

TOWN COUNCIL MINUTES
Town Hall Council Chambers
Tuesday, April 22, 2014 – 7:30 p.m.

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

Absent: Jane Hackett, Councilor

Also Present: Susan Kay, Mayor
Richard Swanson, Auditor
Kathy Deree, Town Clerk
William McKinney, Chief Financial Officer

Recording Secretary: Abby McCabe

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 one Councilor absent. President O'Connor noted that Councilor Hackett had a conflict and was unable to attend.

ANNOUNCEMENTS

Councilor Haugh announced that the Weymouth Carnival was in town from April 25 through April 27, 2014 at the High School.

Councilor Molisse announced that clean-up day will be held on Saturday, May 3, 2014 from 9:00 AM to 12:00 PM. All interested participants should register with the Mayor's office and lunch will be provided.

PUBLIC HEARINGS

President O'Connor called the next item on the agenda measure 14-074 a public hearing for National Grid Utility Petitioner for a Gas Main on Pleasant Street to Colonel's Way.

On a motion made by Vice President Smart, seconded by Councilor Mathews, the Council voted 10-0 to open the public hearing for measure 14-074 for National Grid's utility work.

Barbara Callaper was present from National Grid. She explained that National Grid was requesting to install a 4 inch gas main on Pleasant Street for 320 linear feet from Mutton Lane to Colonel's Way. She stated that the entire lane will be paved.

President O'Connor asked if there were any comments from the public, to which there was no response.

On a motion made by Vice President Smart, seconded by Councilor Mathews, the Council voted 10-0 to close the public hearing for measure # 14 074.

On a motion made by Vice President Smart, seconded by Councilor Mathews, the Council voted 10-0 to take action under 2-9b on measure number 14 074.

On a motion made by Vice President Smart, seconded by Councilor Mathews, the Council voted 10-0 to approve National Grid's petition to install the gas main in Pleasant Street.

President O'Connor informed everyone that some agenda items will be taken out of order this evening and the next item will be "Communications and Reports from the Mayor " listed as #8 on the agenda.

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

Presentation of Fiscal Year 2015 Budget

(Present for the presentation of the FY 15 budget were Mayor Susan M. Kay and Chief Financial Officer (CFO) William McKinney)

The Mayor thanked the Council and summarized the FY 15 budget. She stated that the budget reflects almost level service funding in every department. Some of the highlights from this past fiscal year are the re-opening of the Fogg Library to be opened this month, the design completion for Legion and Lovell fields, implementation of the new trash collection which have decreased the total cost to the town due to an increase in recycling, the adoption of the local meals tax, which allowed the revenue to be used for various park improvements at Stella Tirrell, Great Esker Park, Great Hill Park, the Ralph Talbot Ampitheatre, and the new turf field at the High School, and the renovation of Legion Field expected to be completed by the end of FY 15. The total operating budget for FY 15 is \$143,710,028 which is a 2.9% increase from FY 14.

On the revenue side, the FY 15 budget accounts for the state aid increase by \$500,000, Chapter 70 funds, and Veterans' benefits. The Town has also experienced an increase received from motor vehicle excise taxes (\$400,000), pensions, state assessment, health insurance as a result of the GIC, and union contracts have been re-negotiated. The school department's recommended appropriation is \$60,153,728 in addition to a transfer of \$900,000 from free-cash to supplement the school's operational needs. The Mayor reiterated her goal to spend over the minimum required spending for schools. The budget also accounts for the decrease in Community Development Block Grant and Executive Office of Elder Affairs grant funds, which means the town has to supplement these funds. The submitted Capital Improvement Plan identifies the Town's achievements and priorities for the next five years. The Community Preservation Committee budget has been submitted with a request for \$725,000 and will be reviewed further

at a later date. The water department budget is the same but the sewer department budget has increased by 5% (\$500,000) as a result of the M.W.R.A.'s projected increase.

President O'Connor asked if there were any questions from the Council. There being no questions, the CFO, William McKinney was called to present the budget in detail via a power point presentation.

