

TOWN COUNCIL MEETING MINUTES
Weymouth Town Hall
Council Chambers
October 17, 2016, Monday

Present: Patrick O'Connor, President
Michael Smart, Vice President
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: Brian Connolly, Chief Financial Officer
Joseph Callanan, Town Solicitor
Kathleen Deree, Town Clerk
Richard Swanson, Town Auditor
John MacLeod, Construction Supervisor
Nick Bulens, Administrative Services Coordinator
Dr. Jennifer Curtis-Whipple, Superintendent of Schools

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

Vice President Smart announced and introduced Early Voting for the November 8, 2016 General Election. Voting will run October 24th to November 4th Monday – Friday, 7:30AM – 4:30PM and extended hours Saturday October 29th, 8AM to 12PM, at Town Hall.

Vice President Smart announced and invited the public to an Open House at the Pond Plain Improvement Center, Pond Street, on October 18, 2017, 7-9 PM.

MINUTES

Budget/Management Committee Meeting Minutes of September 19, 2016

A Motion was made by Vice President Smart to approve the minutes from the Budget/Management Committee Meeting of September 19, 2016 and was seconded by Councilor Mathews. UNANIMOUSLY VOTED.

Town Council Minutes of September 19, 2016

A Motion was made by Vice President Smart to approve the minutes from the Town Council Meeting of September 19, 2016 and was seconded by Councilor Mathews. UNANIMOUSLY VOTED.

Economic Development Committee Minutes of September 20, 2016

A Motion was made by Vice President Smart to approve the minutes from the Economic Development Committee Meeting of September 20, 2016 and was seconded by Councilor Mathews. UNANIMOUSLY VOTED.

Public Safety Committee Minutes of October 3, 2016

A Motion was made by Vice President Smart to approve the minutes from the Public Safety Committee of October 3, 2016 and was seconded by Councilor Mathews. UNANIMOUSLY VOTED.

Town Council Minutes of October 3, 2016

A Motion was made by Vice President Smart to approve the minutes from the Town Council Meeting of October 3, 2016 and was seconded by Councilor Mathews. UNANIMOUSLY VOTED.

PUBLIC HEARINGS

16 134-Feasibility Study for the Construction or Reconstruction of the Chapman Middle School

A motion was made by Vice President Smart to open the public hearing on measure 16 134 and was seconded by Councilor Mathews. Publication occurred on October 7, 2016. UNANIMOUSLY VOTED.

Chief of Staff Ted Langill and CFO Brian Connolly presented the request in power point format:

**Weymouth School Building Committee
Maria Weston Chapman Middle School**

**Feasibility Study
Request for Funding
October 17, 2016**

- It started with a Statement of Interest (SOI)...submitted April 6, 2015
- MSBA invited our SOI into the Eligibility Period on May 25, 2016
- Eligibility Period: June 8, 2016 – March 6, 2017
 - 1) Execute an Initial Compliance Certification – *Completed and approved by MSBA*
 - 2) Form a School Building Committee – *Completed and accepted by MSBA*
 - 3) Complete an Educational Profile and Enrollment Projection – *Completed and Accepted*
 - 4) Provide Maintenance and Capital Planning Information – *Due 12/5/16 – near completion*
 - 5) Certify design enrollment for the proposed project – *Due 12/5/16 – expected soon*

6) Council Authorization and funding to proceed- due 3/6/17-vote 10/17/16
Ahead of Schedule...

- With funding approval and completion of required documentation, we have opportunity to be invited into Feasibility Study Period as early as November 9, 2016 (last MSBA Board meeting of 2016).
 - Would need deliverables completed by October 24, 2016.
 - Next opportunity for MSBA invite would be February 15, 2017.

Cost of Feasibility Study...Request for \$1,000,000

- Based on MSBA's recommendation to estimate costs based on past feasibility study and schematic design appropriations that are similar to our District in terms of its size and potential scope.
- Chapman Middle School serves 929 students in grades 7-8.

