

TOWN COUNCIL  
RECORD OF MINUTES AND PROCEEDINGS  
Town Council Chambers  
June 20, 2011

The Town Council of the Town of Weymouth held a public meeting on Monday, June 20, 2011 at 7:30 P.M. at Town Hall Council Chambers, 75 Middle Street, Weymouth, Massachusetts.

Present: Arthur Mathews, President  
Patrick O'Connor, Vice-President  
Robert Conlon  
Kenneth DiFazio  
Ed Harrington  
Thomas J. Lacey  
Brian McDonald  
Michael Molisse  
Victor Pap III  
Michael Smart  
Kevin Whitaker

Not Present: Frank Fryer, Town Clerk

Also Present: Mayor Susan Kay  
George Lane, Town Solicitor  
Richard Swanson, Town Auditor  
Kathleen Deree, Assistant Town Clerk  
James Clarke, Director of Community Planning & Development  
Walter Flynn, Community Preservation Committee Chair  
William McKinney, Chief Financial Officer

Recording Secretary: Paula MacLeod

Council President Mathews called the meeting to order at 7:33 p.m.

Following the Pledge of Allegiance, Assistant Town Clerk Kathleen Deree conducted roll call with all members present.

**ANNOUNCEMENTS**

Councilor Pap announced an open meeting with Mayor Kay, to be held on Wednesday, June 22, 2011 at 6:00 pm in Council Chambers, for the residents of the Fort Point Road area, and any other interested parties, regarding issues with the seawall and street. Councilor Pap also announced that the North Weymouth Business Association meeting previously scheduled for June 23, 2011 at the Cathay Center has been postponed. They will be informed of a new date,

when selected.

Councilor Whitaker announced that the Weymouth Historical Commission's presentation, *Weymouth and the Civil War* lecture series continues, with *Lecture Three: The Home Front During the War* by *Chris Hannan*, on Sunday, June 26, 2011 at 3:00 pm in Council Chambers. The event is co-sponsored by the Weymouth Historical Society, the Abigail Adams Society, and Weymouth Public Libraries.

Councilor Conlon announced real estate tax exemption information for senior citizens, aged seventy years or older, with applications being accepted between July 1<sup>st</sup> and March 31<sup>st</sup> for the Fiscal Year 2012. First time applicants must provide copies of required documentation, must re-apply each new fiscal year, and may obtain applications in the Collector's office and at the Whipple Senior Center beginning July 1<sup>st</sup>. Councilor Conlon also announced that, through the generosity of the Weymouth Commission on Disabilities, the Weymouth Public Libraries recently added dozens of resources, to enhance its disability collection, for both children and adults. The Library and the Commission invite all to check out this growing collection of much needed books and DVDs. He thanked Director of Library Services, Rob MacLean and Weymouth Commission on Disabilities Chairperson, Lisa Jennings.

Councilor O'Connor announced that the Weymouth Farmers' Market will begin Saturday, June 25, 2011 9:00 am to 1:00 pm in the Town Hall parking lot. There will be food from four local farms, specialty goods, crafts, and more. All are encouraged to attend.

Councilor Molisse announced two community events. The Weymouth Fourth of July celebration will be held on Sunday, July 3, 2011 at George Lane/Wessagusset Beach. Family entertainment will begin at 5:00 pm, and will take place all evening, followed by fireworks starting at 9:30 pm. There will be bus transportation available, beginning at 5:00 pm, from the Whipple Center, with return trips after the fireworks.

Councilor Molisse also announced the concert and movie series at the Ralph Talbot Amphitheater on Thursday nights beginning July 7, 2011. This community event is supported in part by a grant from the Weymouth Cultural Council.

## **OLD BUSINESS**

### **Minutes**

A Motion to accept the Budget Management Committee Meeting Minutes of April 13, 2011 was made by Vice President O'Connor, seconded by Councilor Smart, and voted unanimously.

A Motion to accept the Budget Management Committee Meeting Minutes of April 25, 2011 was made by Vice President O'Connor, seconded by Councilor Smart, and voted unanimously.

A Motion to accept the Public Works Committee Meeting Minutes of April 25, 2011 was made by Vice President O'Connor, seconded by Councilor Smart, and voted unanimously.

A Motion to accept the Ordinance Committee Meeting Minutes of May 18, 2011 was made by Vice President O'Connor, seconded by Councilor Smart, and voted unanimously.

A Motion to accept the Special Town Council Meeting Minutes of May 23, 2011 was made by Vice President O'Connor, seconded by Councilor Smart, and voted unanimously.

## **RESIDENT AND COMMUNITY COMMENT**

### **PUBLIC HEARINGS**

#### **11 096 - Community Preservation Land Purchase Purchase of 790 Commercial Street - The Emery Estate**

A Motion was made by Vice President O'Connor to open the public hearing noting that it had been published on June 9, 2011. The Motion was seconded by Councilor Smart and voted unanimously.

Jim Clarke and Walter Flynn appeared before Council to discuss the measure requesting use of CPC funds for the bonding of the purchase of the Emery Estate.

Mr. Clarke presented an overview of the subject aided by a PowerPoint formatted presentation.

The sale proposal originated when the Town was contacted by LandVest, an agent for the estate, in May 2011 to solicit the town's interest. The owners of the property were getting ready to put the property on the market but wanted to give the town the opportunity and provided a short timeframe to do so.

A site visit, including the Mayor, took place in early May. The Community Preservation committee began to investigate a purchase.

Mr. Clarke, highlighted current town-owned land, via a color-coded map on the display screen. He indicated that the parcel would be about the fourth largest space with approximately twenty-four acres. It would be comparable to the Great Hill Park parcel. Great Esker Park is the largest. The locus is situated atop King Oak Hill, which is a glacial drumlin and consists of three lots. The main lot, is just under twenty-four acres, and the others are two smaller pieces running down to Commercial Street and Vernon Street. Emery Lane, one of the access points, with a subdivision built in the 1980s, is the private way leading up to the driveway, is owned by the estate. There are several buildings on the site, including a carriage house, three car garage, and children's playhouse. An open meadow spans about five acres and the perimeter of the property is wooded. There is an area of small wetlands as well. The three-story home was constructed in 1903 and modeled after Mt. Vernon. It has seven bedrooms and three full baths. The north side of the property looks toward the Boston Harbor.

Tyburski Associates of Hingham was hired, by the town, to do an appraisal to determine what the town could ask for during negotiations. It was appraised at \$1,975,000 using sales comparisons and development approach. The town's assessed value is \$987,700 with Mr. Clarke

explaining how that valuation is determined with some of its land being unassisted.

Mr. Clarke indicated that during the May 20, 2011 Community Preservation Committee meeting, parameters were presented within which to negotiate. LandVest was presented an Offer Sheet which was accepted by the owners on June 1, 2011. The measure was then presented June 2, 2011 by the Mayor. The purchase price is \$1,850,000, of which administration is seeking to fund the purchase through bonding with the Community Preservation Act.

Walter Flynn provided an overview of the Community Preservation Act. Adopted at the March 15, 2005 Town Council meeting and ratified at the polls in November 2005, it allows monies to be raised by a surcharge of up to three percent of the real estate tax levy. Weymouth voters agreed to fund the CPA account through a one percent surcharge on all real estate property tax bills with two exemptions.

Mr. Flynn advised, "Funds are to be used to acquire, create, and preserve open space, acquire and preserve historic resources, create, preserve and support community housing, and acquire and preserve land for recreational use." The Act also provides an annual matching grant from the State. "The CPA mandates that each fiscal year Weymouth must spend, or set aside for future spending, at least ten percent of the annual revenue in the Town community preservation fund for each of three CPA areas - open space, historic resources, and community housing. Beyond these required allocations, the CPC recommends to the Mayor and the Town Council how the remaining seventy percent of the funds should be spent. Usually that distribution includes a maximum of five percent of the total budget for administrative costs, ten percent for recreational use, and the remainder is placed in the general reserve. Any monies, not appropriated at the end of the fiscal year, remain in the fund for future distribution. Appropriations from the fund, except borrowing, are made by a single majority vote. Borrowing monies for CPA purposes, as recommended for this project, requires a two-thirds majority vote of the Town Council. The Town Council may approve, reduce, or reject any amount recommended by the CPC. The Town Council may not increase any recommended appropriation, nor may it appropriate any fund monies on its own initiative without a prior recommendation of the CPC."

"CPA funds must be used for community preservation purposes that have a public benefit" stated Mr. Flynn adding that the Emery estate was such that.

