

**WEYMOUTH TOWN COUNCIL  
Public Works Committee  
Town Hall Council Chambers  
June 14, 2016, Tuesday**

Present: Arthur Mathews, Chairman  
Robert Conlon, Councilor  
Thomas J. Lacey, Councilor  
Michael Smart, Councilor

Not Present: Ed Harrington, Vice Chairman

Recording Secretary: Mary Barker

Chairman Mathews called the meeting to order at 7:00 PM.

**Discussion on Current and Future Southfield Water/Sewer Agreement**

Chairman Mathews reported that he asked for this matter to be referred at the last Council meeting. In December, then Mayor Kay sent a letter about mitigation fees to be paid to the town; \$1.6 million for water, and \$469,000 for sewer and connection fees (total 2.89 million). The current contract expires on July 1<sup>st</sup>. Payment has not been received to date by the town. DPW policy for residential or commercial developers is such that they are required to pay mitigation fees before issued a permit for construction and in the event available capacity is not met, proponent would have to meet mitigation at 6:1 (project identified by the DPW). This is for every developer; not just Southfield, and it's been policy since Weymouth entered into a Consent Order with the DEP. Councilor Mathews sent a letter to the Mayor requesting his attendance here. Several other parties were also invited. He read the Mayor's response into the record:

*"June 14, 2016*

*Re: Southfield Water and Sewer Agreement*

*There have been no long-term water and sewer solutions proposed over the last few years and it's threatening our growth as a community. The ways of the past aren't good enough for the future and our hope is that stakeholders will be open to new long-term solutions. We envision a solution whereby the town runs the water and sewer systems, not the water and sewer systems running the town. We are working on a long-term water and sewer infrastructure solution which we hope leads to an Agreement with LStar to allow growth and development to occur, fulfilling the vision put forth by Weymouth and the Town Council in the enabling legislation of 2014. Completing this agreement will help lead to expansion of Weymouth's tax base and Southfield providing much needed economic growth and tax revenue. We have welcomed Councilors' direct input during this process and when said agreement is finalized and before execution of said agreement, we will be happy to share it with the Town Council. Meanwhile, we are willing to extend the interim agreement on a short-term basis."*

Councilor Mathews reported that he spoke with the Mayor today. Last week he and Councilor Lacey were invited to attend a meeting with the Mayor, his administration, DPW and LStar officials. He thanked the Mayor for allowing their participation.

Councilor Mathews noted that he is concerned that the Mayor's correspondence does not reference the payment that has not been received by Weymouth. He had hoped the Mayor would have addressed this outstanding issue. Water pressure issues have been brought forward in neighborhoods in Weymouth.

Councilor Smart asked about the payment amount. Councilor Mathews noted that the current agreement expires in 17 days. There is also the issue of the Consecutive Water Agreement under which SRA provides billing, meter reading and 5% surcharge to the residents of Southfield. It could become a liability to Weymouth if it goes away and Weymouth is potentially liable for the deficiencies on the base. Sewer I/I burden could become Weymouth's liability.

He is also concerned with comments made at meetings in other municipalities through research of what LStar has presented at other meetings. At the 8/24/16 Special Town Council meeting, Councilor Haugh asked if the hookup to MWRA water will provide unlimited supply to Southfield and Mr. Corkum responded that it would be more than sufficient. Councilor Mathews at that time had asked if they would build direct pipeline through Braintree to hookup putting the onus on the developer; this was at the same meeting they presented the MWRA letter of commitment.

Further, Councilor Mathews quoted comments from Councilor DiFazio asking for a construction schedule. At the next meeting, the zoning amendment was presented. In his comments Mr. Corkum noted a water and sewer resolution had been reached. At the next meeting, Mr. Corkum noted that plans had been endorsed by the MWRA and engineers are working out the details and the impact to Weymouth and surrounding towns.

At the March 21, 2016 meeting, LSTAR gave a quarterly update and bulleted comments regarding water and sewer capacity. When the zoning change was being discussed, LStar indicated that a dedicated line through Braintree was the solution. Councilor Mathews noted that contrary comments were made to officials in Rockland and Abington. At no point was Weymouth ever made aware of these developments.

