brian McDonald, Councilor

Also Present: William McKinney, Chief Financial Officer
George Lane, Town Solicitor
Richard Swanson, Town Auditor
Michael Gallagher, Director of Administrative & Comm. Svcs.

Recording Secretary: Mary Barker

Chairman Molisse called the meeting to order at 6:30 PM.

14 009-Free Cash-Salary Reserves

This matter was referred to the committee on March 17, 2014. On behalf of the Mayor, CFO William McKinney requested \$130,000 for expenses to settle union contracts. All but three units have settled-- this includes increases, overtime, and clothing allowances; the impact of the 2014 portion of the contract. Whatever isn't expended will remain until reappropriated. He confirmed for Councilor Hackett that this measure represents the financial impacts for those contracts that have settled and are still under negotiation. Auditor Swanson verified the free cash balance and requested back up to support the request.

A motion was made by Councilor Hackett to forward measure 14 009-Free Cash-Salary Reserves, to the full Town Council with a recommendation for favorable action and was seconded by Councilor McDonald. UNANIMOUSLY VOTED.

14 011-Reserve Fund Transfer-Veterans' Benefits

This matter was referred to the committee on March 17, 2014. On behalf of the Mayor, CFO McKinney reported that the Veterans' Agent has reviewed the department needs and requested \$100,000 to cover costs to complete the fiscal year. Auditor Swanson reported that he reviewed the fund balance and conducted an analysis of the Veterans account. He believes the request may not be enough to complete the fiscal year. Mr. McKinney responded that they will continue to monitor the account and will have a better sense in May whether they will need to come back with a request for additional funding.

A motion was made by Councilor Hackett to forward measure 14 011 to the full Town Council with a recommendation for favorable action and was seconded by Councilor McDonald. UNANIMOUSLY VOTED.

A motion was made by Councilor Hackett to take appointments numbered 14 013 through 14 042 out of order and was seconded by Councilor McDonald. UNANIMOUSLY VOTED.

14 013-Reappointment to the Board of Library Trustees-Joan Anderson

This matter was referred to the committee on March 17, 2014. A motion was made by Vice Chairman O'Connor to forward measure 14 013 Reappointment to the Board of Library Trustees-Joan Anderson, to the full Town Council with a recommendation for favorable action and was seconded by Councilor Hackett. UNANIMOUSLY VOTED.

14 014-Reappointment to the Board of Assessors-Robert Brinkman

This matter was referred to the committee on March 17, 2014. A motion was made by Vice Chairman O'Connor to forward measure 14 014-Reappointment to the Board of Assessors-Robert Brinkman to the

full Town Council with a recommendation for favorable action and was seconded by Councilor Hackett. UNANIMOUSLY VOTED.

14 015-Reappointment to the Memorial Committee-Frank Burke

This matter was referred to the committee on March 17, 2014. A motion was made by Vice Chairman O'Connor to forward item 14 015-Reappointment to the Memorial Committee-Frank Burke to the full Town Council with a recommendation for favorable action and was seconded by Councilor Hackett. UNANIMOUSLY VOTED.

14 016-Reappointment to the Planning Board-David Chandler

This matter was referred to the committee on March 17, 2014. A motion was made by Vice Chairman O'Connor to forward measure 14 016-Reappointment to the Planning Board-David Chandler to the full Town Council with a recommendation for favorable action and was seconded by Councilor Hackett. UNANIMOUSLY VOTED.

14 017-Reappointment to the Cultural Council-Judith Beth Cohen

This matter was referred to the committee on March 17, 2014. A motion was made by Vice Chairman O'Connor to forward measure 14 017-Reappointment to the Cultural Council-Judith Beth Cohen to the full Town Council with a recommendation for favorable action and was seconded by Councilor Hackett. UNANIMOUSLY VOTED.

14 018-Reappointment to the Housing Authority-James Cunningham

This matter was referred to the committee on March 17, 2014. A motion was made by Vice Chairman O'Connor to forward measure 14 018-Reappointment to the Housing Authority-James Cunningham to the full Town Council with a recommendation for favorable action and was seconded by Councilor Hackett. UNANIMOUSLY VOTED.

14 019-Reappointment to the Zoning Board of Appeals-Associate Member, Brandon Diem

This matter was referred to the committee on March 17, 2014. A motion was made by Vice Chairman O'Connor to forward measure 14 019-Reappointment to the Zoning Board of Appeals-Associate Member Brandon Diem to the full Town Council with a recommendation for favorable action and was seconded by Councilor Hackett. UNANIMOUSLY VOTED.