Mr. Flynn commented on the definition of "open space" and cited areas where the CPA funds cannot be used. "CPA funds cannot be applied against any of the general expenses of town government. They cannot be used for normal maintenance including maintenance on projects that would otherwise be eligible for CPA funding. The CPA, although allowing funding for recreational purposes, does not allow use of recreational funds on properties already owned by the town prior to the adoption of the Community Preservation Act. This restricts use of CPA funds for projects such as Legion Field."

Mr. Clarke then spoke about the bonding details. The Administration is proposing a ten year bond to cover the \$1.9 million. The first year's (Fiscal Year 2012) payment is \$33,250 for interest only. The first year that there will be a payment of both interest and principal is Fiscal Year 2013 at \$253,000. Rules allow a bond as long as local revenue, through the CPA, can cover it. The

Town of Weymouth's CPA assessment for this year is \$536,500 which provides sufficient funds to cover the obligation both currently and in the future.

Mr. Clarke went reviewed highlights regarding the revised CPC Fiscal Year 2012 budget, the projected CPC Fiscal Year 2013 budget, and the fund's current unencumbered balance. As there had been discussions while reviewing bonding costs, their recommendation for the ten year full amount terms still leaves reserves available for projects and would not affect the current balances. Mr. Clarke shared that they have a signed Purchase and Sale Agreement and are looking at closing on August 5, 2011.

The Mayor has been holding meetings with key staff and departments to review the status of the property. Reports were provided from the Health Director, Dan McCormack, and the Building Inspector, Jeff Richards. They are ascertaining costs, if the property is taken over on August 5<sup>th</sup>, with issues such as site security, any needed immediate changes, and upkeep. A plan is intended to be in place prior to closing in order to address these issues.

Mr. Clarke spoke about plans for future use. "Clearly we want to preserve the open space and the tremendous scenic views that are here. We would like to develop a public access and a use plan for this site, but are not specifically saying that we have anything. We want to determine a use for the house and the buildings. We intend to have a public process. We don't think it would fair to come here and say we've already determined what we are going to do. We have received some input from the CPC that it would be appropriate for us to initiate a market study for potential uses of the house so that we get a real feel on what's reality and what isn't in trying to move this forward." He added that they want to evaluate connections to nearby sites specifying Legion Field, Town Hall, the Abigail Adams Birthplace, and the First Church, with its proximity to these locations and to potentially enhance resources.

Mr. Clarke stated that the Mayor was committed to preparing a timely schedule for this evaluation and decision process. Mr. Clarke concluded his statement that he felt it was a unique open space with its tremendous scenery and historic property. He summarized points citing the narrow window for the town to act, that the property had been identified for protection in previous plans, that it was a CPC fundable project, and the negotiated purchase price was within valuation guidelines set by the DOR.

President Mathews advised the Councilors that he would only like questions at this time and requested that they hold off on their personal opinions on the proposal until "Reports from Committees", which will happen later in the evening.

Councilor Pap thanked Jim Clarke and the Mayor for their availability. He questioned the comparable properties used to determine the value. Mr. Clarke answered that the appraiser reported two issues. First, the property was very unique in the Boston metropolitan area with twenty-four contiguous acres with almost no ledge or wetland areas issues. Secondly, the appraiser was reluctant to go back too far with comparables due to the economy over the last several years. He felt comfortable with the several recent comps he was able to obtain by using the development approach.

Mr. Pap asked about the difference referenced on the slides between the purchase price of \$1.85 million and the bond at \$1.9 million. Mr. Clarke replied that the extra \$50,000 represents associated closing costs such as bond preparation and legal fees. Mr. Pap announced that the President of the North Weymouth Civic Association asked him to communicate that the association, after its members were polled, is officially in favor of the proposal.

Councilor Conlon complimented Mr. Flynn on his presentation. He asked if the CPC would be paying for any razing of buildings or clean-up of any contaminated soil as was done with the Kibby property on Route 3A. Mr. Flynn answered that they looked at the project as a phased project similar to the Legion Field Wall and envisioned costs involved with developing the property. Councilor Conlon asked about any possibility of selling any pieces of the property to raise money and Mr. Flynn responded that they could not as a permanent deed restriction would be placed on the property under Chapter 184.

Councilor DiFazio requested additional information on bonding. Mr. Clarke explained that they were showing some alternatives with the point being that the difference was only \$50,000 to \$60,000 per year and that their estimation was that it was not significant enough to do that when there are other things that would impact making changes to it.

Councilor Lacey complimented Mr. Clarke and Mr. Flynn. Feeling it would be helpful, he wondered if they could describe what might potentially occur, if this measure were not to be approved, from a development standpoint, with restrictions or opportunities a developer may have with options with a sub-division of twenty-eight lots or something similar to the Sportsmen's Club in District 2. "We had a developer lay out the potential lots to be build-able and then clustered the development to maximize both the density of the project but also leverage the land that was able, under the law, to be counted for units built." Mr. Clarke responded that the property was zoned R1 with just under 24 acres. A conventional sub-division could be done with a few roads coming in off of Commercial Street and Emery Lane. The lot sizes would be about 25,000 square feet. "Under subdivision control laws, the towns have very little control as far as approving a proposal as long as it meets the guidelines of the Planning Board's subdivision control regulation. Because there are few impediments to this property, although not simple with many abutters probably with concerns, there is likelihood that a subdivision of 28 units could be approved. Under the town's zoning regulations, there is a minimum of 25 acres in order to qualify to do a cluster concept. The Emery property is about one acre short, so under the property's current configuration, that couldn't be taken advantage of."

Vice-President O'Connor asked if fiscal year 2012 counts toward one of the ten years inside the loan. Mr. McKinney responded that it would be a semi-annual payment and that the first payment would be in the second half of this fiscal year and then the first actual principal payment would occur in the first half of the next fiscal year – 2013.

Vice-President O'Connor asked Mr. McKinney if it would be wise to pay one of the loan amounts to speed up the process of the bond with the \$253,000 that's owed annually. Mr. McKinney said that it could not be done explaining that bonds are not set up in that manner. The first principal payment is not due until one year after the bond is issued.

President Mathews asked if there were any other questions from the Council before the public was invited to speak. He requested speakers to provide their name and address for the record.

- **Mr. Ted Clarke of 99 Great Hill Drive** stated that he thinks that towns which are successful take advantage of opportunities as they come along. To him, "this is a great one". He added that it was probably the best location in town with magnificent views, is centrally located, and encompassed a large space. As it would not come along again, he urged the town to take advantage of the opportunity.
- **Mr. Irving Murstein of 463 Broad Street** read a prepared statement. He said that the proposal to buy the Emery estate sounds impressive until you look at it closely. He expressed his opinion that the "plan to bail out the estate and purchase the property fails on two important parts." He pointed out the disparity of the assessed value versus the appraised value and purchase price. "If the property was worth something to a developer, one would have bought it already." He suggested the estate seek a cell tower, ski lift, or several windmills or even donate the property to the town. He commented that there were many other projects for which the CPA money should be used and that there was too much upkeep. He felt the land should find its value through the private marketplace.
- **Mr. Alex Tanguy of 51 Broad Reach** stated that he has lived in Weymouth for eighty-four years. He spoke about Great Hill's beauty until trees were cut down, by the Army back in the 1940s, and never replaced. Mr. Tanguy asked, "If we can't take care of Great Hill, how are we going to take care of the Emery Estate?" He also asked for cost projections and reported a similar situation in Falmouth where there is a constant effort to raise funds for upkeep.

Mr. Clarke stated that they are still detailing maintenance costs and that the Building Inspector has provided a rough estimate in the \$40,000 to \$50,000 range. The purpose of the next month is to develop a full evaluation of what is needed in order to hold the property and maintain it until such time as we come up with a future plan.

- **Mr. Robert Zerfoss of 34 Idlewell Street** said he hoped the Council votes against the project due to the loss of tax revenue. He commented that the parks are not taken care of now citing the view from the estate upon "the mess" at Legion Field. The cost and the maintenance doesn't seem worth it.
- **Mr. Robert Montgomery Thomas of 848 Washington Street** announced that he agrees with the proposal. He said that the only problem is, based upon picture, the Boston skyline view is from the rear veranda which railings' paint was peeling off. With the age of the building, he felt they could, "probably guarantee that it's lead paint". He spoke about EPA rules requiring certain qualified people to remediate the paint. He believed that the CPC committee and Mayor reconsider the amount to bond as he didn't think they were borrowing enough money against the CPC fund to protect citizens from the hazards. He suggested \$2.5 million allowing at least \$500K for remediation.

President Mathews stated it was belief that, under the CPA law, you cannot purchase a piece of property above its value. Mr. Flynn confirmed that was not allowed.

