

## **TOWN COUNCIL MEETING MINUTES**

### **Town Hall Council Chambers**

**November 17, 2014, Monday**

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

Not Present: Jane Hackett, Councilor

Also Present: Susan M. Kay, Mayor  
William McKinney, Chief Financial Officer  
Richard Swanson, Town Auditor  
George Lane, Town Solicitor  
Kathy Deree, Town Clerk  
James Clarke, Director of Planning & Comm. Development  
Walter Flynn, Planning Board Chair

Recording Secretary: Mary Barker

President O'Connor called the meeting to order at 7:30 PM. After the Pledge of Allegiance, Town Clerk Kathy Deree called the roll. President O'Connor reported that Councilor Hackett was present at the earlier Budget/Management Committee meeting, but had to leave due to a death in her family.

### **ANNOUNCEMENTS**

Councilor Conlon announced his intent to hold constituent hours on Tuesday, December 2, 2014; 10-11AM at Town Hall Council Chambers and 4-5 PM at the Fogg Library.

### **PUBLIC HEARINGS**

#### **14 105-General Government Supplemental Fiscal Year 2015 Budget Appropriation**

A motion was made by Vice President Smart to open the public hearing and was seconded by Councilor Mathews. The legal notice was published on November 7, 2014. UNANIMOUSLY VOTED.

CFO McKinney reviewed the measure with Mayor Kay. It seeks to increase the FY15 budget by \$400,000 from payment for services to Southfield and he reviewed to where

the funds will be allocated.

Council President O'Connor reported that the matter was deliberated in the Budget/Management Committee and they voted to table action pending the close of the public hearing.

Mayor Kay noted that the delay was for a level of comfort that Southfield Redevelopment Authority will have made its tax payment and will have sufficient revenue to support the measure. It needs to be voted by December 1, 2014. There are site plans under review for additional housing and to pick up the adjacent next parcel; the developer would have to make the tax payment in light of new development coming on board. She supports the action of the committee.

Councilor DiFazio asked what their justification was for not having made a timely payment. Mayor Kay responded that she met with Starwood and A&F and they are concerned that the parkway may not be completed and they may be using it as leverage. Councilor DiFazio does not see the connection between paying and not paying their tax bill; it is expected of any other taxpayer in town.

Councilor Conlon suggested they are using their tax payment as leverage on the E/W parkway. The agreement is between the state and the master developer. He hopes Starwood will pay the outstanding bill.

Councilor Haugh asked what interest rate is imposed on the late payment. CFO McKinney responded that a 14% interest rate began accruing on November 4<sup>th</sup> and is payable to the Redevelopment Authority; not the Town of Weymouth.

The following are comments from the public:

**Ann Hilbert, 45 Doris Drive** reported that she was at the meeting on Friday and commented on the arrogance shown by Mr. Barry. She asked what interest and penalties amount to on the late bill. Council President O'Connor responded that CFO McKinney previously noted that SRA charges 14% interest. Mr. McKinney stated that penalties are not added until after the close of the fiscal year; as of it's just interest.

**Gus Perez, 16 Hewitt Road** spoke regarding what he described as the continuing travails with Southfield. A new arrangement was supposed to create good will and there were positive developments, but this comes across as a negative stumbling block at the beginning. He asked if Starwood gave a reason for not paying on time. Council President O'Connor responded that the legislation states that the deal with A&F for the parkway completion should have been reached by October 15<sup>th</sup> and it has not been reached. Mr. Perez also asked if this is the only opportunity for public comment on this supplemental appropriation. He also thanked the Mayor for additional funding to the school budget. He reminded the Council that the school department had to defer utility costs and shift costs to programs to meet mandates and make up a shortfall in the school budget.

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

## **OLD BUSINESS**

### **Southfield Update**

President O'Connor noted that the tax bill is not paid yet. There is a forthcoming development plan in the Transit Village. The Mayor has met with A&F and Starwood regarding this matter.

