

TOWN COUNCIL MEETING MINUTES

Town Hall Council Chambers

March 10, 2014, Tuesday

Present: Patrick O'Connor, President
Michael Smart, Councilor
Robert Conlon, Councilor
Kenneth DiFazio, Councilor
Jane Hackett, Councilor
Edmund Harrington, Councilor
Rebecca Haugh, Councilor
T.J. Lacey, Councilor
Arthur Mathews, Councilor
Brian McDonald, Councilor
Michael Molisse, Councilor

Also Present: Susan M. Kay, Mayor
George Lane, Town Solicitor
Kathy Deree Town Clerk
Chief Richard Grimes, WPD
Chief Keith Stark, WFD

Recording Secretary: Mary Barker

President O'Connor called the meeting to order at 7:30 PM. After the Pledge of Allegiance, Town Clerk Cathy Deree called the roll, with all members present; President O'Connor reported that Councilor Lacey will be late.

OLD BUSINESS

Continuing Review of Town Department Impacts-Mayor Susan Kay and Applicable Department Heads

Mayor Kay and Kenan Connell, DPW Director presented the impact and needs of the DPW with the proposed legislative change and Southfield development. Council President O'Connor reported that this report pertains to the maintenance and services outside of water and sewer. Mr. Connell provided a power point presentation and noted that the development is not a conventional one, and the town is not in possession of the as-built plans. There has been some utility breaks and wear in pavement. The construction standards, which the Mayor pointed out are acceptable but not to Weymouth's standards. Different materials were used that could result in misidentification. (During this presentation, at 7:40 PM, Councilor Lacey arrived.) Councilor Conlon pointed out that he does not like the wording in the legislation that points out Weymouth is required to accept the streets and suggested changing the language to "may" or "shall" accept them. Councilor Harrington asked why they were allowed to deviate from Weymouth's standards. Mayor Kay responded that Weymouth did express concern from the outset; she was not a party but was told the standards are to state standards. Mr. Connell reported that, counting unaccepted roads, the number of streets the DPW will be required to maintain will increase significantly. There are limitations on what can be done on unaccepted roads. There are 6 employees in Park & Tree and no funds budgeted for seasonal labor. There are similar constraints to Vehicles and equipment. The department's fleet is aging and they lack the equipment to maintain. The department currently owns and maintains 4000 streetlights in town. The street-lighting in

Southfield is decorative, expensive and he is uncertain who owns them or what the maintenance needs will be. Snow and ice removal of public roads will add to the department's workload. The department currently runs a deficit for the snow removal budget. He is concerned accepting a known deficit. He also questioned the responsibility for plantings at the entrances and elsewhere in the development. The HOA's have some oversight, but he is not sure of their function. He reviewed the calls for service and the wear on vehicles. There is a high demand for the densely populated area. The ultimate goal would be to offer fair treatment to the town as a whole. Every taxpayer is entitled to equality in all DPW functions. He reviewed recreation needs; they hope to get recreation areas and fields that can take the demands off the town's existing spaces to allow them to be rested or improved. He noted that the department would not plan to work out of a substation but would need to make improvements to the existing facilities as the most cost-effective solution to accommodate the increased manpower and needs that results from the development. He summarized that the legislative impact would be an understaffed department, loss of recreational outlets, and taxation doesn't equal the burden of additional debt and concern over what covenants on individual deeds, in-house construction oversight and building plan and permit reviews.

He then reviewed the benefits. Weymouth will have oversight of construction standards, the town will have possession of the as-built plans and transfers reported locally. The town will be able to take advantage of to water and sewer to help aging town systems, and continued sale of water to the development allows no increase to the current users, and additional development will create local job opportunities. He noted the pressure to provide information and certain aspects of the legislation may create lifelong effects. It is not something to be rushed. Unknowns, including debt service and quick fixes to property line issues may leave the town with a great burden later. Councilor Conlon asked to open a discussion of the water. Mayor Kay responded that it is being looked at and they need time to outline a plan. The facility and equipment needs were taken directly from the CIP needs. Mayor Kay noted that much of the presentation was formed prior to receiving the updated proposal from Starwood.