- **Ms. Linda MacDonald of 58 Laurel Street** voiced her concerns. She cited no plans and no budget for maintenance and asked about funding proposal goals and success measures. She pointed out that the

*DPW is depleted with 56 employees with less than half doing any maintenance work/labor and that no properties are being maintained properly. The best maintained properties are Webb Park, covered by the DCR and Pond Meadow, a Braintree-Weymouth alliance with two full-time rangers. She asked about police patrolling the property. Ms. MacDonald commented that the same view is available as you drive over Commercial Street and the lawn is not very green, yet still felt it was beautiful reminding her of the poet, Robert Frost. She asked if there is a point person who will be in charge. "We don't seem to manage the lands we have now so what faith would any of us have that the town is going to be able to manage this property, if we don't manage other properties as well?" She pointed out that Councilor DiFazio asked the Mayor for a plan on Legion Field awhile ago. With no ultimate goal there yet, she questioned how a goal for this proposal could be expected. She stated she understood why they want to buy it but expressed her fear that it would just become a burden. She added that a developer would build beautiful brand new homes that would be taken care of and be able to walk upon that street to see that view.*

President Mathews, in response to Ms. MacDonald's police concerns, stated that there is no letter from the Chief of Police, but the possibility of having school patrol involved was mentioned at Budget/Management.

Mr. Clarke, referencing his presentation, pointed out that they still have until August 5<sup>th</sup> to establish plans regarding many of the issues touched upon by Ms. MacDonald.

- ***Cathy Torrey 14 Riverbank Road*** *applauded the Mayor, the Council, and the Community Preservation Committee for having the "vision and foresight to consider the purchase of the property". She imagined that a committee would be formed and an executive director put in place to form a strategic plan. She was excited about having a "first-class" venue for meetings with outside organizations paying a substantial rental fee. She suggested forming partnerships such as one with the Ladies of the Mt. Vernon Society and one with the schools. She believes it to be a great opportunity for vocational-technical students. She suggested forming a "Friends Of" to help with fundraising and development with available grants. She "wholeheartedly" supports the proposal.*
- ***Jodi Purdy-Quinlan*** *spoke about her support for the proposal highlighting her personal memories and connection with the Emery Estate. She shared a message from Boston native and historical author, William Martin, "You must preserve this property." She told the story of bringing Mr. Martin to the Emery Estate years ago shortly after he filmed a screenplay about George Washington on location at Mt. Vernon, which proved to be quite challenging being open to the public 364 days per year. Ms. Purdy Quinlan imagined a conservatory, theater in the barn, music on the lawn, weddings/receptions, fundraisers, and fireworks on King Oak Hill. She said that we are fortunate to live in such a wonderful town and wished all to take such pride in their history. She expressed her feelings on volunteerism, patriotism, and helping instead of complaining and that she dedicates her time and resources to the town with "pleasure and honor". "That's what makes a community. We, the people, are the ones that make the difference."*
- ***Kathleen Curran of 26 Babcock Avenue*** *asked if the CPC would initiate the market study and if the CPC has any other debt service. She asked which two parts of the CPC would pay for this bond and why Historic Preservation wasn't considered. Ms. Curran stated that she "wholeheartedly supports this measure to bond this land. That's exactly what the CPC money is for."*



Mr. Clarke responded that the Administration would and that they are working on the costs of maintenance and upkeep and will have that plan completed prior to taking title to the property. The market study and plan for future use is probably something they would look to initiate in September. The intention is to have a time certain to comeback with a report and recommendations.

Mr. Flynn answered that there is no other CPC debt service and the two specific areas are Open Space and General Reserves. He stated that it was difficult at a hearing to differentiate but that the project tonight is the purchase of 24 acres of land. "We're not talking about the structures, the buildings, or the use of this property beyond this point in time."

President Mathews followed up by stating that "future monies used for the property...so, if you wanted to create walking trails through the woods, you could appropriate additional money through the Open Space fund". Mr. Flynn replied that was correct and they envision doing so.

- ***Patty Galligan of 82 Mt. Vernon Road*** stated her support for the proposal as the first abutter of the evening. She pointed out that one thing that is not seen on the photographs is the wildlife there which would be a shame to lose.
- ***Sheila Fraser of 20 Lakeshore Drive*** thanked some of the other speakers for their input. She shared her personal connection with the Emery estate with her sister being employed as a housekeeper and married in the garden there. She shared that Mr. Emery wrote a book entitled, Turtle on a Fencepost, which contains references to King Oak Hill.
- ***Jane Latus of 164 Candia Street*** felt that one of the biggest concerns is loss of open space and overdevelopment. Knowing Mr. Emery was quite elderly, she was concerned about what would happen with the future if the land became available. She stated that they have a "once in a lifetime opportunity to buy this jewel" and take control of its future. She added that there is time to develop a vision and will enhance the town. She referenced Endicott Estate in Dedham and its uses. "The alternative is development which we don't want."
- ***Rosella Cicchese of 958 Commercial Street*** likened the situation to fictional towns, Bedford Falls and Pottersville and the decisions that result when considering development issues. She described the Emery Estate's "rolling pastures and heavenly panoramic view of the Boston skyline", "historic beauty and surrounding gifts of nature" and told of its home's colonial artifacts. She stated that "Weymouth must not squander this opportunity to preserve one of Weymouth's vestiges of a bygone era." She called attention to the preservation of Abigail Adams Birthplace, Great Esker Park, the Herring Run, and Legion Field and thanked the tenacity of those who overcame burdles to save them. Ms. Cicchese commented that there is no short-term economic benefits, but believes the long- term benefits will be "priceless".
- ***Rick Coughlin of 30 Veronica Lane*** said he was fully in favor of the town taking possession of the property. His reasoning was due to the Emery family's impact to the community with bible clubs changing the lives of the young men and woman now older adults making a difference across communities. Mr. Coughlin stated that if the town doesn't get it, developers will get it, and sell it off as house lots. "The value of something

*is remembered long after the price is forgotten". He urged the Council to vote in favor of the proposal.*

- ***Anne Hilbert of 45 Doris Drive*** asked about the effect on taxpayers if the CPA is repealed. She agreed that it was beautiful but "that doesn't pay the rent". She felt that September was too late to find out what the plans are.

Mr. McKinney answered that if there is a bond and if the CPA is repealed, has not happened in any other towns that have adopted it, there is a provision in the law that if it were to be repealed then the bonding, whatever projects are bonded, would have to be paid off in full. The assessment would continue until the bond is paid off. It could be the assessment in full so basically all the money is taken over the next couple of years until it's paid off and then the surcharge disappears, or the percentage could be reduced to an amount just enough to cover the annual debt payments. So, currently the surcharge is at 1%. If half of the money collected is applied towards the bond payments, then that surcharge would be reduced to about 1/2%. According to the law, money is collected until the debt is paid. So, in other words, no new projects can be undertaken yet surcharges continue until debt is satisfied.

- ***Valerie Russo of 36 Sutton Street*** asked if there were any laws that dictate use of the property for weddings and also asked if the revenue from weddings would cover the cost of maintenance, landscaping, insurance, etc. She asked if the public will bear the market study results. She wondered if they could use it for weddings for a revenue source and still have it for public enjoyment. She offered to volunteer her time to contact comparable properties to find out how they are running revenue versus expense.

Mr. Clarke responded that he was unaware of any prohibitions, in the law, for something like that and reiterated that a maintenance and security plan would be announced prior to August 5<sup>th</sup>. The market study process is intended to begin in September which will be a public process and a professional analysis.

President Mathews suggested Ms. Russo contact the Mayor's office and Mr. Clarke added that they have had others expressing the same sentiment and advised them to send a letter of interest to the Mayor's office.

- ***Art Bleakney of 503 Broad Street*** stated that when he voted for the Community Preservation Act, his expectation was to buy land and preserve the open spaces we have but has been dismayed by other uses of the funding. He sees this as an opportunity, but has some concerns about maintenance and would like to see all the parks maintained better. Stating that he was "all for it", Mr. Bleakney wished them good luck.
- ***Trish Pries of 15 Woodbine Road*** stated that she wished that they had received a deal like this from Lennar adding that wind turbines don't belong there but should be at the base. She commented that it was an exciting project and would put her trust in the Town of Weymouth's government to make it viable. She mentioned weddings, conferences, corporate retreats, and farmers' markets. Her questions included the final cost of the bond, repayment rules, joint partnerships, and private use perpetuity. She also made a point of asking anyone who complained about park maintenance where they were on town clean-up days. "I am really happy this administration works with people on management plans. Stating it was a good project, Ms. Pries wished them good luck.

President Mathews replied that the \$1.9 million bond total re-payment would be \$2.265 million over the course of the ten years.