On April 19, 2016 at the Rockland Board of Selectman meeting, Matt Barry indicated that the solution would be water and sewer through MWRA through Weymouth. The same points were made to several boards and annual town meeting in those towns. Councilor Mathews noted his disappointment. He needs confirmation. The plan has changed significantly. Weymouth voted to increase the housing component by a third. Rockland and Abington voted to increase the commercial. He questioned how much more water will be needed. The FEIR requires 1.4 million gallons per day. He wants to know the impact and why it differs from what has been discussed with the Council. He would like to help those residents in Weymouth – he does not agree with the surcharge,

but he does not support selling water to Abington or Rockland portions; additionally he is very concerned with the implications to future development in the Town of Weymouth. He cannot support any plan that gives away Weymouth's water. He would like to know the plan; and how much more water will they need. Weymouth currently uses 1.4 million gallons and even with the snowmelt, was close to a water ban. This year it's lower. He does not want to put Weymouth in a ban situation while providing water to other towns.

Unfortunately, many of the players are not present to have this discussion. He would like to report back to the Council at the next meeting. The Mayor that he has indicated he is considering an interim agreement, but there is an outstanding debt. He has other questions but would prefer not to speculate without clarification.

Councilor Conlon concurred with Councilor Mathews. He was of the understanding that the developer has made statements that were not in the legislation. He noted the Council has no control over who gets the water; it's the Mayor's decision. Councilor Mathews clarified--if water and sewerage is provided to other municipalities the Council will play a role in inter-municipal agreements. Councilor Conlon asked if the original agreement signed by then Mayor Madden is then in violation of that inter-municipal agreement. Councilor Mathews noted that because it referred to Phase IA and B only in Weymouth – inter-municipal agreements did not apply.

Councilor Smart noted that it is speculation without the agreement to review.

Councilor Lacey thanked Councilor Mathews for addressing this subject. He noted Councilor Mathews expertise at the meeting last week was enlightening. As they approach the deadline, he will continue to advocate for an interim agreement. He noted his general interpretation of the meeting. There also appears to be some disagreement over the amount of the total payment and when it is due. Payment is past due and another deadline is looming. He understands the balance and is a proponent of making the project a success; but there is protection of town resources that tops it. There is balance that can be reached, but this is a fragmented approach. A lot of work is going on behind the scenes with occasional collaboration. There is work going on to get close to a recommendation; if it's far down the line in principle, then this Council might find itself late in the game and he will do what he has to to avoid that. Councilor Lacey stated that the Braintree pipeline was a preferred choice, but he is open to all choices. If it makes sense to provide it for the Weymouth portion only, he supports that. He is open to it but without the modeling, there is risk. He does not want to have a discussion regarding providing water to Abington and Rockland. He will push to transparency. Inter-municipal agreements were brought up in the past. The agenda item is valid and it's too bad they are sitting here without expertise to review. If there is a short-term extension of the agreement to get to a long-term solution it will help. He is open to the options, but without modeling there's a risk. He is more open to finding a solution for sewer rather than water, but not including Abington and Rockland.

Councilor Conlon noted his concern with Weymouth's resources. He concurs with Councilor Lacey regarding seeking a solution to sewer.

Councilor Mathews noted that any change to the interim agreement will cause significant hurdles to be met by the developer at the state level, involving MWRA, DEP and Inter-basin Transfer Act (MWRA does not accept flows from any community that isn't tied in). This will take time, and Councilor Mathews would like to see something before signed.

Councilor Lacey noted that they were realistically looking at the same options as being discussed here. The only other issue he would raise as part of supporting the project, is as they look for commercial tenants, and there is an expiration looming, for full disclosure the developer should have a long term lock in to go out to market. There are conflicting goals. There are smart people working on this and a lot of data to share and raise collectively to vet through open dialog.

Councilor Mathews agreed but he is disappointed that they are days away from expiration without a discussion. They could have asked for an extension months ago to resolve some of this, but discussion of payment due is not disputable. He suggested they could invoke a 5-day notice under the charter and require attendance before the committee. He would like LStar to come in and provide a quarterly update as well, before the end of June and before summer recess. If it meant a special town council meeting, he would support it. He will keep the item in committee and provide an update reporting out at the next Town Council meeting. Mayor Kay made some brief remarks to the committee. She asked that the Consecutive Water Agreement be considered if and when the interim agreement is extended.

### **Adjournment**

At 7:56 PM, there being no further business, a motion was made by to Councilor Lacey to adjourn the meeting and was seconded by Councilor Conlon. UNANIMOUSLY VOTED.

Respectfully submitted by Mary Barker as Recording Secretary

Approved by Councilor Mathews as Chairman  
Voted unanimously on 9 September 2016