Councilor Conlon thanked Mr. Connell for the thorough report. Councilor McDonald asked if there are incentive programs for maintenance of the street lighting that the town can research. Mayor Kay responded that the grant writer is reviewing. Councilor Haugh asked if the existing parkway remains under control of the master developer, who will be responsible for the maintenance of any utility lines laid under it? Mayor Kay responded that they will have to research what is below the parkway. There was also a brief discussion of the maintenance of lighting throughout the development, including islands, and who will maintain fields. Narrow roads between main roads will be maintained (snow removal and salt) by the various HOA's. Councilor DiFazio recommended a cost determination beyond 2015 is needed in writing after determining how responsibility is will be apportioned; a conservative estimate based on the assumption of ownership. It should also be considered before accepting ownership for the current roads. Mayor Kay responded that the town has not budgeted for any of the cost component and they will need to take all concerns and turn them into cost elements. Councilor DiFazio also asked if the legislative language as it stands provides the town with an additional layer of coverage for any contaminated land and suggested it might require a legal opinion. He is not in favor of releasing any layer of protection to the town. Solicitor Lane will research this.

Fire Chief Stark provided the impact to the Fire Department in a power point presentation. He also provided an additional handout that mapped coverage areas for the stations in relation to the town. He noted in his report that providing coverage to Southfield will affect the staffing levels, response times and that shifting resources leaves the rest of the town vulnerable. The development is not a conventional one, and the high density zoning and tight quarters requires the

department to approach firefighting differently. Councilor Conlon asked how the department responds now to calls at Southfield, and Chief Stark reviewed. Current standards-NFPA 1710 uses a 4-minute response time for the first company to arrive and assess at a scene. He noted that simultaneous calls on the base and in town would require use of mutual aid. He reviewed current and historic staffing levels. There has been a steady increase in calls since 1990 while staff levels have been cut. He also noted that the Navy provided mutual aid before the base was decommissioned, and during the transition period. He noted that a study was done that with recommendations by a consultant, but that SSTTDC did not accept the results of the study in its entirety. He also noted that if the legislative changes are accepted, the town would have to take control of all vacant properties there also. In order to improve response times, the department would need a new station, vehicles/equipment and hire 33 additional members to staff a station. He summarized that no matter who is on the base, the needs do not change. There was a brief discussion of current response times from the Park Ave Station. Councilor DiFazio suggested before entering in to any MOA, the town should first consider reactivating Station 2. Councilor Conlon asked if the town would have to buy land on the property to build a station. He concurred that Station 2 should be reopened. President O'Connor noted there is land set aside in the legislation for public safety. Councilor DiFazio commented that the only set aside is for a school. Councilor Lacey responded that if that is the case, it should be a topic for discussion. There are holes in coverage and District 2 is already overwhelmed. Gaps need to be filled to approach four-minute response times.

Chief Grimes took a factual-based data approach to the Starwood proposal. Growing statistically with the population is a more fair approach. He noted 23 residents from Southfield spoke at the public hearing and they do not want to be alienated from Weymouth. He reviewed the staffing levels and the annual data collected by FBI in his approach. Weymouth is below what is considered the New England standard ratio of police to citizens. At the current levels, the department needs an additional 12 officers. He noted population is a good measure, but not an accurate predictor of growth. The present building can adequately take on 10 more officers. The command structure will also have to increase. He has reviewed the sector car plan; by increasing sectors, it has decreased response time. It's a huge overtime driver, but necessary. Weymouth has been responding to calls at Southfield since the military left and will continue to do so. The town is under contract and has been receiving payment for the service. To put the service back to the individual communities creates enforcement concerns and issues. Jurisdictionally, there are two different counties, different courthouses and criminal statutes. A number of tickets will be readily dismissed on appeal and possibility of losing a murder case over jurisdiction is unacceptable. Councilor Conlon noted that the town doesn't have the resources to deal with criminals coming in from other areas. Chief Grimes responded that the department and the town has been extremely proactive and are more visible and successful. He is doing the best he can, but it is time to step up. Mayor Kay noted that Weymouth is in the forefront of for quick arrests and due diligence of the department is apparent. Councilor McDonald noted that Weymouth needs to increase its commercial base, but Weymouth does have a great reputation in public safety. Councilor Lacey thanked the chief for the explanation and noted he agreed with the department's approach. He asked for further explanation for the significant spike in number of calls and the chief reviewed what constitutes a call. They include officer initiated incidents and arrests. Councilor Harrington noted that despite the staff reductions over the last several years, any calls he has made to the department has resulted in a prompt response. times and relate the costs to the revenues.