Mr. Clarke, in response to the partnership question, answered that if they were to use the building that would help to preserve the building, then that would be something they could do. It will be part of the market study of what private uses would be compatible with public uses.

- ***Kathy Swain of 134 Mill Street*** stated there is a need for open space as she had just come from Pond Meadow where they couldn't even get a parking space. She was against more housing citing water issues and stress on schools.
- ***Rebecca Hall*** stated she was the Secretary of the North Weymouth Civic Association and announced, for the record, that the board members voted unanimously to support the purchase. She spoke of supporting anyone who would like to create an association interested in the property.
- ***Teresa Clark of 34 Unicorn Avenue*** stated she was the Vice-President of the East Weymouth Neighborhood Association and that they were honored to have the privilege of being invited to look at the property and be a part of the process. She commented that it was "a stunning view from anywhere on the property" and "to preserve this amazing gem we have here" She said that she was eager to hear the Councilors' thoughts and decision.

Mayor Kay voiced that it was heartfelt to understand how important it is to residents. She stated that, on top of being a beautiful property, it is a very special place. She mentioned that many people didn't even know it existed. With having first right of refusal, she firmly believed the family wanted the property to remain for Weymouth. She said that the speakers who spoke about maintenance issues were "absolutely correct" as "we do not do a great job on maintenance and it's a very big concern of mine". She felt that didn't mean that the purchase shouldn't go forward. She spoke of the need for reviewing and revamping of maintenance procedures. Looking toward the future, the Mayor said that she hoped that the Council would support this.

Two of the previous speakers returned for brief comments and at 9:22 p.m., with no further comments from the public, a MOTION to close the public hearing was made by Vice-President O'Connor, seconded by Councilor Smart, and voted unanimously.

With many residents still present, Councilor DiFazio made a MOTION to take Reports Of Committees 11 096 - Community Preservation Fund Land Purchase out of order. It was seconded by Vice-President O'Connor, and voted unanimously.

### **11 096 - Community Preservation Fund Land Purchase**

This matter was referred to the Budget/Management Committee on June 6, 2011, the committee deliberated on June 16, 2011, and voted unanimous favorable action. On behalf of the Budget/Management Committee, Councilor DiFazio submitted the measure for consideration by Town Council and read into the record as follows:

"Ordered: that, the sum of \$1,900,000 is appropriated to pay costs of purchasing the King Oak

Hill Property, so-called, consisting of a total of 23.96 acres, more or less, and more formally described on Assessors' Map 14, Lot 184-1 (23.68 acres more or less), Lot 184-59 (0.26 acres, more or less) and Lot 184-76 (0.02 acres, more or less), and for the payment of all other costs incidental and related thereto, and that to meet this appropriation, the Treasurer, with the approval of the Mayor, is authorized to borrow said amount under and pursuant to Chapter 44, Section 7(3) and Chapter 44B of the General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefore”.

Motion seconded by Councilor Smart.

President Mathews advised that this motion requires a two-thirds vote of the Town Council as it involved bonding.

Councilor McDonald extolled his approval and support.

Councilor Conlon wanted clarification on the CPA repeal question. Mr. McKinney responded that it could be repealed, but cannot incur any further projects. The “Act continues until the debt is paid”. If \$200,000 is needed per year, and \$400,000 is collected, the surcharge could be reduced from the 1% just enough to cover the bond payment. Councilor Conlon, after reading Health Director McCormack's report, questioned any dumping of hazardous material. Mr. Clarke replied that they were presently in a “due diligence” period and reviewing the site. Based on reports, he was satisfied about certain issues and noted their awareness of asbestos shingles and probability of lead paint.

Councilor Pap asked about the earliest time that the Community Preservation Act could be repealed. Mr. McKinney answered by reading, from the law, that revocation may be after five years that the Town accepted it. Councilor Pap stated that because it was a referendum process, it would be about three years after a Town Council vote. President Mathews explained that five years had elapsed, since inception, and referred to Charter provisions regarding referendum. Councilor Pap commented that he looked at the purchase as an investment for current and future generations. He pointed out the benefit of people to marry in Weymouth and not have to leave for a reception, if that is feasible.

Vice-President O'Connor's opinion was that Weymouth was at full-capacity with housing and cited the recent Town Council collective decision to “take a stance and say enough's enough” during the Clapp Memorial proceedings. “We prefer to be a community on the South Shore than a city south of Boston.” He commended the Mayor and, in contradiction of complaints that the Town doesn't have a plan, he announced “we do know what we are doing with the property...we are taking it out of the hands of developers and preserving the quality of life for neighbors”.

Councilor Whitaker expressed his approval and called it “a majestic site” citing personal regret if they let the opportunity pass. He felt it was great to see residents excited about something. He thanked Mayor Kay, the CPC, and Mr. Clarke.

Councilor Harrington pointed out that he sits on the CPC committee. Commenting on economic changes and defined use plans, he expressed “We can and will do wonderful things at

the Emery Estate and we can and will do wonderful things at Legion Field” He feels that this is the most important vote he had been a part of participating in “a positive undertaking of this magnitude”. He thanked the Emery family, the Mayor, and Weymouth citizens who voted to “embrace the Community Preservation Act that is providing the funding for the purchase”.

Councilor Smart spoke that many of the questions brought forward were discussed also at the last Budget/Management meeting. He thanked residents for their input. Referring to questions he had regarding the cesspool, mold, asbestos shingles, lead paint and other areas of concern that could potentially require additional funding. He shared that Mr. Clarke had indicated a comfort level knowing that there would be some additional costs potentially incurred. Currently, the property is not on the historical register and it was asked of Mr. Flynn to explain the possibility of using additional CPC funds from the historic portion for those maintenance issues. Mr. Flynn responded that they “felt that the local historic commission would be quite able to designate the building, built in 1903, as a local historic structure and because of that, that building would then be eligible for the expenditure of Community Preservation Fund’s historic resources”. Councilor Smart questioned if funds would be only available for renovation repairs. Mr. Clarke responded that it would be for general improvements, referencing the work at Fogg Library, and considered those as more capital improvements and still able to be funded from CPC. Councilor Smart asked about pending official reports and measures. Mr. Clarke reiterated the Mayor’s commitment recognizing the “tremendous amount of support” and “fair questions” and concerns. Councilor Smart thanked the public, provided his support for the plan, and said that the “possibilities are endless”.

Councilor Lacey complimented all parties, spoke of his approval, and his opinion on the “high value of the public hearing process”. Despite an initial concern regarding a one-hundred percent investment to go to bond, he was “now convinced of its appropriateness”, and called it a “reasonable and responsible fiscal approach”. Announcing it an “easy vote“, he said he would be remiss not to thank the Town Councilors who were part of the effort to bring the CPA to the voters in 2005, to the voters who stood up to accept it, and the Community Preservation Committee’s work. Without those efforts, they would not have such an opportunity to bond, especially after fiscally troubled recent years, without the reserve set aside and being in a position to act. He was disheartened by any ideas of repeal.

Councilor Molisse provided his support for the measure but pointed out his “large concern” about maintenance and that he did not want to see any gate erected and have the property closed.

Councilor DiFazio expressed his approval echoing his colleagues’ earlier sentiments, but pointing out issues with conditions and pending improvements at Legion Field, he said, “this FY13 budget session cries out for some sort of itemized maintenance plan for this town and we need to put money into that section of our budget”.

President Mathews also expressed his support of the proposal and noted his support of the CPA in 2005. He thought it was the “perfect use for this money to stop a potentially massive subdivision...and the impacts that come with lots of houses”. “If the Town Council votes for this tonight, it is the beginning of the journey for this property.” He spoke of the Council’s responsibility to follow through from what they had heard from the administration with regards

to a maintenance plan and a future reuse plan and to ensure that the public is involved in the process. He wanted to make sure the opportunity was there so that everyone can eventually enjoy the site and urged the preservation of the house and the clearing for walking trails to utilize it in its entirety.

President Mathews requested a roll call from the Assistant Town Clerk:

Councilor Conlon-Y  
Councilor DiFazio-Y  
Councilor Harrington-Y  
Councilor Lacey-Y  
Councilor McDonald-Y  
Councilor Molisse-Y  
Councilor Pap-Y  
Councilor Smart-Y  
Councilor Whitaker-Y  
Councilor O'Connor-Y  
Councilor Mathews-Y

With an 11-0 vote, the measure passed with favorable action unanimously.

## **OLD BUSINESS**

### **Update on Southfield**

- **Jeff Wall, Chairman/South Shore Tri-Town Development Corporation Board of Directors**
- **James Wilson, Chief Financial Officer/South Shore Tri-Town Development Corporation**

Council President Mathews noted that William Ryan, the Senior Director of Governmental Affairs and Community Outreach for LNR Corporation, was unable to attend due to a family funeral.