District	Grades	Enrollment	FS Appropriation
Beverly	6-8	985	\$1,500,000*
Dennis/Yarmouth	6-7	461	\$750,000*
Everett	K-8	950	\$1,500,000
Natick	5-8	674	\$750,000
Westport	6-8	365	\$700,000*

- It is called a study, but it really is a comprehensive plan, and a necessary investment to leverage state funds, for the best solution for Weymouth.
- With the approved funding, we will first procure our team of professionals:
 - Owner's Project Manager (OPM)
 - Designer/Architect
- Our team will then collaborate with the MSBA to **explore potential solutions** that meet the requirements of Weymouth's Educational Program and **address the needs and deficiencies identified in our Statement on Interest**.
- Weymouth will be studying grade configurations and alternate sites, which adds to the cost of the Feasibility Study.
- At the end of the Feasibility Study, we will have a clear view of the most cost-effective and educationally sound solutions.
- Feasibility Study (incl. hiring OPM and Designer) can take up to 18 months.
- SBC effort MUST and WILL include Community Involvement and Collaboration.
 - All Meetings open to the public (and comment) and taped by WETC.
 - Webpage with links to documents and contact School Building Committee
 - Can be accessed via both the Town and School websites.
 - Development and wide distribution of resident survey.
 - Open House for residents to see Chapman and needs first hand.
 - Provide updates to School Committee and Town Council.
 - Engage and invite other stakeholders into process (civic, parents, etc.).
 - Produce informational "commercial" with WETC providing basic info.
- After the Feasibility Study...
 - Detailed Schematic Design
 - scope, budget, schedule and MSBA reimbursement.
 - Funding the Project

- Design Development, Construction Documentation, and Bidding
- Construction
- Completion and Audit

**Districts Studied Grade Configuration*

Councilor DiFazio asked if the study precludes obtaining feasibility of a 5-8 grade configuration. Mr. Langill responded that configuring different grade structures and locations is part of the study.

Councilor McDonald noted that in the Budget/Management meeting held prior to the Council's meeting, there was concern expressed around the legality of the revolving account and voting to expend money that isn't presently in the account. He asked if the Town Solicitor could address it. Solicitor Callanan responded that in his opinion the measure is perfectly legal. Additional funding to meet the \$1 million will come from local receipts.

President O'Connor added that there is an urgency to voting this tonight in order to have it considered at the MSBA's meeting on November 9, 2016 and moved to feasibility phase before the end of the year to avoid a potential change in the Authority's reimbursement rates. He noted that they are in a position to get this moved forward now, although they don't anticipate spending for several months. Administration has to obtain MSBA approval and then proceed to the procurement process. Mr. Langill has said they are confident that local receipts will be collected to meet the balance of the fund before spending begins.

Auditor Swanson pointed out that the \$500,000 presently in the fund is from payment due to the town on FY16 in the DDA. He brought it to the committee's attention at Budget Management because there was some uncertainty regarding where/when the other \$500,000 was coming and the language reads "appropriate the sum of..." Mr. Langill pointed out they could not expend more than what is in the account-- but pointed out that the recreation revolving account was similarly voted. The funds cannot be spent for any other purpose, in addition to not being spent in excess of the balance.

Councilor Conlon reported he is concerned with the timeline. He has the confidence from the CFO that local receipts will meet the request.

Vice President Smart clarified the mitigation agreement and suggested the Auditor is confusing the accounts. Mitigation funds do not go to the Special Purpose Stabilization Fund.

Councilor McDonald reiterated the committee is working against a deadline in order for the MSBA to consider it before the end of the year and the possibility of a reduction in the reimbursement rate.

Councilor DiFazio suggested the methodology is skeptical. If local receipts were coming from taxpayers it would be different, but LSTAR is who they are dependent on and they are already behind on amending the DDA. Mr. Langill confirmed that he has zero doubt the obligation will be met.

Councilor Hackett notes the measure reads “Appropriate the sum of...” She asked if it could be amended to read “Raise and Appropriate the sum...” Mr. Langill responded that MSBA already amended the language of the measure to what is now before Council.

Councilor Lacey noted he shares Councilor DiFazio’s concerns that the wording is an issue. “Raise and Appropriate” would make him more comfortable. He asked what the free cash number is. Mr. Langill responded that free cash is not certified yet and he estimated it at about \$7 million. It cannot be spent until after it’s certified. Councilor Lacey noted he has a different opinion than the Solicitor. He would like to approve to give the authority to move forward, but has reservations regarding the wording contained in the measure before the Council.

Councilor Molisse also noted he is not in favor voting money that they do not have yet and the funding source is not a reliable one. Mr. Langill responded that he has the confidence they will have the funds before anything is spent.

President O’Connor asked Councilor Hackett what they would gain by changing the language in the measure. Councilor Hackett responded that it would secure comfort of more Councilors.