Council President O'Connor thanked the chief and noted he is working on setting up a meeting with the superintendent and school committee to review the impact of the legislation to the school department.

Attorney Update-Mayor Susan Kay

Mayor Kay read her memo addressed to the council reporting that the town has engaged the firm of Burns & Levinson to assess the concerns and make recommendations on Starwood's proposed legislation. They are conducting a due diligence on the proposed legislation for the redevelopment of the former NAS including a review of the documents and materials. To date, they have met with administration and attorneys from SSTTDC and Starwood. Over the next few weeks, their advisers will provide recommendations regarding the actual proposal. The mayor has asked them to provide the risks and benefits to Weymouth inherent in the proposed legislation, or how it needs to be modified to best serve the town. Starwood has made certain concessions in recent discussions, including removal of language that would place the onus for the debt obligation on Weymouth. B&L is now reviewing a revised draft of the legislation; however, the attorneys still have concerns not limited to Starwood's intent to rescind and eliminate the reuse and master plans. Burns & Levinson is preparing an overview and assessment of the proposed legislation and enabling act to facilitate any negotiation of the proposal. They cannot say whether Weymouth should support the proposal at this time, because so many questions still remain unanswered. They hope Starwood shows a willingness to provide additional information in support of its proposal. The Mayor noted Starwood has been forthcoming to requests. Once due diligence and analysis is completed, they will bring their findings back to the full town council with recommendations. Burns & Levinson strongly suggests that ongoing negotiations and strategies be reserved for executive session. Councilor Smart asked if Starwood is willing to offset the attorney fees. Mayor Kay responded that a letter was sent; they have not responded yet. Councilor Smart asked if B&L work will entail bond review. The Mayor responded yes. Councilor Conlon asked if the attorneys will come before full council. Mayor Kay responded if that is the pleasure of the council. She recommended outlining questions to present to the attorney. Council President O'Connor suggested all councilors do the same. Councilor Lacey commended the efforts in obtaining an independent expert to review. He asked if there is a timeline. Mayor Kay responded that they have expressed a short time line but does not have a definitive and it is difficult considering the documents are changing constantly. Councilor Mathews looks forward to the review. He is hopeful that the council will be provided with proposed expenditures from every department if the legislation were to take effect July 1st. Mayor Kay asked if they want it through full build out. Councilor Mathews responded that would be fine, but he would want the costs right out the gate. Councilor Harrington noted the firm of Burns & Levinson is a commendable selection. There were other things the council requested; fees for consultants, analysts, etc. he is not convinced the legislation is the only option to the town and he believes it is important to explore other avenues. There could be other options- senior complex or others that might not have been considered without having the expertise of consultants and analysts. Mayor Kay responded that she would need to have a scope of what Councilor Harrington is proposing before she could ask for funding for it. The Mayor noted she is spending much of her time with the Starwood proposal and is totally expended. She does not have time to explore other options. Attorney Lane interjected that Burns & Levinson was hired to review the proposal before them and not to explore other options. He recommended that the council review what is provided before indulging in other consultants. Councilor Harrington noted that if they have the additional expertise to provide the best that Weymouth can get, then he can live with it. Councilor McDonald noted they do have options; what isn't working and what is before them and the legal review will be helpful. The council needs to determine if the fix presented by the proposed legislation is something that will benefit Weymouth ultimately. The original build out is twelve years. Councilor Conlon also asked about a timeline. Mayor Kay responded that a decision will be made when all are comfortable with it. Council President O'Connor noted he hoped it will be done sooner because of the legislative session deadlines.