Mr. Wall explained that the other Weymouth representative, Joseph Connolly, was unable to attend due to a vacation. CEO Kevin Donovan was appearing before the Town of Rockland Board of Selectman with the Rockland representatives and providing a similar status update. He noted that James Wilson is also in attendance.

Mr. Wall delivered an overview of the subject aided by a PowerPoint formatted presentation. A highlight from 7/1/05 through present was displayed with Mr. Wall providing a basic history.

### **Fiscal Year 2006 (7/1/05) to Fiscal Year 2009 (6/30/09)**

- July, 2005
  - Three Towns pass new Master Plan
- June, 2006
  - Navy Transfers some land to SSTTDC
  - Towns receive payment under Host Community Agreements
    - \$1.26 million
- Legislature passes 1998 amended legislation

TOWN OF WEYMOUTH TOWN COUNCIL  
June 20, 2011

- Passed in July, 2008
  - Provides for Bonding capacity
  - Extends life of SSTTDC
  - Requires approved Tax Plan with Secretary of ANF
- Temporary Water and Sewer Agreement with Town of Weymouth
  - March, 2008
  - Covers Phase 1 of Master Plan
- Economic Collapse
  - Fall of 2008
- Personnel Changes
  - CEOs in 2 years
  - Kevin Donovan named in February, 2009
- Financial condition bleak by 6-30-09
  - No cash flow as FY09 comes to an end

Fiscal Year 2010

- Tax Plan Adopted by Secretary of ANF
  - August 12, 2009
  - Sets DOR requirements for staffing and reporting (CFO)
- Governmental Framework Set
- DOR approves tax rates during FY10
  - FY09 = \$20.06
  - FY10 (split rate: R = \$11.78, C = \$17.47)
- Cash Flow Improves
  - Fiscal year ends with positive cash balance
- 100% Real Estate Taxes Collected (LNR only taxpayer)

Fiscal Year 2011

- Transition from Redevelopment Authority to Municipal Agency
- Bond Issued for Infra-structure Improvements
  - Tax revenues committed up to 35% of total
  - Remainder is paid through a Special Assessment on FOST 1 & 2
- East-West Parkway
  - Partnership with State
  - Commonwealth assured that bond will generate new MA revenues
  - Difference between new revenues and bond payment is paid by SSTTDC
- First required reporting to DOR in November, 2010
- Tax Rate Set
  - R = \$11.90 C = \$17.70
- Adopted Municipal Accounting Standards
- Building Permits Issued
  - Town Received Sewer Mitigation Payment
  - Town Received Water Conservation Payment
  - Total \$2.2 million
- Weymouth receives payments per Host Community Agreements
  - ~\$1M during Fall, 2010 in 2 payments
  - ~\$900K to be distributed in July 2011

Mr. Wilson spoke about FY11 being a transition year between the Redevelopment Authority and a municipal agency with part of that requirement representing interaction with the Department of Revenue. The recapitulation sheet was submitted in November with tax values and rates. It set out a plan for them to fully incorporate all of the requirements and responsibilities and take on the “full mantle” of municipal government-type authority. He touched on the issuance and collection of property tax bills and reported a positive cash flow as they leave FY11, which they could not attest to two years ago. He detailed payments to the Town of Weymouth summarizing that Weymouth has received just under \$5,000,000 to date.

Mr. Wall added that the beginning of the East-West Parkway triggered the land sales with several developers coming on board shortly after knowing the parkway funding was in place. He stressed the importance of this development to move forward and recognized both state and federal delegations with Governor Patrick’s office and Senator Kerry’s office being instrumental in getting legislation passed.

Fiscal Years 12 And Beyond

- Navy Interaction
  - Clean up
  - 608 acres remains to be transferred
- 100% compliance with Tax Plan approved by MA DOR
- East-West Parkway
  - 2<sup>nd</sup> half to Trotter Road
  - Funding an issue
- FY12 SSTTDC Budget \$50K higher than FY11 budget
  - Infra-structure Improvements Required
  - First Residents on site (July, 2011)
  - Service Agreements will be required

Mr. Wall advised that currently, they have a number of land owners, and approximately 200 people working on the base as compared to the handful of people eighteen months ago. He reminded them of his appearance, with Kevin Donovan and Joseph Connolly, last November when they had been “optimistic” about the Navy transfer they were looking at for the beginning of the year. Unfortunately the deal didn’t work out. He said that Tri-Town, LNR, and the Navy are committed to the transfer but that it has been a “long and arduous task”. He added that many understand the frustration that is felt. He reported that negotiations are moving onto final stages with only a few details needing to be worked out. Despite the positive movement, there are a number of negatives with worries about water, police and fire protection, and DPW services. He encouraged visits to see the progress with townhouses for sale and sold. He said that the Board has to come back to the three communities and say “we are going to have people living and working on this project...we need to support that”. Referring to the Agreement, he reminded all that “Tri-Town has to compensate for whatever services we use”. Citing the School Agreement in place, if there is a student, SSTTDC has to pay. “The burden does not fall on the community”, he added that if they require police and fire services, they have to pay for them, “above and beyond the host agreement payments that are being made currently”. Knowing the first part of this development is in Weymouth, he said that they wanted to make sure that it is



done correctly and are working with the current administration regarding these agreements. He thanked Mayor Kay for working with them on this “balancing act” noting that when people call 911, those calls will come into Weymouth. It had been decided, long ago, that service agreements would be handled geographically because they “knew that the boundaries were going to come back into place at some point if Tri-Town was dissolved”. He reminded all that both he, and Mr. Connolly, were Weymouth residents with families and “just as concerned about the draw as anybody else”.

With water concerns, they are looking at sources that would be “advantageous for the project, but also not putting a strain on all three communities”.

President Mathews asked about the “vertical development” happening and Mr. Wall answered that IBG and Whitman Homes are building single family and town home residences, starting with twelve parcels with six built to date. Models are available to view. Eventide is in the process of doing site work, after a road was built for them, for an elderly housing and nursing facility. Corcoran began site work immediately after closing with drainage, foundation, and connections for three buildings. The first floor will be commercial space with storefronts and will be no more than four stories high. In addition to these developments, Mr. Wall mentioned the continuing work with the Parkway and the ongoing Navy clean-up under the guidance and oversight of the EPA.

Councilor Smart asked what the mechanism is for services at the current time. Mr. Wall responded that the “time and material” agreement is still in place, but that it needed to be enhanced. With the DPW, it is a “pay for service” with hourly rates being paid for inspectional services. He said that they pay a water/sewer bill to the Town with an additional five percent added. He hoped to have an upgraded Service Agreement in place in the upcoming weeks. He talked about a “phased-in approach” with mitigation as they move forward as the “most advantageous for both parties”.

Councilor McDonald commented about the positive draw of a movie studio after it was asked if that were still a possibility.

Councilor Conlon announced his pleasure at seeing Mr. Wilson, asked about the number of purchase and sale agreements negotiated, and asked if the town received mitigation each time. Mr. Wilson replied that there are 12 purchase and sale agreements and explained mitigation with fees and the Host Community Agreements. “There is a connection, under the Host Community Agreement, for Weymouth to receive payments as each purchase and sale closes” and that it was believed it was based on unit numbers, not price.

President Mathews noted the Department of Revenue component on when they allow Weymouth to use that money as discussed at Budget/Management and with the Mayor.

There were further discussions about water, serving the communities that “created us”, and police and fire jurisdiction with Weymouth being the sole provider.

Councilor Lacey asked about the net positive cash flow, oversight and enforcement with quality controls. Mr. Wall explained that the Board of Directors fills responsibilities and that the expertise from Weymouth staff is used as well as with a project manager overseeing safety requirements. Mr. Wilson added that the existing staff would not always be able to accommodate and will expand their budget to cover additional hiring of specialized engineering firms and eventually their own staff. They would first look at vendors, in the three surrounding communities, with specific licenses and certifications. "A new standard, initiated by us, was executed by a local vendor". Councilor Lacey asked about the Shea Memorial and its gym use. Mr. Wall said that he would get further answers on that as it was under LNR's control. Councilor Lacey thought, with the activity, updates should come with more frequency and thanked them for their attendance and work.

President Mathews suggested quarterly reports before Council and stated that his focus was sewage. He spoke about the millions of tax dollars spent taking Weymouth "off the consent order to stop, or at least alleviate, the raw sewerage overflows that plagued this town through the 1980's and 1990's. Weymouth taxpayers have footed the bill to be compliant with that consent order" with DEP. He did not want to "ever see the Town of Weymouth have to get into another consent order to accommodate Tri-Town and its development...we don't have the capacity on our end and don't think we should burden the residents of Weymouth..."