Mr. McKinney stated that a copy of the power point will be provided to the Council and he reminded everyone that the fourth quarter real estate tax bills are due on Thursday, May 1, 2014.

Mr. McKinney reviewed the budget in detail. He reported that the budget reflects almost level service funding, no fee increases, investments in education, and he reviewed in detail comparison of appropriations for the last few years. The town's largest revenue source is from property taxes at 61%, local aid from the state is the second largest at 25% which is smaller than last year when it was 26%, transfers in 7%, excise tax 4%, and local receipts 2%. He explained that local receipts includes items such as revenue from cell tower rentals, Southfield, building permits, public works permits etc. Additionally it was noted that \$500,000 revenue was received from the local meals tax. The biggest revenue sources are from property taxes and excise taxes.

The CFO provided comparisons in local aid received from the state for the last several years. Between fiscal years 2012 and 2013, the town received more aid, but this decreased last year and this year from the \$25 increase per student. He also reviewed the FY 14 expenses which totaled \$4.1 million. The school department accounts for 42% of the town's total expenses, 22% for pensions and benefits, largely health insurance, 7% debt service, 7% Department of Public Works, 2% state assessments, 12% for public safety, 7% for general government, and 1% for all other. From the \$500,000 local meals tax revenue \$400,000 was allocated to the Department of Public Works budget and \$100,000 to the debt services.

Fifty-seven percent of the FY15 expenses are for education expenses which include buildings and health insurance and 43% for general government. The money received from the Education Reform Act was down the last two years and it may be a while before the town receives the \$25 per student from the state. Mr. McKinney further reviewed the net school spending over the last several years.

The enterprise fund has increased because of the M.W.R.A., the water enterprise fund has maintained the same level of funding, the Community Preservation Committee budget is \$725,000, there is the legal requirement for the 10% set aside for open space and community housing, and collective bargaining has been negotiated through FY16. Free-cash is estimated at \$1 million (personal property is slightly higher). Mr. McKinney explained that free-cash is unspent money from previous years that can be expended the following year and is typically \$100,000 to \$200,000.

Councilor McDonald asked if this includes the money from Southfield and Tri-Town and Mr. McKinney responded that yes it does and the Mayor set aside about \$200,000 for schools and education.

Councilor DiFazio asked if there was any proposal to fix the \$1.1 million deficit and the Mayor and Mr. McKinney responded that there was none at this time.

President O'Connor asked if there were any further questions prior to the Council referrals. There were no further questions from the Council members.

14 057 – General Government Annual Appropriation \$143,710,028 (segregated by department and coded alphabetically)

Mr. McKinney, Chief Financial Officer, requested on behalf of the Mayor that the Town of Weymouth raise and appropriate the sum of \$143,710,028 to provide for all the expenses for the maintenance and operation of the Town's several departments and activities for fiscal year 2015 in the sum of the projected revenues as outlined in the attached. Furthermore, that the sum of \$50,000 is appropriated from the Waterways Fund to the Harbormaster's fund.

On a motion made by Vice President Smart, seconded by Councilor Mathews, the Council voted 10-0 to refer item 14 057 – General Government Annual Appropriation (segregated by department and coded alphabetically) to the Budget Management Committee.

14 058 – Revolving Accounts Annual Authorization

Mr. McKinney, Chief Financial Officer, requested on behalf of the Mayor, that the Town of Weymouth authorize the creation of revolving accounts in accordance with M.G.L Chapter 44 Section 53 E and F for Fiscal Year 2015 and in Account 5209 for Parks and Recreation; and that these revolving funds are permitted to accept funds in the aggregate and expends funds.

On a motion made by Vice President Smart, seconded by Councilor Mathews, the Council voted 10-0 to refer measure 14 058 for the revolving accounts annual authorization to the Budget Management Committee.

14 059 – Gift Accounts Annual Authorization

Mr. McKinney, Chief Financial Officer, requested on behalf of the Mayor, consideration and action on measure 14 059 to authorize the creation of an annual gifts authorization revolving fund account for Gift Accounts Annual Authorization in accordance with M.G.L Chapter 44, Section 53A.