Starwood's Proposed Revisions to the Enabling Legislation

Memorandum of Agreement (MOA) Draft-Matthew Barry, Starwood Vice President/Robin Daniels, Starwood Director of Development

Matthew Barry expressed gratitude to the Mayor. He noted SSTTDC issued their own legislative changes at their board of directors meeting and it is a cathartic step on their behalf. They agree that a change is the only way to move forward. Unanimously everyone now agrees that the project is broken. The only way now to move forward is the change in the legislation. He reviewed that they can project and calculate revenue but projecting costs is reliant on the town administration. They will take all of the information and by department show how costs will be funded. He looks forward to the report from the attorneys. Straight tax revenue will solve many of the issues brought up by police, fire and schools, for both growth and structural issues at hand. He provided a power point presentation that included the new changes to the enabling act:

Final Draft of New Act

Final draft of MOA

Sources and Uses

What stays the same?

Senior housing minimum market- has been added back in.

Major zoning changes- working with Planning Dept. to better understand their concerns. There was a list of entities not included that have now been added. The only thing missing is Metropolitan Planning Council, if one exists, and 10 residents. Right now 10 residents would have to petition all three towns. Councilor Smart asked if they have met yet with the Planning Director. Robin Daniels responded that they had met, and he will provide additional information for additional changes. Councilor Smart noted that he will not support any legislation that does not involve the vote of council to any zoning changes. Councilor Lacey noted the key words were "major" vs. "minor" change to the zoning. This is not the only change. Mr. Barry and Ms. Daniels agreed and proposed language is being proposed by the Planning Director. Ms. Daniels noted there are items in the zoning that do not require being brought before the council. They plan to expand the definition of "major". Councilor Lacey noted this is why the reuse plan is so important. He wants to be comfortable with the interpretation of the language and he is not. There are parts of the form-based zoning that are important to include in the definition of major change. Councilor Lacey noted that, tonight, the elimination of the master plan is not something that he is comfortable with. Mr. Barry responded that they are working with the Planning Department to understand practice and will work to include in the legislation. Councilor Lacey noted he is not comfortable with increasing SSTTDC's role. He suggested eliminating them and the bond and keep the master plans. Councilor Conlon asked about the senior housing component. Mr. Barry responded that another change is that the SSTTDC retains the responsibility for the tax abatement obligation. The Ad valorem is not part of the calculation and language added regarding acceptance of public ways that will implement the local practice. Ms. Daniels noted that Southfield has its only subdivision rules and regulations that were adopted, so that the roads and public ways are in accordance with their rules and regs. The only concern raised by Weymouth when constructed was stacked utilities and the practice was stopped. They are willing to meet with the DPW to review their practices. Councilor Mathews disagreed with the stacking of utilities with the area's temperature fluctuations. Mr. Barry noted his previous experience in similar cold weather states, and noted that it is common practice, but once Weymouth objected it was stopped and they will not do it going forward. Councilor Smart asked if they have met yet with the DPW Director; he would like to see plowing numbers to determine an offset cost. Mr. Barry noted he has not yet, and he noted that in the proposal, all municipal services and tax

collection revert back to the SSTTDC; the solution to the “poison pill” question. Councilor DiFazio noted that if the legislation passes, they will begin taxing as of 7/1, while the state has 6 months to determine if it will take responsibility for the parkway bond. SSTTDC will be the tax authority and the master and reuse plans are both rescinded. He asked if they considered changing the taxing date or putting the plans back in place. Mr. Barry responded that they can add language adding them back. Mr. Barry responded that as most towns, it runs on a fiscal year. The most reasonable date is 7/1. He is equally concerned with the possibility of bankruptcy of the current taxing entity. Councilor DiFazio noted he does not share that concern. Councilor Hackett asked about the tax assessment and bills and requested an analysis of all transition dates and what triggers action on each.

Mr. Barry reviewed the existing infrastructure bond and worked with their bond council to identify bond holders who are amenable to keeping the bond with SSTTDC with the tax bond remitted back to Tritown. He responded that they will strike language in 20-G and all references to it with the tax pledge remitted back to SSTTDC. He reviewed the anticipated bond debt service and tax pledge. The balance will be paid by the developer. It will fully service the bond by 2019. The tax assessments and responsibility to generate them stays with SSTTDC. There are additional cost savings to the town by taking on private trash collection. There will be a reduction offset by this. Over 27 years left on the bond, trash service will service the debt within \$5 million. for Weymouth the tax pledge will be effectively zero and the tax bond will never be a debt of Weymouth.

