

MINUTES OF THE TOWN COUNCIL
Town Hall Council Chambers
January 3, 2005

Present: T.J. Lacey, President
Michael Smart, Vice-President
Paul Leary
Colin McPherson
Joseph Connolly
Kenneth DiFazio
Sue Kay
Michael Molisse
Art Mathews

Not Present Gregory Hargadon
Gregory Shanahan

Also Present: George Lane, Town Solicitor
James Wilson, Chief Financial Officer
Franklin Fryer, Town Clerk
Richard Swanson, Town Auditor
Jane Hackett, Chief of Staff

Recording Secretary: Janet Murray

President Lacey called the Town Council Meeting to order at 7:30pm.

MINUTES

Town Council - 11/8/04 Revised

A MOTION was made by Councilor Smart to APPROVE the Revised Town Council minutes from 11/8/04 and was seconded by Councilor Kay and was UNANIMOUSLY VOTED.

Budget Management Committee - 11/17/04

A MOTION was made by Councilor Smart to APPROVE the Budget Management minutes from 11/17/04 and was seconded by Councilor Kay and was UNANIMOUSLY VOTED.

Budget Management Committee - 11/23/04

A MOTION was made by Councilor Smart to APPROVE the Budget Management minutes from 11/23/04 and was seconded by Councilor Kay and was UNANIMOUSLY VOTED.

Parks and Recreation Committee - 12/6/04

Councilor Kay noted that she should be listed in the "also present" line of the minutes as she attended this meeting and is quoted in the minutes.

Town Council – January 3, 2005

A MOTION was made by Councilor Smart to APPROVE the Parks and Recreation minutes from 12/6/04 as amended and was seconded by Councilor Mathews and was UNANIMOUSLY VOTED.

Ordinance Committee and Budget Management Joint Meeting - 12/6/04

A MOTION was made by Councilor Smart to APPROVE the Ordinance and Budget Management minutes from 12/6/04 and was seconded by Councilor Kay and was UNANIMOUSLY VOTED.

Town Council - 12/6/04

Councilor Kay noted that on the first page in the announcement section, the *Education* Committee should be replaced with *Economic Development* Committee.

A MOTION was made by Councilor Smart to APPROVE the Town Council minutes from 12/6/04 as amended and was seconded by Councilor Kay and was UNANIMOUSLY VOTED.

CITIZENS CONCERNS/COUNCIL RESPONSE

Citation Issuance to Ms. Alison Cronin - Ms. Teen USA - Councilor DiFazio

Councilor DiFazio introduced Ms. Alison Cronin. Councilor DiFazio presented a citation to Ms. Cronin for being crowned Ms. Massachusetts Teen USA 2005. The awarding of this title involves successful competition with 97 contestants. As a result she will compete with the 51 contestants for the Ms. Teen USA 2005 title. Congratulations are in order for maintaining a 3.7 GPA and holding a class officer position during the time of the competition. The town of Weymouth is proud to have her as our representative of this most prestigious accolade.

Councilor DiFazio added that the national competition would be held in August in either California or possibly Boston.

OLD BUSINESS

Presentation by Tri-Town Development Corporation - Discussion relative to proposed timeline for a vote on a finalized plan - Councilor Lacey

President Lacey stated that present tonight are members of the Tri-Town Corporation to present to us and give us an update on a couple of items specific to a proposed time line and a general update on what we'd like to hear regarding their recommendations for information as well as any additional information.

Mr. John Ward, the new chairman of the Tri-Town Board and Mr. John Rogers of the same Board. Both men are from Rockland.

Mr. Ward noted that the other Tri-Town Board members are Robert Lundquist from Weymouth, John Burke from Weymouth, and James Lavin of Abington. Mr. Ward stated that Mr. Rogers works at the base representing the Board and keeping the day-to-day operations going.

Mr. Rogers noted the following:

1. Time line

He noted that they had aimed for March but that this is not possible. The time line has been revised and is subject to change. The peer review is scheduled to be complete by 1/15/05. A meeting will be held on 1/20/05 at which time those who performed the reviews will present to the Board. This meeting is open to the public. If the Board is satisfied with the peer review they would like to hold a meeting on 1/27/05 at the base at 7pm and invite the Weymouth Town Council. The Abington and Rockland Selectmen would also be present. Each council or board would be asked to invite any other appropriate boards to the meeting. He noted that this would be the first time that the three towns would be together in one room. This meeting will be televised.

If this meeting on the 27th goes forward, the Tri-Town Board would ask each town to conduct public hearings in their respective towns so that the Board could present the results of the peer reviews.

A Board meeting would be scheduled in March to discuss all information gathered in these meetings and public hearing. The Board would also meet with Lennar to discuss needed changes. The hope would be that Lennar would come back later in March with a revised plan that the Board would be comfortable voting on. It is also hoped that zoning changes would be discussed at this time. If all goes well a vote in May could be possible.