On a motion made by Vice President Smart, seconded by Councilor Mathews, the Council voted 10-0 to refer measure 14 059 for Gifts Accounts Annual Authorization to the Budget Management Committee.

14 060 – Unpaid Bills

Mr. McKinney, Chief Financial Officer, on behalf of the Mayor, submits to Council for consideration and action on measure 14 060 to raise and appropriate in the sum of \$21,804,12 for unpaid bills.

On a motion made by Vice President Smart, seconded by Councilor Mathews, the Council voted 10-0 to refer measure 14 060 for unpaid bills to the Budget Management Committee.

14 061 – Free Cash-FY14 Snow Removal Appropriation

Mr. McKinney, Chief Financial Officer, on behalf of the Mayor, presents to the Council for consideration and action on measure 14 061 to raise and appropriate in the amount of \$800,000 to supplement for snow removal appropriation into fund 0002.

On a motion made by Vice President Smart, seconded by Councilor Mathews, the Council voted 10-0 to refer measure 14 061 for free cash snow removal appropriation to the Budget Management Committee.

14 062 – Free Cash-SPED Out-of-School District Tuition

Mr. McKinney, Chief Financial Officer, on behalf of the Mayor, submits to Council for consideration and action on measure 14 062 to raise and appropriate in the amount of \$900,000 in free-cash for SPED out-of-school district costs.

On a motion made by Vice President Smart, seconded by Councilor Mathews, the Council voted 10-0 to refer measure 14 062 in the amount of \$900,000 from free-cash to out-of-school district tuition for SPED to the Budget Management Committee.

14 063 – Free Cash – OPEB Liability Trust Fund

Mr. McKinney, Chief Financial Officer, on behalf of the Mayor, submits to Council for consideration and action on measure 14 063 to raise and appropriate in the amount of \$300,000 from free-cash to transfer to the OPEB Trust Fund.

On a motion by Vice President Smart, seconded by Councilor Mathews, the Council voted 10-0 to refer measure 14 063 in the amount of \$300,000 from free-cash to the OPEB Liability Trust Fund to the Budget Management Committee.

14 064 – Health Insurance Unexpended Balance

Mr. McKinney, Chief Financial Officer, on behalf of the Mayor, submits to Council for consideration and action on measure 14 064 to transfer at the discretion of the CFO any amount of unexpended health insurance balance by June 30 to OPEB.

On a motion by Vice President Smart, seconded by Councilor Mathews, the Council voted 10-0 to refer measure 14 064 to transfer the amount of unexpended Health Insurance balances to OPEB to the Budget Management Committee.

14 065 – Sewer Enterprise Fund Annual Appropriation

Mr. McKinney, Chief Financial Officer, requested on behalf of the Mayor, submits to Council for consideration to raise and appropriate the sum of \$14,939,804 from the Sewer Enterprise Receipts Fund for salaries, operation and expenses for the Sewer Department and that the Director of the Department of Public Works with the approval from the Mayor be authorized to expend said funds.

On a motion by Vice President Smart, seconded by Councilor Mathews, the Council voted 10-0 to refer measure 14 065 to Budget Management Committee.

14 066 – Sewer Retained Earning Pump Station Improvements

Mr. McKinney, Chief Financial Officer, on behalf of the Mayor, submits to Council measure 14 066 to raise and appropriate \$200,000 from Sewer Retained Earnings for the purpose of funding the Pump Station improvements.

On a motion by Vice President Smart, seconded by Councilor Mathews, the Council voted 10-0 to refer measure 14 066 to the Budget Management Committee.

14 067 – Sewer Retained Earnings – Capital Equipment

Mr. McKinney, Chief Financial Officer, on behalf of the Mayor, submits to Council for consideration and action on measure 14 067 to raise and appropriate \$30,000 to transfer from the Sewer Enterprise Fund to the Sewer Retained Earnings to fund a new pick-up truck and associated equipment.