Councilor Haugh noted she brought up her concern earlier at Budget/Management with the language and interpretation of the statute in MGL and had asked the Solicitor for confirmation that the language of the measure is not in conflict and that voting in the affirmative would not violate MGL governing statutes. Solicitor Callanan responded that a “yes” vote does not violate state statute. It’s allowing the administration to take \$500,000 in future local receipts and place it in an account to fund a feasibility study. It is no different than any other revolving account. This is a reasonable mechanism that allows them to collect future receipts for a particular purpose.

Councilor McDonald noted that these discussions are based on semantics. They are giving the authority to spend up to \$1 million—and can’t spend anything beyond the present \$500,000 until they collect the other money. They have the opinion that this is acceptable from the Chief of Staff, administration, CFO and Town Solicitor.

Councilor DiFazio asked if the administration has alternative fund sources and will use them if there is an impasse with collecting receipts from LSTAR. Mr. Langill responded in the affirmative, that if need be, free cash would be allocated.

The following are the comments from the public:

Elizabeth Foster Nolan 54 House Rock Road—urged support. She noted that the MSBA directs most of the logistics and asked if the language were to be changed, is there time to get approval to change? She is a strong proponent of the middle school model, but they can’t think about it until this step happens. She understands the concern with LSTAR, but does not want to see this delayed any further.

Gus Perez, 16 Hewitt Road- shared concerns about language, but noted they are getting hung up on semantics. This is the largest project since the high school construction and noted it is especially interesting that administration noted additional money that wasn't available in the budget process. He asked if it is historical fact that the reimbursement rate never goes up? President O'Connor responded that \$1 million was cut from the state budget this year and the trend indicates there will be no room for increases. He urged the Council to support this measure.

Donald Mayberry, 47 Laurel Street – noted he believes it is irresponsible to say they have \$7M to fall back on from free cash. He urged they not put too much stock in free cash without knowing what's coming up, if you are relying on source.

Councilor Mathews asked what the reimbursement rate was when the WHS project was completed. It was estimated about 66%. He agreed that the study should include consideration of grade 5-8 model as the most important aspect.

Councilor Conlon asked when free cash is certified. Mr. Langill responded it will be certified mid- to late-November.

A motion was made by Vice President Smart to close the public hearing on measure 16 134 and was seconded by Councilor Mathews. UNANIMOUSLY VOTED.

COMMUNICATIONS AND REPORTS FROM MAYOR, TOWN OFFICERS AND TOWN BOARDS

16 136-Transfer to Special Purpose Stabilization Fund

Mr. Bulens requested on behalf of the Mayor that the Town of Weymouth transfer the sum of \$1,160,969.98 from Base Mitigation to the Special Purpose Stabilization Fund. The funds are from two mitigation payments received in Fiscal year 2017 as part of the Town's Host Community agreement with LNR South Shore LLC.

A motion was made by Vice President Smart to refer measure 16 136 to the Budget/Management Committee and was seconded by Councilor Mathews. UNANIMOUSLY VOTED.

16 137-Reserve Fund Transfer-Building Inspections

Mr. Bulens requested on behalf of the Mayor that the Town of Weymouth transfers the sum of \$18,000 from the Reserve Fund to the Building Inspection Salaries for the purpose of funding the costs associated with interim building inspection services, as a result of the increased workload generated from development at Union Point. This is a temporary account adjustment for FY17 only.

A motion was made by Vice President Smart to refer measure 16 137 to the Budget/Management Committee and was seconded by Councilor Mathews. UNANIMOUSLY VOTED.

16 138-Turn Restrictions-Commercial Street/Hill Street and Commercial Street/Grant Street

Mr. Bulens requested on behalf of the Mayor that the Town of Weymouth through the Town Council, pursuant to GL Chapter 40, §22 and the Town of Weymouth Code of Ordinances, Section 13-102 (aa) and 13-104(a) authorize the erection of signs restricting motor vehicle turning movement as follows:

Location	Direction	Restriction	Time
Commercial St. at Hill St.	Southbound	Left Turn Prohibited	4PM to 7:30PM Monday-Friday, except Holidays
Commercial St. at Grant St.	Eastbound	Right Turn Prohibited	4PM to 7:30PM Monday-Friday, except Holidays

And cause the above restrictions to be listed in the Town of Weymouth Code of Ordinances, Chapter 13, Regulations Affecting Motor Vehicles, Attachment 1- Appendix A under a new heading, Schedule II, Prohibited Turning Maneuvers.

A Report from the Traffic Engineer and the Police Department on this subject is attached.

A motion was made by Vice President Smart to refer measure 16 138 to the Ordinance Committee and was seconded by Councilor Mathews. UNANIMOUSLY VOTED.