President Mathews thanked Mr. Wall and Mr. Wilson and welcomed them to come back before them earlier if they have something important to report.

Vice-President O'Connor motioned to suspend Rule 24 to allow the meeting to last beyond the hour of 11:00 pm. It was seconded by Councilor Smart, and voted 10-1 with Councilor Pap voting against it.

Councilor Pap explained the reason for his 'no' vote was that he felt it was too late in the evening to continue.

President Mathews noted that the Town Council Meetings run throughout the week on WETC and are available online for anyone who could not catch the entire meeting will still have other opportunities.

Councilor Whitaker stated that he appreciated that the public, in attendance, was given the opportunity to be heard.

## **COMMUNICATION AND REPORTS FROM THE MAYOR, TOWN OFFICES AND TOWN BOARDS**

### **REPORTS OF COMMITTEES**

**Budget/Management Committee - Chairman Kenneth DiFazio  
11 025 - General Government Annual Appropriation FY12**

Councilor DiFazio summarized the Committee's budget review stating that on June 14, 2011, the Budget/Management Committee voted Mayor Kay's \$130,273,073 budget to the full Town Council. "The Budget/Management Committee voted favorable action on all departments. The Committee met on nine separate occasions which included presentations by all departments. Once again, I am glad to report that all departments submitted their budgets in an understandable format and all department heads, School Superintendent, and School Committee members provided in-depth presentations and answered all the Budget/Management Committee and Auditor Swanson's questions during the review process. Unlike the FY11 budget, which represented a decrease from the FY10 budget, this FY12 budget is a 3.3% increase over the FY11 budget. The FY12 budget represents a level service budget from FY11. The 4.1 million dollars in increased revenue is basically comprised of our increase in real estate taxes and, finally, an increase in state aid. The increase in FY12 expenses are 2.7 million for the school department of which 2.1 million is for increases in salaries. The next largest increase in expenses is Health Insurance at about \$940,000 which is a 5% increase from last year. All funds utilized in balancing the general government side of the FY12 budget are from recurring revenue sources and not on one-time cash reserves. There are no layoffs. There are basically no new hires at this time and there are no new increases in projected fees to meet the FY12 budget. There are no budgeted capital projects for FY12."

"For general purposes, the Police Department budget increased by 4.7% which represented an increase to 9.7 million dollars. The Fire Department budget decreased by 1.4% to 7.3 million. That was because we bought-out the lease for the fire engines and, therefore, it reduced their operating budget. The DPW budget increased by 3.7% to 9 million dollars. The School budget increased by 5.2% increasing its budget to \$54,205,002. The increase in the School budget still results in a net school spending deficit, but the deficiency will fall just below the five percent mark. Last year's reporting out of the FY11 budget indicated that we were alarmed at what 2012 might bring if state aid continued its fall for another fiscal year. With no positive new growth in the forecast of a poor economic environment for FY12 in Massachusetts, we thought the FY12 budget would provide the ultimate test for Weymouth. The infusion of an increase in state aid eased the financial burden so that continued cuts in services were not required. The fact remains that personnel costs, along with pension and health care costs are rising at a rate which cannot be met by annual 2.5% increases in tax levy alone. The capability of this town providing services to our residents continues to be heavily dependent upon receiving state aid and in part, on federal aid and grants. This reliance will be clear for the upcoming FY13 budget when certain grants and federal and Sstate aid are uncertain."

"In conclusion, meeting the yearly operational costs for the Town of Weymouth has become extremely difficult based upon the non-existence of one-time revenue sources and our continued reliance on state and federal aid. The Town of Weymouth has done all it can to minimize debt, maintain its fixed costs, lower its health costs, and not increase the number of personnel. It is clear, after reviewing the FY12 budget that, in order to maintain the expected services to our citizens in FY12 and beyond, it will require us to make a combination of major efforts to restrain from increasing personnel costs, work to obtain further increases in local aid and reimbursements, or obtain increased revenue through local receipts."

“In closing, I would like to acknowledge the hard work of Richard Swanson, our internal auditor, and the Committee members, Mike Molisse, Arthur Mathews, Michael Smart, and Patrick O’Connor, the Co-Chair. Without their cooperation, the Committee could never have met tonight’s deadline. Lastly, on behalf of the members of the Budget/Management Committee, our thanks to Diane Hachey and Barbara Campbell for their patience and assistance in scheduling, the Administration and all its department heads who appeared before us, and our CFO Bill McKinney.”

“At this time, I would like to take the segregated department amounts for each department as part of the 11 025 - General Government Annual Appropriation at the end of voting all of the sub-parts, we will vote the entire General Government Annual Appropriation of approximately \$130 million.”

President Mathews, making a point of information, advised his colleagues to be cognizant of voting on the budget tonight. He noted that the final date to take action on the Mayor’s budget, due to filing with the Town Clerk, would be June 22, 2011. Because of the Open Meeting Law requirement of a 48 hour posting of a meeting, that deadline could not be met.

Councilor DiFazio, to avoid repeating himself, announced items **11 025** through **11 039**, for informational purposes, were all referred to the Budget/Management Committee on April 4, 2011. Those measures, and sub-parts, were voted on June 14, 2011.

**11 025 - General Government Annual Appropriation**  
Segregated according to department and coded accordingly

**11 025 A-Town Council**

A unanimous vote was taken on June 14, 2011 recommending favorable action in the amount of \$257,284. A MOTION was made by Councilor DiFazio to approve this item and was seconded by Councilor O’Connor. Vote Passed 11/0.

**11 025 B-Mayor’s Office**

A unanimous vote was taken on June 14, 2011 recommending favorable action in the amount of \$953,362. A MOTION was made by Councilor DiFazio to approve this item and was seconded by Councilor O’Connor. Vote Passed 11/0.

**11 025 C-Reserve Fund**

A unanimous vote was taken on June 14, 2011 recommending favorable action in the amount of \$500,000. A MOTION was made by Councilor DiFazio to approve this item and was seconded by Councilor O’Connor. Vote Passed 11/0.

**11 025 D-Municipal Finance**

A unanimous vote was taken on June 14, 2011 recommending favorable action in the amount of \$1,671,728. A MOTION was made by Councilor DiFazio to approve this item and was seconded by Councilor O’Connor. Councilor Conlon noted his abstention from this measure. Vote Passed 10/0/1

**11025 E-Town Solicitor**

A unanimous vote was taken on June 14, 2011 recommending favorable action in the amount of \$317,096. A MOTION was made by Councilor DiFazio to approve this item and was seconded by Councilor O'Connor. Vote Passed 11/0.

**11 025 F-Information Services**

A unanimous vote was taken on June 14, 2011 recommending favorable action in the amount of \$721,938. A MOTION was made by Councilor DiFazio to approve this item and was seconded by Councilor O'Connor. Vote Passed 11/0.

**11 025 G-Town Clerk**

A unanimous vote was taken on June 14, 2011 recommending favorable action in the amount of \$299,550. A MOTION was made by Councilor DiFazio to approve this item and was seconded by Councilor O'Connor. Vote Passed 11/0.

**11 025 H-Planning and Development**

A unanimous vote was taken on June 14, 2011 recommending favorable action in the amount of \$383,687. A MOTION was made by Councilor DiFazio to approve this item and was seconded by Councilor O'Connor. Vote Passed 11/0.

**11 025 I-Town Building Maintenance**

A unanimous vote was taken on June 14, 2011 recommending favorable action in the amount of \$427,708. A MOTION was made by Councilor DiFazio to approve this item and was seconded by Councilor O'Connor. Vote Passed 11/0.

**11 025 J-Administrative Services**

A unanimous vote was taken on June 14, 2011 recommending favorable action in the amount of \$73,719. A MOTION was made by Councilor DiFazio to approve this item and was seconded by Councilor O'Connor. Vote Passed 11/0.

**11 025 K-Human Resources**

A unanimous vote was taken on June 14, 2011 recommending favorable action in the amount of \$193,370. A MOTION was made by Councilor DiFazio to approve this item and was seconded by Councilor O'Connor. Vote Passed 11/0.

**11 025 L-Police Department**

A 4/0/1 vote, with one recusal, was taken on June 14, 2011 recommending favorable action in the amount of \$9,743,502. A MOTION was made by Councilor DiFazio to approve this item and was seconded by Councilor O'Connor. Councilor Molisse noted his abstention from this vote. Vote Passed 10/0/1.

**11 025 M-Fire Department**

A unanimous vote was taken on June 14, 2011 recommending favorable action in the amount of \$7,330,445. A MOTION was made by Councilor DiFazio to approve this item and was seconded by Councilor O'Connor. Vote Passed 11/0.