On a motion by Vice President Smart, seconded by Councilor Mathews, the Council voted 10-0 to refer measure 14 067 to the Budget Management Committee.

14 068 – Water Enterprise Fund annual Appropriation

Mr. McKinney, Chief Financial Officer, on behalf of the Mayor, submits to Council measure 14 068 for consideration and action to raise and appropriate the sum of \$9,586,083 from local receipts to the Water Department under the Department of Public Works Director's direction.

On a motion by Vice President Smart, seconded by Councilor Mathews, the Council voted 10-0 to refer measure 14 068 to the Budget Management Committee.

14 069 – Water Retained Earnings – Water Main Improvements

Mr. McKinney, Chief Financial Officer, on behalf of the Mayor, submits to Council measure 14 069 to raise and appropriate transfer \$1,000,000 from the Water Enterprise Fund for the purpose of the water main improvements for the Town's water distribution system.

On a motion by Vice President Smart, seconded by Councilor Mathews, the Council voted 10-0 to refer measure 14 069 to the Budget Management Committee.

14 070 – Water Retained Earnings – Great Pond Dam Sluice Gate Repair

Mr. McKinney, Chief Financial Officer, on behalf of the Mayor, presents to Council measure 14 070 to raise and appropriate \$250,000 from the Water Retained Earnings fund to fund the repair of the sluice gate at Great Pond Dam.

On a motion by Vice President Smart, seconded by Councilor Mathews, the Council voted 10-0 to refer measure 14 070 to the Budget Management Committee.

14 071 – Water Retained Earnings – Great Hill Water Tank Rehabilitation

Mr. McKinney, Chief Financial Officer, on behalf of the Mayor, submits to Council measure 14 071 for consideration to raise and appropriate \$650,000 from Water Retained Earnings for the purpose of the water tank rehabilitation at Great Hill.

On a motion by Vice President Smart, seconded by Councilor Mathews, the Council voted 10-0 to refer measure 14 071 to the Budget Management Committee.

14 072 – Water Retained Earnings – Capital Equipment

Mr. McKinney, Chief Financial Officer, on behalf of the Mayor, presents to the Council measure 14 072 for consideration to raise and appropriate \$100,000 in water enterprise retained earnings for the purpose of purchasing a new vehicle.

On a motion by Vice President Smart, seconded by Council Mathews, the Council voted 10-0 to refer measure 14 072 to the Budget Management Committee.

14 073 – Community Preservation Committee Annual Appropriate

Mr. McKinney, Chief Financial Officer, on behalf of the Mayor, submit to Council measure 14 073 to raise and appropriate \$725,000 to the Community Preservation Committee for fiscal year 2015.

On a motion by Vice President Smart, seconded by Council Mathews, the Council voted 10-0 to refer measure 14 073 to the Budget Management Committee.

REPORTS OF COMMITTEES

Budget / Management Committee – Chairman Michael Molisse

14 047 – Appointment to Community Events Committee – Sandra Carroll

President O'Connor called Sandra Carroll to the podium. Ms. Carroll introduced herself and explained her interest in serving on the Community Events Committee as a long time Weymouth resident.

Councilor Molisse reported that the Budget Management Committee recommended favorable action to the full Council for the appointment of Sandra Carroll to the Community Events Committee.

On behalf of the Budget Management Committee a motion was made by Councilor Molisse, seconded by Vice President Smart, the Council voted 10-0 to appoint Sandra Carroll to the Community Events Committee.

14 048 – Appointment to WETC Board of Directors – Cathy Torrey

President O'Connor called Cathy Torrey to the podium. Ms. Torrey introduced herself and explained that she has worked with Mary Heinrichs, the Executive Director of WETC, over the years and is interested in helping the station.

Councilor Molisse reported that the Budget Management Committee recommended favorable action for the appointment of Cathy Torrey to the WETC Board of Directors.

On a motion by Councilor Molisse on behalf of the Budget Management Committee, seconded by Vice President Smart, the Council voted 10-0 to appoint Cathy Torrey to the WETC Board of Directors.