2. What happens if and when the revised master plan is approved by the three towns.

Mr. Ward noted that there seems to be a sense that if the plan is approved then that is that and the plan moves forward. He stated that if/when the plan is approved by the towns, this would lead into the permit process. There would be a MEPA (Massachusetts Environmental Protection Agency) review which will take at least 18 months. There will be more public hearings. Lennar and Tri-Town must prove that they have mitigated the environmental, traffic, school, water, and sewer issues. No matter what is approved it is the MEPA document that decides what can and cannot be done. Also, the Navy will also be reviewing the revised EDC as the original one was no-cost. The fact that it is voted by the towns is not the end of the process. It is the beginning.

3. Mitigation vs. operation costs.

Mr. Ward stated that having Lennar pay for a new fire station, a police sub-station, opening or remodeling a school, and/or improvements at the intersections would be items that the towns could mitigate with Lennar. The staff to operate these new facilities that are built because of the mitigation would come from the individual town. For example if Weymouth got 400 students at \$8000 per pupil, the town would get \$3.2 million from Tri-Town's operating costs in addition to Weymouth's 46% share of the tax revenue. Mitigation does not include hiring teachers. This money (see example) would come from Tri-Town until such time that the towns took back the property in 2018.

4. Peer Review and Zoning Changes

Peer Review meets every Tuesday. Three different agencies have been hired to perform the peer reviews. They are the Metropolitan Area Planning Council (MAPC) and the Old Colony Planning Council (OCPC). They are reviewing transportation, housing, economic development, fiscal analysis, water resources, utilities capacity, open space protection, smart growth review, and zoning review. When the revised plan is completed, they will review that also. That costs approximately \$135,000. Lennar is contributing \$50,000. MAPC is returning \$10,000 and the OCPC is returning \$3000. The other \$75,000 is from a grant. There will be no cost to the towns. Jeff Donahue Associates has also been hired to further look at financial analysis. They will evaluate the job creation estimates; compute the cost of municipal services; evaluate the tax revenue; evaluate the traffic issues in detail; and this will cost approximately \$32,000. Tri-Town will pay for this. It is the hope of Tri-Town that the three peer reviews, from MAPC, OCPC, and Jeff Donahue Associates will be ready to be presented on January 27, 2005. The participants who performed the peer reviews will be present at that meeting to answer questions.

Zoning meets every Tuesday also. Representatives from each town and the planning councils as well as two attorneys are present. One attorney represents Lennar and the other represents Tri-Town. Tri-Town has hired Galer Consulting and Planning Group. This group will draft regulations based on the input from the peer review/zoning committees. The plan is to have a public hearing regarding this subject.

5. Union Street and access to Weymouth Street

There are a number of different ideas regarding this topic. The preferred option of Tri-town at this time is to make Union Street a cul-de sac on both ends with parking and access to a shuttle. Access to Abington Street is not popular with Hingham. Reservoir Road in Rockland is currently being renovated and lights are being added at the intersections of Reservoir Road and Weymouth Street and Reservoir Road and Hingham Street. Anyone going south from the base would go down Reservoir Road to Route 3. Going north they would use Route 18. This route would not require the use of Union Street. There will be a need for compromise in the final plan. There are some wetlands in this area. Emergency vehicles would have access thru the cul- de- sac.

6. Affordable Housing and low income housing

Lennar has indicated on a number of occasions that they plan to have 20% of the homes be affordable housing. This is not a 40B project nor is it low income housing. They are attempting to proceed under 40R, which would give each town that has housing a one-time \$3000 payment for each unit. The towns would receive this money directly. An example of affordable housing is if the house is for sale at \$500,000, under affordable housing it would sell for \$400,000. Mr. Ward stated that this is certainly not low income. Once a home is sold under affordable housing, it must remain an affordable housing unit.

7. Concern that only housing would be built and job creation would fall by the wayside.

Tri-town is also concerned about this. He noted that the original plan from Lennar is in three phases. The project cannot proceed from one phase to the next without the towns' approval. Nor can it proceed without MEPA approvals. He noted that the towns' have the protection of their Board members. All of the members of the Board want to do the right thing for the towns.

8. Tax Revenue – fees- bond payments by users – state/federal money

Everything negotiated in the DDA was done so that the tax revenue remains "clean". The entire project will be similar to a condo complex. Even the single-family homes will pay the association fees. Police, fire, and school costs are taken from the tax stream. All other costs such as water and sewer, trash removal, snow plowing, etc. are paid from the fees.

Protecting the tax stream to be distributed to the towns is a priority. Lennar will pay Tri-Town \$1.5 million dollars per year for the first five years in order to run the corporation to pay expenses. This is so the tax revenue will not be used. Water and sewer would be paid by the user.

9. Other issues and concerns by council members

Councilor Smart asked for clarification on the access to Union Street. Mr. Ward noted that lights would be installed at both ends of Reservoir Road. The curves have been widened. The MEPA document would probably require four or five lanes. The cut off on the left will be removed.

Councilor Smart also questioned the distribution of the 40R monies. Mr. Ward stated that all of the 40R money would go to the towns, not to Tri-Town. He did note that the regulations have not been completed so it is subject to change.