**11 025 N-Licensing and Inspections**

A unanimous vote was taken on June 14, 2011 recommending favorable action in the amount of \$493,382. A MOTION was made by Councilor DiFazio to approve this item and was seconded by Councilor O'Connor. Vote Passed 11/0.

**11 025 O-Department of Public Works**

A unanimous vote was taken on June 14, 2011 recommending favorable action in the amount of \$9,013,462. A MOTION was made by Councilor DiFazio to approve this item and was seconded by Councilor O'Connor. Vote Passed 11/0.

**11 025 P-Health**

A unanimous vote was taken on June 14, 2011 recommending favorable action in the amount of \$437,401. A MOTION was made by Councilor DiFazio to approve this item and was seconded by Councilor O'Connor. Vote Passed 11/0.

**11 025 Q-Library**

A unanimous vote was taken on June 14, 2011 recommending favorable action in the amount of \$1,049,153. A MOTION was made by Councilor DiFazio to approve this item and was seconded by Councilor O'Connor. Vote Passed 11/0.

**11 025 R-Veterans' Services**

A unanimous vote was taken on June 14, 2011 recommending favorable action in the amount of \$488,874. A MOTION was made by Councilor DiFazio to approve this item and was seconded by Councilor O'Connor. Vote Passed 11/0.

**11 025 S-Parks and Recreation**

A unanimous vote was taken on June 14, 2011 recommending favorable action in the amount of \$210,619. A MOTION was made by Councilor DiFazio to approve this item and was seconded by Councilor O'Connor. Vote Passed 11/0.

**11 025 T-Elder Services**

A unanimous vote was taken on June 14, 2011 recommending favorable action in the amount of \$191,559. A MOTION was made by Councilor DiFazio to approve this item and was seconded by Councilor O'Connor. Vote Passed 11/0.

**11 025 U-Civil Defense**

A unanimous vote was taken on June 14, 2011 recommending favorable action in the amount of \$11,800. A MOTION was made by Councilor DiFazio to approve this item and was seconded by Councilor O'Connor. Vote Passed 11/0.

**11 025 V-Commission on Disabilities**

A unanimous vote was taken on June 14, 2011 recommending favorable action in the amount of \$392. A MOTION was made by Councilor DiFazio to approve this item and was seconded by Councilor O'Connor. Vote Passed 11/0.

**11 025 W-Youth and Family Services**

A unanimous vote was taken on June 14, 2011 recommending favorable action in the amount of \$56,059. A MOTION was made by Councilor DiFazio to approve this item and was seconded by Councilor O'Connor. Vote Passed 11/0.

**11 025 X-Debt**

A unanimous vote was taken on June 14, 2011 recommending favorable action in the amount of \$9,097,536. A MOTION was made by Councilor DiFazio to approve this item and was seconded by Councilor O'Connor. Vote Passed 11/0.

**11 025 Y-Pensions and Benefits**

A unanimous vote was taken on June 14, 2011 recommending favorable action in the amount of \$29,137,553. A MOTION was made by Councilor DiFazio to approve this item and was seconded by Councilor O'Connor. Vote Passed 11/0.

**11 025 Z-Schools**

A unanimous vote was taken on June 14, 2011 recommending favorable action in the amount of \$54,205,002. A MOTION was made by Councilor DiFazio to approve this item and was seconded by Councilor O'Connor. Vote Passed 11/0.

**11 025 AA-State and County Assessments**

A unanimous vote was taken on June 14, 2011 recommending favorable action in the amount of \$2,306,894. A MOTION was made by Councilor DiFazio to approve this item and was seconded by Councilor O'Connor. Vote Passed 11/0.

**11 025 BB-Overlay for Abatements**

A unanimous vote was taken on June 14, 2011 recommending favorable action in the amount of \$700,000. A MOTION was made by Councilor DiFazio to approve this item and was seconded by Councilor O'Connor. Vote Passed 11/0.

**11 025-General Government Annual Appropriation**

A MOTION was made by Chairman DiFazio, on behalf of the Budget/Management Committee, for its consideration and action, that the Town of Weymouth raise and appropriate the sum of \$130,273,073 to provide for all of the expenses for the maintenance and operation of the Town's several departments and activities for Fiscal Year 2012; that the several sums herein set forth are hereby approved, for the several purposes and are subject to the conditions specified. The sources of funding for said expenditures are as outlined in the revenue projections which are attached hereto and incorporated herein. Furthermore, that the sum of \$40,000 is appropriated from the Waterways Fund to meet some of the costs of the Harbormaster's Program. The motion was seconded by Councilor O'Connor. Vote passed 11/0.

**11 026-Revolving Accounts Annual Authorization**

Councilor DiFazio reported that this item was referred to the Budget/Management Committee on April 4, 2011; the Committee met and deliberated on April 13, 2011 and voted unanimous favorable action on June 14, 2011. A MOTION was made by Councilor DiFazio, on behalf of the Budget/Management Committee, that the Town of Weymouth authorizes the creation of the

following revolving accounts, in accordance with MGL Ch. 44, Section 53E½ for Fiscal Year 2012 in account 52-10 for Parks and Recreation, established by MGL Ch. 44, Section 53D. Furthermore, that each of these revolving accounts is permitted to accept funds in the aggregate to the limits set forth below, and expend those funds in the aggregate to the limit herein expressed, with the consent of the Mayor. Account 52-01 Conservation, Account 52-02 Law Enforcement, Account 52-16 Community Services, 52-10 Law Enforcement, and 52-09 Parks and Recreation. The Motion was seconded by Councilor O'Connor. Voted passed 11/0.

**11 027-Gift Accounts Annual Authorization**

Councilor DiFazio reported that this item was referred to the Budget/Management Committee on April 4, 2011; the Committee met and deliberated on April 13, 2011 and voted unanimous favorable action on June 14, 2011. A MOTION was made by Councilor DiFazio, on behalf of the Budget/Management Committee, that the Town of Weymouth authorizes the creation of the following revolving accounts for FY2012, in accordance with MGL Ch. 44, Section 53(a), for Fiscal Year 2012. Furthermore, that each of these donation accounts is permitted to accept gifts and/or donations to the limit in the aggregate set forth below, and expend, with the consent of the Mayor, those funds to the limit in the aggregate herein expressed. The Motion was seconded by Councilor O'Connor. Voted 11/0.

**11 028-Unpaid Bills**

Councilor DiFazio reported that this matter was referred to the Budget/Management Committee on April 4, 2011; the Committee met and deliberated on April 13, 2011 and voted unanimous favorable action on June 14, 2011. A MOTION was made by Councilor DiFazio, on behalf of the Budget/Management Committee, that the Town of Weymouth raise and appropriate the sum of \$3,839.64 from free cash for the purpose of paying the following unpaid bills: Abigail Adams Center, American Arbitration Association, CMSSRDS, IKON Office Solutions, Maryellen Shea - all totaling \$3,839.64. Furthermore, that the Town Accountant is hereby authorized to pay such bills. The Motion was seconded by Councilor O'Connor. Voted 11/0.

**11 029-Reappropriation for Snow Removal**

Councilor DiFazio reported that this matter was referred to the Budget/Management Committee on April 4, 2011; the Committee met and deliberated on May 4, 2011 and voted unanimous favorable action on June 14, 2011. A MOTION was made by Councilor DiFazio, on behalf of the Budget/Management Committee, that the Town of Weymouth re-appropriate the sum of \$235,262.71 from account 02320785 for the purpose of supplementing the FY2011 Snow Removal budget. The Motion was seconded by Councilor O'Connor. Voted 11/0.

**11 030-Free Cash-Additional Fiscal Year 2011 Snow Removal Appropriation**

Councilor DiFazio reported that this matter was referred to the Budget/Management Committee on April 4, 2011; the Committee met and deliberated on May 4, 2011 and voted unanimous favorable action on June 14, 2011. A MOTION was made by Councilor DiFazio, on behalf of the Budget/Management Committee, that the Town of Weymouth raise and appropriate the sum of \$164,738 from free cash for the purpose of supplementing the FY2011 Snow Removal budget. This amount is to be placed in Fund 0002 and any unexpected balances, as of June 30, 2011, are to fall to free cash. The motion was seconded by Councilor O'Connor. Voted 11/0.



**11 032-Free Cash-Fire Turnout Gear**

Councilor DiFazio reported that this matter was referred to the Budget/Management Committee on April 4, 2011; the Committee met and deliberated on May 9, 2011 and voted unanimous favorable action on June 14, 2011. A MOTION was made by Councilor DiFazio, on behalf of the Budget/Management Committee, that the Town of Weymouth raise and appropriate the sum of \$80,000 from free cash for the purpose of funding the costs associated with the purchase of Fire Department Turnout Gear. The Motion was seconded by Councilor O'Connor. Voted 11/0.