Council President O'Connor requested the following non-budget measures be bundled as a single vote:

14 049 – Reappointment to Cemetery Commission – Liz Cicchese

14 050 – Reappointment to Redevelopment Authority – Joseph Curran

14 051 – Reappointment to Contributory Retirement Board – Gregory Hargadon

14 052 – Reappointment to Commission on Disabilities – Richard Johnson

14 053 – Reappointment to Zoning Board of Appeals – Richard McLeod

14 054 – Reappointment to Zoning Board of Appeals – Brad Vinton

Councilor Molisse reported that the Budget Management Committee met earlier this evening and recommended favorable action on the above stated re-appointments to the full Council. On behalf of the Budget Management Committee a motion was made by Councilor Molisse to approve the re-appointments for measures 14 049 through 14 054, seconded by Vice President Smart, the Council voted 10-0 to approve the reappointments.

14 055 – RFT Library

Councilor Molisse reported that the Budget Management Committee recommended favorable action on measure 14 055 to transfer \$4,000 to the overtime budget for the library department.

On a motion made by Councilor Molisse, seconded by Vice President Smart, the Council voted 10-0 to transfer \$4,000 in overtime funds to the library department's overtime budget.

Environmental Committee – Chairman Brian McDonald

National Grid Request for Proposed Solar Phase II Initiative

Councilor McDonald was recognized by President O'Connor and reported that the Environmental Committee met last week. Councilor McDonald informed the Council that he was contacted by Bruce Fenton to discuss a land lease agreement for solar use. The Environmental Committee discussed and agreed with the general concept and believes the town should participate in the program. They recommend the Mayor support the concept and begin communications with National Grid.

On a motion made by Councilor McDonald, seconded by Vice President Smart, the Council voted 10-0 to provide a letter to the Mayor's office with Council's support for National Grid's solar program proposal.

Non Budget Measures:

14 075 – Reappointment to the Community Events Committee – Peter Webb

On a motion made by Vice President Smart, seconded by Councilor Mathews, the Council voted 10-0 to refer measure 14 075 to the Budget Management Committee.

14 076 – Reappointment to the Fourth of July Committee – Peter Webb

On a motion made by Vice President Smart, seconded by Councilor Mathews, the Council voted 10-0 to refer measure 14 076 to the Budget Management Committee.

14 077 – Civil Defense Department Transfer Request

William McKinney, Chief Financial Officer, requested a transfer of funds in the \$150.00.

On a motion made by Vice President Smart, seconded by Councilor Mathews, the Council voted 10-0 to refer measure 14 077 to the Budget Management Committee.

14 078 – Amendment to the Zoning Ordinance – Registered Marijuana Dispensaries

On a motion made by Vice President Smart, seconded by Councilor Mathews, the Council voted 10-0 to refer measure 14 078 to the Ordinance Committee.

14 079 – New Proposed Ordinance – Section 9-700-Licensing of Registered Marijuana Dispensaries

On a motion made by Vice President Smart, seconded by Councilor Mathews, the Council voted 10-0 to refer measure 14 079 to the Ordinance Committee.

OLD BUSINESS

Council President O'Connor began reading a letter from the Chair of the School Committee.

Councilor Lacey motioned to hold the letter since it had not been received by the full Council. The motion was seconded by Vice President Smart.

Council President O'Connor noted that the letter was received this afternoon and Councilor Lacey withdrew his motion to hold the reading of the letter.

President O'Connor read the letter from the School Committee that was supportive of Starwood's proposal and believed that Starwood's plans would ultimately help the community.

Council President O'Connor called William McKinney, Chief Financial Officer, to the podium for his presentation. Mr. McKinney explained that he has met with the department heads on the full build out for Starwood's proposal and has worked closely with Starwood on the costs projections.