14 020-Reappointment to the Historical Commission-Erica Dumont

This matter was referred to the committee on March 17, 2014. A motion was made by Vice Chairman O'Connor to forward measure 14 020-Reappointment to the Historical Commission-Erica Dumont to the full Town Council with a recommendation for favorable action and was seconded by Councilor Hackett. UNANIMOUSLY VOTED.

14 021-Reappointment to the Planning Board-Walter Flynn

This matter was referred to the committee on March 17, 2014. A motion was made by Vice Chairman O'Connor to forward measure 14 021-Reappointment to the Planning Board-Walter Flynn to the full Town Council with a recommendation for favorable action and was seconded by Councilor Hackett. UNANIMOUSLY VOTED.

14 022-Reappointment to the Commission on Disabilities-Hank Goldman

This matter was referred to the committee on March 17, 2014. A motion was made by Vice Chairman O'Connor to forward measure 14 022-Reappointment to the Commission on Disabilities-Hank Goldman to the full Town Council with a recommendation for favorable action and was seconded by Councilor Hackett. UNANIMOUSLY VOTED.

14 023-Reappointment to the Community Preservation Committee-Christopher Hannan

This matter was referred to the committee on March 17, 2014. A motion was made by Vice Chairman O'Connor to forward measure 14 023-Reappointment to the Community Preservation Committee-Christopher Hannan to the full Town Council with a recommendation for favorable action and was seconded by Councilor Hackett. UNANIMOUSLY VOTED.

14 024-Reappointment to the Commission on Disabilities-Lisa Jennings

This matter was referred to the committee on March 17, 2014. A motion was made by Vice Chairman O'Connor to forward measure 14 024-Reappointment to the Commission on Disabilities-Lisa Jennings to the full Town Council with a recommendation for favorable action and was seconded by Councilor Hackett. UNANIMOUSLY VOTED.

14 025-Reappointment to the Scholarship Fund Committee-Carol Karlberg

This matter was referred to the committee on March 17, 2014. A motion was made by Vice Chairman O'Connor to forward measure 14 025-Reappointment to the Scholarship Fund Committee-Carol Karlberg to the full Town Council with a recommendation for favorable action and was seconded by Councilor Hackett. UNANIMOUSLY VOTED.

14 026-Reappointment to the Waterfront Committee-Daniel Keefe

This matter was referred to the committee on March 17, 2014. A motion was made by Vice Chairman O'Connor to forward measure 14 026-Reappointment to the Waterfront Committee-Daniel Keefe to the full Town Council with a recommendation for favorable action and was seconded by Councilor Hackett. UNANIMOUSLY VOTED.

14 027-Reappointment to the Board of Health-Claire LaMorte

This matter was referred to the committee on March 17, 2014. A motion was made by Vice Chairman O'Connor to forward measure 14 027-Reappointment to the Board of Health-Claire LaMorte to the full Town Council with a recommendation for favorable action and was seconded by Councilor Hackett. UNANIMOUSLY VOTED.

14 028 Reappointment to the Weymouth-Braintree Regional Conservation District-James Lockhead

This matter was referred to the committee on March 17, 2014. A motion was made by Vice Chairman O'Connor to forward measure 14 028-Reappointment to the Weymouth-Braintree Regional Conservation District-James Lockhead to the full Town Council with a recommendation for favorable action and was seconded by Councilor Hackett. UNANIMOUSLY VOTED.

14 029-Reappointment to the Memorial Committee-Steve McCloskey

This matter was referred to the committee on March 17, 2014. A motion was made by Vice Chairman O'Connor to forward measure 14 029-Reappointment to the Memorial Committee-Steve McCloskey to the full Town Council with a recommendation for favorable action and was seconded by Councilor Hackett. UNANIMOUSLY VOTED.

14 030-Reappointment to the Weymouth-Braintree Regional Conservation District-Richard McCulley

This matter was referred to the committee on March 17, 2014. A motion was made by Vice Chairman O'Connor to forward measure 14 030-Reappointment to the Weymouth-Braintree Regional Conservation District-Richard McCulley to the full Town Council with a recommendation for favorable action and was seconded by Councilor Hackett. UNANIMOUSLY VOTED.

14 031-Reappointment to the Conservation Commission-Anthony Merlino

This matter was referred to the committee on March 17, 2014. A motion was made by Vice Chairman O'Connor to forward measure 14 031-Reappointment to the Conservation Commission-Anthony Merlino to the full Town Council with a recommendation for favorable action and was seconded by Councilor Hackett. UNANIMOUSLY VOTED.