16 139-Request for Town Wide Housing Production Plan

Mr. Bulens requested on behalf of the Mayor that the Town of Weymouth raise and appropriate the sum of \$23,582 from the Fund Balance Reserved for Community Housing for the purpose of funding the costs associated with a town-wide housing production plan as put forward by the Weymouth Department of Planning and Community Development.

Supporting justification has been provided by the Department of Planning and Development's Housing Coordinator.

A motion was made by Vice President Smart to refer measure 16 139 to the Budget/Management Committee and was seconded by Councilor Mathews. UNANIMOUSLY VOTED.

REPORTS OF COMMITTEES

Budget/Management Committee- Chairman Michael Molisse

Chairman Molisse reported that the Budget/Management Committee met on October 17, 2016 to deliberate the following items:

16 134-Feasibility Study for the Construction or Reconstruction of the Chapman Middle School

Councilor Molisse reported that this matter was referred to the Budget/Management Committee on October 3, 2016. The committee met on October 17, 2016. A public hearing was held on October 17, 2016. The committee voted 3/2 to approve the measure.

On behalf of the Budget/Management Committee, a motion was made by Councilor Molisse to approve 16 134; that the Town of Weymouth appropriate the sum of One Million Dollars (\$1,000,000) for the purpose of paying costs of a Feasibility Study for the renovation of the existing school, a renovation of and addition to the existing school and/or new construction or reconstruction at the Maria Weston Chapman Middle School at 1051 Commercial Street, Weymouth MA 02189, including the payment of all costs incidental or related thereto, and for which the Town may be eligible for a grant from the Massachusetts School Building Authority ("MSBA"), said amount to be expended under the direction of the School Building Committee.

To meet this appropriation, the Weymouth Town Council approves the expenditure of said amount from FUND 5218, (Chapman Feasibility Study Fund). The Town of Weymouth acknowledges that the MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any costs the Town of Weymouth incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town, and that the amount authorized pursuant to this vote shall be reduced by any grant amount set for the in the Feasibility Study Agreement that may be executed between the Town of Weymouth and the MSBA.

This amended language was requested by the Massachusetts School Building Authority's legal department.

The motion was seconded by Vice President Smart.

Councilor Haugh noted she has reversed her position at committee level due to advice provided by the Solicitor assuring her that this vote is legal. She supports the motion.

Vice President Smart noted he is comfortable now after the discussion on the matter and the assurance from administration that funding will be in place to meet the measure regardless of the source. He also noted that he attended a walkthrough of the building, as a member of the Building Committee, and noted the numerous and immediate structural and system needs of the aged building.

Councilor Hackett reported that she appreciates the feedback from legal counsel. The committee is doing outstanding work and she supports the measure.

Councilor Lacey noted that although he is not comfortable with the measure he will support it as it is the right thing to do. He also commended the committee's efforts.

Councilor Molisse reported that he is not comfortable with the semantics of the measure, but will support it to keep the project moving. He would appreciate being kept informed as to the funding mechanism.

Councilor Conlon reported he will support the measure because the administration anticipates free cash to be certified at about \$7 million.

Councilor Harrington reported that the project is critical to education, community, Council and the administration. He is relying on counsel advice and will support.

Councilor McDonald noted that as a member of the last graduating class of split classes in Weymouth, he would support the motion.

UNANIMOUSLY VOTED.

NEW BUSINESS

16 135-Call of Presidential Election on November 8, 2016- Action Requested under 2-9(b) Council Vice President Michael Smart

A motion was made by Vice President Smart to consider measure 16 135 under 2-9(b) Same Night Action and was seconded by Councilor Mathews. UNANIMOUSLY VOTED.

A Motion was made by Vice President Smart to approve measure 16 135; *in the name of the Commonwealth, the Town of Weymouth is hereby required to notify and warn the inhabitants of said Town who are qualified to vote in the presidential election to vote on Tuesday, November 8, 2016.* The motion was seconded by Councilor Mathews. UNANIMOUSLY VOTED.

ADJOURNMENT

A Special Town Council Meeting will be held on Monday, October 31, 2016. The next regularly scheduled meeting of the Town Council is Monday, November 14, 2016 due to the Election. At 9:07 PM; there being no further business, a motion was made by Vice President Smart to adjourn the meeting and was seconded by Councilor Mathews. UNANIMOUSLY VOTED.

Respectfully submitted by Mary Barker as Recording Secretary

Approved by Patrick O'Connor –Town Council President

Voted unanimously on 14 November 2016