Mr. McKinney presented a spreadsheet which reflects fiscal years 2015 through 2025. He explained that many departments would experience some off-sets in the first few years, such as assessing and engineering increases. These would be needed to update the Town's property

records in the beginning such as entering the data into Munis, in addition to the lot and parcels records with the department of public works. The Town Clerk's office would likely see changes in fiscal year 2018, the planning department would have minimal change, human resources likely further down the road, the police department would likely see an increase early on and would continue with more staff needed as the population increases (2 officers every 2 years and a new vehicle every 2 years). The municipal licensing and building department would likely see increases in the beginning with construction and permit issuing but would then slow down, health department and library would see minimal changes.

Councilor Molisse asked why there was no impact on the Town Clerk's office. Mr. McKinney responded that there would be further out but not at the outset.

Councilor Conlon asked if the town would be subsidizing in fiscal year 2015. Mr. McKinney responded that the town would likely be negative in the first five years, and negative for the entire project if there was no commercial development. Councilor Conlon commented that he would like to negotiate with Tri-Town to help off-set Starwood's costs.

Councilor McDonald noted that he believed the no commercial development was the worst case scenario and that Starwood was investing in commercial as well, made clear through the water and sewer.

Councilor Harrington asked Mr. McKinney to expand more on the licensing aspect. Mr. McKinney explained that the town would likely have to hire five people for the inspections aspect, during the construction period, which would lead to a high initial cost but then would drop off as construction was completed.

Councilor DiFazio commented that he believed Starwood had initially said that the town would realize a net revenue gain immediately and Mr. McKinney responded that was what he believed in the preliminary review.

Council President O'Connor invited Starwood Vice President, Matt Barry and Robin Daniels, Director of Development, to the podium for the continuing discussion with the Councilors.

Mr. Barry explained that the town was currently subsidizing Tri-Town's cost which was approximately \$800,000 and the proposed legislation will provide revenue to the town long-term. Starwood would like to distribute the final legislation document with all the items discussed included. He further emphasized the completion of the parkway is necessary to ensure the commercial development and Starwood's success.

Mr. Barry reviewed the changes since the initial legislation was proposed in 2013 and noted that there were 33 total amendments made. He stated that a Memorandum of Agreement was ready to be finalized and has had at least 15 meetings with the Town Council. He reiterated that Starwood is making a \$215 million dollar investment in the land and that Starwood is a commercial developer and will build more in 24 months than ever before and is ready to move in that direction.

Councilor Lacey commented that he believed Starwood has been pro-active in the last several weeks since the legal team was brought on by the town but was previously passive. He noted that he was frustrated with Starwood's partnership and that they have not acted professionally until the legal team was engaged. He believes the first several months were unprofessional as Starwood expected and forced unrealistic deadlines and requests. He recommended the importance of Starwood making an appointment with the Mayor's office to meet with the two legal teams this week and resolve ongoing issues.

Mr. Barry responded that they have an appointment scheduled with the Town's legal team this week and have previously met with the Mayor 33 times and this past Friday was the first request for significant changes by the Town's legal team. He further stated that he felt after 6 months of working with the Town and 33 meetings with the Mayor and 23 changes to the initial draft, Starwood does not feel they can make significant changes to the legislation. He also asserted that the Town's legal team has met more with the Tri-Town Board of Directors.

President O'Connor asked if the Mayor would like to respond.

Mayor Susan Kay responded that she has several points of clarification that she would like to make and will submit a written response to Council in order to clarify the comments made this evening.

Councilor Conlon asked if Starwood has met with the town's legal team and Mr. Barry responded that they have only exchanged email at this point and have not yet met.

Councilor Lacey reiterated that a meeting with the Town's legal team and Starwood be held as soon as possible.

Councilor McDonald requested copies of the emails from Starwood to the Town's legal team.

Council President O'Connor informed the Council that the next STC meeting are scheduled for April 28, April 29, and April 30.

The Mayor requested the power point reviewed tonight and the latest Memorandum of Agreement from Starwood to be provided to Council.

On a motion made by Vice President Smart, seconded by Councilor Mathews, the Council adjourned the meeting at 10:03 PM.

Respectfully submitted by: Abby McCabe as Recording Secretary

Approved by: Council President Patrick O'Connor

Voted unanimously on 19 May 2014