Mayor Kay, CFO McKinney and Walter Flynn, Planning Board Chair, provided the update. Mayor Kay noted that the Redevelopment Authority has filed a tax plan that was approved. A new development plan was also submitted and they are working on setting a tax rate and a supplemental budget. They will need to look at the long-term effect to the town and potential source of revenue to Weymouth. They have homeowners and potential homeowners. It is a vibrant project and she is confident it will move forward, but they need to get the master developer on board. She noted the Council is doing its due diligence in delaying passage of the measure until it's done. She met with the developer and A&F and is confident A&F and the DOT are committed and she believes the new administration is also. This should be able to satisfy the concerns of the master developer.

Councilor Mathews brought up the legislative timeframes. Southfield Redevelopment Authority has met their timeline but the state has not with regard to the October 15<sup>th</sup> deadline for the E/W Parkway. He asked if it triggers action or takes them off the hook with regards to providing water and sewer. Mayor Kay responded that it does to some extent. Mr. Flynn responded that the October 15<sup>th</sup> deadline is not in the legislation for Starwood and is an arbitrary claim. Mayor Kay noted the legislation does tie into the agreement between Weymouth and Starwood; if they don't meet their October 15<sup>th</sup> deadline, Weymouth is not on the hook to provide tax bills. They would need to have everything in place by October 15<sup>th</sup> in order to issue tax bills January 1<sup>st</sup>. Since tax bills are not going out until July 1<sup>st</sup>, they are relieved of this responsibility.

Vice President Smart asked if any of the new SRA Board members were present at the meeting with A&F. Mayor Kay responded no. Mr. Flynn noted that they understand the imperative nature. They will charge the interest and not excuse it. The state and A&F will agree to defer the deficiency payment without penalty for five years and will provide a letter to that effect. They will have sufficient funds to meet their commitments to Weymouth. The A&F have a plan and will start developing to build the connector between the Delahunt Parkway and Trotter Road. As development ensues they will want traffic studies to show what steps need to be taken. The state will not back away from a commitment if the studies support it. Mayor Kay noted they needed the commitment from the master developer on this. Mr. Flynn responded that they will be charged the interest on the late payment and it will not be excused.

Councilor Conlon asked for some clarification on the parties responsibilities. Starwood

has the water and sewer coming in but now the state is studying it. He noted his confusion. Mr. Flynn responded that the state will agree in writing to defer the deficiency payment without penalty for five years (the claw back). They will not require it on the town's books. That is one part of the deal. The second part is to connect Delahunt Parkway with Trotter Road (opinions differ between the town and state whether \$4-6 million project). They have committed to commence work in the spring and believe it can be completed in ten to sixteen months. The state will pay for that. The future issues will be dictated by need. Councilor Conlon asked if the project in completion will be paid by the state. Mr. Flynn responded that if the state determines it is warranted. Mr. Flynn clarified the relationships: the state deals with Southfield Redevelopment Authority and Southfield Redevelopment Authority deals with Starwood.

Council Vice President Smart noted three phases of the East/West Parkway are incomplete; the completion of the road, the flyover, and the road heading to Rockland. The state will determine whether each phase is to be done and is on them. They made the verbal agreement and are not backing off. He also noted that the SRA should pursue the tax payments as they are obligated. Council President O'Connor agreed. He noted that he hopes the next discussion is all positive. This is a bump in the road. They have assurances from the state, and most importantly, there is development. Mayor Kay responded that the administration will stay on it.

Councilor Haugh asked if the definitive agreement had a date for water- if the parkway is done in phases, what is the contingency date. Mayor Kay responded that they are on the hook; not Weymouth. She noted that they would not be able to bring in further development without completing the infrastructure. Councilor Conlon asked if Mr. Flynn has had discussions with Starwood regarding water. Mr. Flynn responded no; they are taking each step/hurdle as required. The next will be the DDA. Councilor Conlon responded that water is not a hurdle; there are alternatives. He believes this is the most important subject in his opinion.

Councilor McDonald thanked and congratulated all on the methodical progress being made and that the project is moving in the right direction.

Council President O'Connor suggested including SRA presence at the December 15, 2014 meeting and will invite Southfield and the Weymouth administration for an official update to the Council.

CFO McKinney noted the interest is accruing at about \$7,000 per week.

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

### **14 112 FY15 Tax Classification**

CFO McKinney requested on behalf of the Mayor that the town of Weymouth approve a Classification Tax Rate shift of 1.55 for commercial, industrial and personal property taxes with no residential exemption for Fiscal Year 2015.