14 032-Reappointment to the Zoning Board of Appeals-Jonathan Moriarty

This matter was referred to the committee on March 17, 2014. A motion was made by Vice Chairman O'Connor to forward measure 14 032-Reappointment to the Zoning Board of Appeals-Jonathan Moriarty to the full Town Council with a recommendation for favorable action and was seconded by Councilor Hackett. UNANIMOUSLY VOTED.

14 033-Reappointment to the Board of Health-Dave Morgan

This matter was referred to the committee on March 17, 2014. A motion was made by Vice Chairman O'Connor to forward measure 14 033-Reappointment to the Board of Health-Dave Morgan to the full Town Council with a recommendation for favorable action and was seconded by Councilor Hackett. UNANIMOUSLY VOTED.

14 034-Reappointment to the Recreation Commission-Barbara Nieters-Kearney

This matter was referred to the committee on March 17, 2014. A motion was made by Vice Chairman O'Connor to forward measure 14 034-Reappointment to the Recreation Commission-Barbara Nieters-Kearney to the full Town Council with a recommendation for favorable action and was seconded by Councilor Hackett. UNANIMOUSLY VOTED.

14 035-Reappointment to the Community Preservation Committee-Patricia O'Leary

This matter was referred to the committee on March 17, 2014. A motion was made by Vice Chairman O'Connor to forward measure 14 035-Reappointment to the Community Preservation Committee-Patricia O'Leary to the full Town Council with a recommendation for favorable action and was seconded by Councilor Hackett. UNANIMOUSLY VOTED.

14 036-Reappointment to the Board of Elder Services-Elaine Pepe

This matter was referred to the committee on March 17, 2014. A motion was made by Vice Chairman O'Connor to forward measure 14 036-Reappointment to the Board of Elder Services-Elaine Pepe to the full Town Council with a recommendation for favorable action and was seconded by Councilor Hackett. UNANIMOUSLY VOTED.

14 037-Reappointment to the Board of Elder Services-Jeannette Rose

This matter was referred to the committee on March 17, 2014. A motion was made by Vice Chairman O'Connor to forward measure 14 037-Reappointment to the Board of Elder Services-Jeannette Rose to the full Town Council with a recommendation for favorable action and was seconded by Councilor Hackett. UNANIMOUSLY VOTED.

14 038-Reappointment to the Scholarship Fund Committee-Donna Shea

This matter was referred to the committee on March 17, 2014. A motion was made by Vice Chairman O'Connor to forward measure 14 038-Reappointment to the Scholarship Fund Committee-Donna Shea to the full Town Council with a recommendation for favorable action and was seconded by Councilor Hackett. UNANIMOUSLY VOTED.

14 039-Reappointment to the Community Events Committee-Steve Sweeney

This matter was referred to the committee on March 17, 2014. A motion was made by Vice Chairman O'Connor to forward measure 14 039-Reappointment to the Community Events Committee-Steve Sweeney to the full Town Council with a recommendation for favorable action and was seconded by Councilor Hackett. UNANIMOUSLY VOTED.

14 041-Reappointment to the Historical Commission-Edward Walker

This matter was referred to the committee on March 17, 2014. A motion was made by Vice Chairman O'Connor to forward measure 14 041-Reappointment to the Historical Commission-Edward Walker to the full Town Council with a recommendation for favorable action and was seconded by Councilor Hackett. UNANIMOUSLY VOTED.

14 042-Reappointment to the Board of Library Trustees-William Westland

This matter was referred to the committee on March 17, 2014. A motion was made by Vice Chairman O'Connor to forward measure 14 042-Reappointment to the Board of Library Trustees-William Westland to the full Town Council with a recommendation for favorable action and was seconded by Councilor Hackett. UNANIMOUSLY VOTED.

A motion was made by Councilor Hackett to take the Committee Discussion on the Capital Improvement Plan out of order and was seconded by Councilor McDonald. UNANIMOUSLY VOTED.

Committee Discussion on the Capital Improvement Plan- 2015

Councilor Hackett reported that the plan is a road map of the town's needs. Two projects have already been publicly discussed. She noted the costs for repairs and borrowing are both increasing and it is important to review the list and identify those projects that can be grouped in a single bond. The town hasn't bonded significantly over the last several years. She recommended reviewing the list to determine what can be done this year and how it will affect the budget. She also suggested it be given similar scrutiny as the operating budget is reviewed and in a similar manner.