**11 033-Sewer Enterprise Fund Annual Appropriation**

Councilor DiFazio reported that this matter was referred to the Budget/Management Committee on April 4, 2011; the Committee met and deliberated on May 4, 2011 and voted unanimous favorable action on June 14, 2011. A MOTION was made by Councilor DiFazio, on behalf of the Budget/Management Committee, that the Town of Weymouth vote to raise and appropriate the sum of \$13,687,972 from the Sewer Enterprise Fund Receipts and appropriate for the salaries, operation, and expenses during FY2012 for the Sewer Department Enterprise Fund and the Director of Public Works, with the approval of the Mayor, be authorized to expend said funds. In addition, any expenditure from the Reserve Fund, for extraordinary and extreme circumstances, is subject to the approval of the Mayor and Town Council. The Motion was seconded by Councilor O'Connor. Voted 11/0.

**11 034-Sewer Retained Earnings-Wharf Street Pump Station**

Councilor DiFazio reported that this matter was referred to the Budget/Management Committee on April 4, 2011; the Committee met and deliberated on May 4, 2011 and voted unanimous favorable action on June 14, 2011. A MOTION was made by Councilor DiFazio, on behalf of the Budget/Management Committee, that the Town of Weymouth raise and appropriate the sum of \$350,000 from the Sewer Enterprise Fund Retained Earnings for the purpose of funding Wharf Street Pump Station. See item number 34 in the Capital Improvement Plan for buildings, grounds, and equipment. The Motion was seconded by Councilor O'Connor. Voted 11/0.

**11 035-Sewer Retained Earnings-Sewer Department Vehicle**

Councilor DiFazio reported that this matter was referred to the Budget/Management Committee on April 4, 2011; the Committee met and deliberated on May 4, 2011 and voted unanimous favorable action on June 14, 2011. A MOTION was made by Councilor DiFazio, on behalf of the Budget/Management Committee, that the Town of Weymouth raise and appropriate the sum of \$25,000 from the Sewer Enterprise Fund Retained Earnings for the purpose of funding the costs associated with the purchase of a new inspectional services pickup truck. See item number 34 in the Capital Improvement Plan - Requested Vehicles. The Motion was seconded by Councilor O'Connor. Voted 11/0.

**11 036-Water Enterprise Fund Annual Appropriation**

Councilor DiFazio reported that this matter was referred to the Budget/Management Committee on April 4, 2011; the Committee met and deliberated on May 4, 2011 and voted unanimous favorable action on June 14, 2011. A MOTION was made by Councilor DiFazio, on behalf of the Budget/Management Committee, that the Town of Weymouth vote to raise and appropriate the sum of \$9,148,417 from the Water Enterprise Fund Receipts and appropriate for the salaries,

operation, and expenses during FY2012 for the Water Department and the Director of Public Works, with the approval of the Mayor, be authorized to expend said funds. In addition, any expenditure from the Reserve Fund, for extraordinary and extreme circumstances, is subject to the approval of the Mayor and Town Council. The Motion was seconded by Councilor O'Connor. Voted 11/0.

**11 037-Water Retained Earnings-Water Department Equipment**

Councilor DiFazio reported that this matter was referred to the Budget/Management Committee on April 4, 2011; the Committee met and deliberated on May 4, 2011 and voted unanimous favorable action, as amended with the Capital Improvement Plan from Item 31 to Item 35, on June 14, 2011. A MOTION was made by Councilor DiFazio, on behalf of the Budget/Management Committee, that the Town of Weymouth raise and appropriate the sum of \$105,000 from the Water Enterprise Fund Retained Earnings for the purpose of funding the costs associated with the purchase of one JCB backhoe. See Item 35 in the Capital Improvement Plan - Requested Vehicles. The Motion was seconded by Councilor O'Connor. Voted 11/0.

**11 038-Water Retained Earnings-Water Department Vehicle**

Councilor DiFazio reported that this matter was referred to the Budget/Management Committee on April 4, 2011; the Committee met and deliberated on May 4, 2011 and voted unanimous favorable action on June 14, 2011. A MOTION was made by Councilor DiFazio, on behalf of the Budget/Management Committee, that the Town of Weymouth raise and appropriate the sum of \$25,000 from the Water Enterprise Fund Retained Earnings for the purpose of funding the costs associated with the purchase of a new inspectional services pickup truck. The Motion was seconded by Councilor O'Connor. Voted 11/0.

**11 039-Community Preservation Committee Annual Appropriation**

Councilor DiFazio reported that this matter was referred to the Budget/Management Committee on April 4, 2011; the Committee met and deliberated on April 25, 2011 and voted unanimous favorable action on June 14, 2011. A MOTION was made by Councilor DiFazio, on behalf of the Budget/Management Committee, that the Town of Weymouth adopt the recommendation of the Community Preservation Committee on the FY12 Community Preservation budget in the amount of \$686,449.84 and all other necessary and proper expenses for the FY12 as identified on the attached exhibit. The Motion was seconded by Councilor O'Connor. Voted 11/0.

**Issue-Capital Improvement Plan for 2012-2016**

Councilor DiFazio reported that the Budget/Management Committee reviewed the Capital Improvement Plan and voted unanimously to adopt and accept said plan. The Motion was seconded by Councilor O'Connor. Voted 11/0.

**11 098-Planning Department Reserve Fund Transfer Request**

Councilor DiFazio reported that this matter was referred to the Budget/Management Committee on June 6, 2011; the Committee met and deliberated on June 16, 2011 and voted unanimous favorable action. A MOTION was made by Councilor DiFazio, on behalf of the Budget/Management Committee, that the Town of Weymouth transfer the sum of \$4,200 from the Reserve Fund to line item; Planning Salary. The Motion was seconded by Councilor O'Connor. Voted 11/0.

**11 097-Non-Contributory Retirement Reserve Fund Transfer Request**

Councilor DiFazio reported that this matter was referred to the Budget/Management Committee on June 6, 2011; the Committee met and deliberated on June 16, 2011 and voted unanimous favorable action. A MOTION was made by Councilor DiFazio, on behalf of the Budget/Management Committee, that the Town of Weymouth transfer the sum of \$900 from the Reserve Fund to line item; Non-Contributory Retirement. The Motion was seconded by Councilor O'Connor. Voted 11/0.

**Issue: Tax Incremental Financing Agreement between the Town of Weymouth and Sithe Energy**

Councilor DiFazio reported that the Budget/Management Committee has met and deliberated several times on the issue and has accepted the information that has been provided both from the Town Solicitor and from a gentleman from the public. The Committee makes no recommendation at this time regarding the TIF Agreement with Sithe Energy.

**Issue: Procedure for Review of Internal Audit Reports**

Councilor DiFazio reported that this item had been with the Budget/Management Committee for some time and that they are continuing to review the issue of internal audit reports and whether they should be publicly discussed at Budget/Management Committee meetings. The Councilor reports that the latest action on the item is that Town Auditor Richard Swanson has submitted to us, for our review, an update to the policies manual that will be reviewed in September and will report back to the full Town Council at that time.

**Issue: Accounting for Southfield Mitigation Funds**

Councilor DiFazio reported that the Budget/Management Committee deliberated this matter several times with the Administration in an attempt to ascertain at all times the amount of money that has been received from the Southfield project. The committee continues to discuss this matter and will keep the matter on the Budget/Management Committee Agenda throughout the FY12 to be able to continue to address, with the Mayor.

President Mathews expressed his appreciation to Chairman DiFazio and the members of the Budget/Management Committee for their thorough work.

**NEW BUSINESS**

**Motions, Orders, and Resolutions**

**Vote to Suspend Town Council Rule 24 (Council Meetings)**

Vice-President O'Connor made a MOTION to suspend Rule 24 Subsection D which "during the months of July and August, regular meetings shall be suspended by a majority vote of the Council." The Motion was seconded by Councilor Smart.

President Mathews noted work with constituents continues over the summer months, and noted that a special meeting will be called for the approval of these minutes for bond counsel's review

TOWN OF WEYMOUTH TOWN COUNCIL  
June 20, 2011

of the action taken with the Emery Estate.

Unanimously voted.

**ADJOURNMENT**

At 11:46 PM, with no further business to attend to, a MOTION to adjourn was made by Vice-President O'Connor, seconded by Councilor Smart, and unanimously voted.

Respectfully submitted,  
Paula MacLeod  
Recording Secretary

Approved by,

Arthur Mathews, Town Council President