A motion was made by Vice President Smart to refer measure 14 112 FY15 Tax Classification to the Budget/Management Committee and was seconded by Councilor Mathews. UNANIMOUSLY VOTED.

## REPORTS OF COMMITTEES

### **Budget/Management Committee- Chair Michael Molisse**

Councilor Molisse reported that the Budget/Management Committee met on November 17, 2014 and deliberated the following measures:

#### **14 109-Appointment as Director of Human Resources-Gregory Guba**

Mr. Gallagher introduced Mr. Guba to the Council. Mr. Guba reviewed his interest in the position. Councilor Molisse reported that this measure was referred to the committee on November 10, 2014. The committee met on November 17, 2014 and voted to forward to the full Town Council with a recommendation for favorable action; therefore on behalf of the Budget/Management Committee, a motion was made by Councilor Molisse that the Town of Weymouth, under 2-10 of the Town Charter, appoints Gregory Guba to the position of Human Resources Director. Council President O'Connor welcomed Mr. Guba. UNANIMOUSLY VOTED.

#### **14 110-Appointment to the Cultural Council-Patrick Angland**

Patrick Angland was invited to the table to review his interest in serving the town. Councilor Molisse reported that this measure was referred to the committee on November 10, 2014. The committee met on November 17, 2014 and voted to forward to the full Town Council with a recommendation for favorable action; therefore on behalf of the Budget/Management Committee, a motion was made by Councilor Molisse that the Town of Weymouth, under 2-10 of the Town Charter, appoints Patrick Angland of 473 Essex Street to the Cultural Council for a term to expire on June 30, 2016. UNANIMOUSLY VOTED.

#### **14 111-Appointment to the Cultural Council-Charlotte Champagne**

Charlotte Champagne was invited to the table to review her interest in serving the town. Councilor Molisse reported that this measure was referred to the Budget/Management Committee on November 10, 2014. The committee met on November 10, 2014 and voted to forward to the full Town Council with a recommendation for favorable action; therefore on behalf of the Budget/Management Committee a motion was made by Councilor Molisse that the Town of Weymouth, under 2-10 of the Town Charter , appoints Charlotte Champagne of 311 Lake Street to the Cultural Council for a term to expire on June 30, 2016. Motion seconded by Councilor Mathews and UNANIMOUSLY VOTED.

**14 108-Authorization to Include Retiree Health Care Costs in Determining Net School Spending Compliance**

Councilor Molisse reported that this measure was referred to the Budget/Management Committee on November 10, 2014. The committee met on November 17, 2014 and voted to table until the close of the public hearing and the School Committee report out. The School Committee is due to deliberate the matter at their next meeting.

Motion was seconded by Vice President Smart. UNANIMOUSLY VOTED.

**14 105-General Government Supplemental FY15 Budget Appropriation**

Councilor Molisse reported that this measure was referred to the Budget/Management Committee on October 20, 2014. The committee met on November 17, 2014 and voted to forward to the full Town Council with a recommendation to continue the matter until after the public hearing and the next meeting of the Budget/Management Committee.

NEW BUSINESS

**14 107-Zoning Ordinance Amendment to Allow Restaurants with Drive-Through Windows in the HT (Highway Transition) Zoning District (Zoning Ordinance Article VIB, Section 120-22.8E)- Application submitted by Michael and Mark Mignosa/Trustees and Joseph Murray-1255 Main Street**

A motion was made by Vice President Smart to refer measure 14107-Zoning Ordinance Amendment to Allow Restaurants with Drive-Through Windows in the HT (Highway Transition) Zoning District (Zoning Ordinance Article VIB, Section 120-22.8E), to the Ordinance Committee and the Planning Board and was seconded by Councilor Lacey. Vice President Smart reminded the applicants to come to the committee meeting prepared with materials including traffic studies. UNANIMOUSLY VOTED.

**ADJOURNMENT**

The next regularly scheduled meeting of the Town Council is Monday, December 1, 2014. At 8:20 PM, there being no further business, a motion was made by Vice President Smart to adjourn and was seconded by Councilor Mathews. UNANIMOUSLY VOTED.

Respectfully submitted by Mary Barker, Recording Secretary

Approved by Patrick O'Connor, Town Council President  
Voted unanimously on 15 December 2014