14 012-Reserve Fund Transfer-Town Solicitor

This matter was referred to the committee on March 17, 2014. Solicitor Lane presented the measure. The matter began October 29, 2013 when then President Mathews wrote a letter to Starwood detailing a request for funds to secure legal advice to review the proposal. It went to the Mayor and then to the Town Council. No response was received, and a reserve fund transfer was requested after securing the services of the firm of Burns & Levinson. They have provided a good analysis and are prepared to give an overview of the risks and benefits of the legislation to the full Town Council. Solicitor Lane suggested \$100,000 as a reasonable estimate to pay for these services. He hopes the Town will receive reimbursement from Starwood.

Chairman Molisse expressed concern whether the amount of the funding will be sufficient, since it is not the only legal project in process. Vice Chairman O'Connor asked how much has been expended to date. Solicitor Lane responded that he does not have a total. Attorney Darov responded that \$43,000 has been invoiced and there is an additional amount to be billed (\$50,000). There has been significant due diligence with the review, and the firm is fairly close to completing the study. Vice Chairman O'Connor asked when it should be complete. Attorney Darov responded that the review is pretty complete; they now need to put forward to the town their recommendations and alternative language. Once Starwood and the Town have reached an agreement, they will also assist with drafting legislation and revisions. Solicitor Lane noted that a revised draft has been delivered to the Mayor's Office. Councilor Hackett asked if the presentation by Burns & Levinson will include a review of the latest draft. Councilor McDonald noted that what was needed all along was a scope of services. With the timeline, it's a heavy burden on Town Council to meet the legislative timeline. There is great risk not meeting it; if SSTTDC goes bankrupt and can't meet the bond obligation, it poses a great risk to the town. He asked what are the major items out of review.

Attorney Darov responded that the fundamental question is whether the Starwood request is commensurate with the benefit it will bring to the towns. There is risk to giving the master developer vesting authority. He also noted the structure of the "poison pill" would be detrimental to the town. Councilor Hackett shared Councilor McDonald's concerns regarding the timeline. She asked if there is a deal to be had on the parkway clawback. She noted many of the issues are not going to be resolved until it gets to the state and the state will need some time to coordinate with their agencies.

Solicitor Lane noted that they appreciate the concerns. No matter which way it goes, the request for funding is a fair and favorable estimate. Councilor Hackett responded that this year's legislative calendar is different; Governor Patrick has been involved since day one. If this does not get to the state in a certain amount of time, time runs out and they will have lost institutional commitment. Councilor Haugh requested confirmation that the work is based solely on Starwood and SSTTDC's proposal and not any other competing views. Vice Chairman O'Connor asked if the attorneys met with SSTTDC or Starwood. Burns and Levinson confirmed that they met with Jim Wilson once and Matthew Barry once, and once with his legal team. He noted that the greatest risk is the poison pill and the worst that could happen to the town is status quo. In his opinion, legal counsel should have been engaged prior to February 18th. After many meetings, they recognize that some of the changes made at the Council level were to protect the town. Now they are at the stage where deadlines are due and they need to determine how to go forward.

Matthew Barry was present and he was asked if Starwood has agreed to fund legal counsel. Mr. Barry responded that to date they have not received a request that includes a scope of services or timeline, and they cannot respond to the request until those are known. Vice Chairman O'Connor asked what the town's options are if the measure is not favorably voted. Solicitor Lane responded that he would have no choice but to terminate the services of Burns & Levinson. There is not enough funding remaining in the legal

services account with the other continuing obligations of the department. Vice Chairman O'Connor noted concern with spending \$100,000 of taxpayer funds if it does not happen.

Chairman Molisse noted that he didn't understand why they differ on the scope of services. Attorney Darov responded that they have forwarded correspondence and he has had some discussion on what they are looking for; a general description should be adequate. Chairman Molisse questioned that if they have spent \$43,000 to date, why is the request for \$100,000. Solicitor Lane responded that it is a reasonable estimate after conferring with the Mayor.

A Motion was made by Councilor Hackett to forward measure 14 012-Reserve Fund Transfer-Town Solicitor to the full Town Council with a recommendation for favorable action and was seconded by Councilor McDonald. UNANIMOUSLY VOTED.

ADJOURNMENT

At 7:33PM, there being no further business, a MOTION was made by Vice Chairman O'Connor to adjourn and was seconded by Councilor Hackett. UNANIMOUSLY VOTED.

Respectfully submitted by Mary Barker as Recording Secretary

Approved by Chairman Molisse
Voted unanimously on 2 June 2014