Councilor Mathews disagreed with the amount of the assessment. He felt it is too high. He asked what assets will SSTTDC have in 2020 to refinance the bond at a reasonable rate? Mr. Barry responded that at the time the bond was floated they didn’t have assets but with a successful build out, then in 2020 the excess revenue will exceed the servicing of the bond. The tax pledge is a special obligation bond. Councilor Mathews noted that is difficult to ascertain without the financials to review. He noted that Councilor Haugh had already determined a flaw in the numbers that was confirmed by Dr. Salim. Mr. Barry anticipates they will be available to review at the next meeting. There was a brief discussion of the tax pledge bond and whether SSTTDC’s bonding capacity will change. Councilor Lacey noted they still have the capacity to expand their borrowing. Councilor Mathews agreed; they still need to discuss; any borrowing by SSTTDC will come out of revenue. He asked who has the authority to limit it? Ms. Daniels responded that they can put protection in the legislation to limit. Councilor Conlon disagreed with the proposed change to the board’s make up to include residents of Southfield and state representatives because it changes who will control it and it takes power away from the three host communities. Weymouth is unfairly represented.

A discussion ensued about sending a memo to the mayor to discuss offsetting costs of plowing anything other than state roads. Councilor Lacey requested the DPW and Planning Directors meet with Mr. Barry and present financials prior to the March 17, 2014 meeting. Councilor Lacey asked if the proponents would commit to providing and indoor regulation skating rink that is in the master plan. Mr. Barry responded that if it is in the plan then it is not out. They will do a recreational analysis. They are a market driven company that will build to market needs.

A Motion was made by Vice President Smart to suspend Rule 24(a) to allow the meeting to continue beyond 11 PM and was seconded by Councilor Mathews. VOTE PASSED 9/2 (Councilors Hackett and Lacey- NO).

Board vs. Advisory board-Councilor Mathews suggested delaying discussion on this until after they have heard back from the attorneys reviewing the legislation. The Memorandum of

Understanding was reviewed. There was a brief discussion. the dedicated commercial zone will be located entirely in Weymouth and whether the master developer will agree to reserve such portions of the permanent water supply and waste water capacity as are necessary to service the commercial development in the dedicated commercial zone. Council President O'Connor requested a copy of the official version distributed to the town council before making any decision. Councilor McDonald asked to be provided with the amount of water for gray water usage. Ms. Daniels will provide. Councilor Conlon asked if the state refuses to commit to \$40 million to finish the parkway, will Starwood pay it. Mr. Barry responded no.

Discussion on Future Senior Housing-Councilor Ed Harrington

Finalized Draft of Enabling Legislation

Councilor Harrington reported they have heard from Fire, police and DPW. With a revenue shortage of about \$20 million per year, he proposes the plan expand age restricted housing. It is all taxable and does not put students into the system. The largest living generation is starting to downsize and studies show one third will relocated within 45 miles. This project has the amenities, is close to transportation and medical facilities. The "Silver Tsunami" is a clear demand for housing. He asked if they could add language to increase age restricted housing and increase the number of units at their discretion without having to go back to the legislation.

Council President O'Connor noted he would take the suggestion under advisement and keep the matter on the agenda.

ADJOURNMENT

The next meeting of the Town Council will be held on Monday, March 3, 2014. At 11:15 PM, there being no further business, a Motion was made by Vice President Smart to adjourn and was seconded by Councilor Mathews. UNANIMOUSLY VOTED.

Submitted:

Power Point Presentation- DPW Impact
Power Point Presentation-Weymouth Fire Department
Map of Coverage Zones-Weymouth Fire Department
Memo to Weymouth Town Council from Mayor Kay
Prosed Legislative –Starwood
Memorandum of Understanding (MOU)-Starwood

Respectfully submitted by Mary Barker as Recording Secretary

Approved by Council President Patrick O'Connor

Voted unanimously on 7 April 2014.