Councilor Connelly asked for clarification regarding mitigation with the towns. Mr. Ward stated that each town could mitigate with Lennar any impact on their community caused by the base. Those mitigation items would be physical in nature. The operation of this mitigated item would be the responsibility of the corporation. The towns are being asked to absorb the cost of the payroll. Mr. Ward noted that Lennar would not be present indefinitely. They will ultimately sell off all of the property and move on.

Councilor Leary asked for clarification on the timeline and Lennar's document. He questioned how the public could comment on a document that has yet to be completed. Mr. Ward stated that it is the Board's expectation that Lennar will provide an updated document reflecting any and all changes.

Councilor Leary also questioned the 40R disbursement. Mr. Ward stated that he believes that the \$3000 per unit will be paid, as permits are issues.

Councilor Kay asked for a Navy update. Mr. Ward stated that he feels confident that the Navy will turn over the land once the plan is finalized. He noted that the Navy wants to see a plan that is doable. He also noted that the Navy is pleased with the process although they are disappointed that the process is taking longer than they would like. The Navy was informed about specific laws in

Massachusetts that must be followed. Mr. Rogers noted that the Board is pursuing the no-cost economic development conveyance. The Navy indicated that there could still be a no-cost conveyance, however, they need to see more details regarding the plan.

Councilor Kay questioned the peer reviews. She asked how many different groups are involved in this process. Mr. Ward noted that there are many groups doing reviews. Another group performing a review is the South Shore Chamber of Commerce. Mr. Ward noted the hope is that all of the reviews will be completed by January 15, 2005. Councilor Kay asked what would happen if the peer reviews were to come back and they are not consistent. If the peer reviews were to come back with a negative report, the project would stop. However, Mr. Ward did not indicate that he is already aware that one of the peer reviews will disagree with the way that Lennar calculated the tax rate. They used a blended rate for the residential property when this rate is only allowed for commercial property. In using the blended rate for residential, the tax revenue would appear to be higher, when in fact, this is not the case. The tax rate must be the same as the Town of Weymouth tax rate. Mr. Rogers stated that he hoped the peer review process would help the Tri-Town Board to fine-tune the plan.

Councilor Kay asked when Tri-town would formulate a municipality. Mr. Ward stated that this would happen when the land is turned over to the master developer. Originally, if Tri-Town had received the early transfer, all of the land would have been transferred at once. However, the Navy has decided to do the clean up themselves. Mr. Ward noted that a number of F.O.S.T. (Finding of Suitability to Transfer) parcels have been turned over and that the more land that is turned over the less likely the Navy will be to auction off any of the land. F.O.S.T 1 and 2 are about 600 acres. F.O.S.T 3 is 20 acres. F.O.S.T 4 is 300 acres. F.O.S.T 5 is 250 acres. The remaining acres will still have contamination.

Councilor Molisse asked for clarification on providing open space. Mr. Ward noted that the Board would like to see Lennar come in early and provide some recreation areas before the Town Meetings as a show of good faith. He is not certain that this will happen. Mr. Ward noted that by law public benefit conveyance must be developed first.

Councilor Mathews asked if Tri-Town would have a public hearing before they vote on the plan. Mr. Ward noted that there would be public hearings in all three towns. When the final plan is developed there will be another public hearing if needed.

Councilor Mathews requested that something is put in the plan that the three towns are protected from usage of water and sewer infrastructure. Mr. Ward noted that this has been made very clear to Lennar. MWRA is the most likely source of water. There is currently discussion as to the best way to do this. Mr. Rogers noted that Lennar is considering building a sewer treatment plant. Any discharge or storm water management must go through the process period.

Councilor McPherson stated that it was not clear from the maps what exactly is being built on the site. He questioned if Lennar has stated exactly what it is actually going to look like. He noted that what has been presented seems to be more urban. Mr. Ward noted that what you see in the book, other than the commercial on Shea Drive, would be condominiums. Mr. Rogers invited Councilors to come to the base in small groups to review the available information. In 2005, we are being asked to approve a process that will take almost 13 years. Along the way it would be expected that changes would be needed. Councilor McPherson asked how much leeway Tri-Town has if the project is approved. Mr. Ward noted that a Tri-Town Zoning Board would be created. As created, Tri-Town is able to proceed with a one-stop permitting process. He noted that Tri-Town could not do anything other than what is in the approved plan. The town will also vote on zoning changes such as dimensions. Regulations will be under the Tri-Town Board.

Councilor DiFazio asked if the Board had received confirmation from Lennar affirming biotech and permanent job creation. Mr. Ward noted that Lennar is working diligently on the biotech aspect of the project. A meeting schedule before Christmas did not take place. Councilor DiFazio asked for clarification on the golf course. Mr. Ward noted that the golf course would be 210 acres. Councilor DiFazio questioned if other municipality golf courses been reviewed to determine revenue generation. There was a study done on the golf course. At a cost of \$40 for 18 holes, the 1st year would be breakeven, and the 5th year would generate about \$500,000 in revenue. However, it was noted that this study did not include the capital cost of building the golf course. Councilor DiFazio suggested that a complete review be done to determine the revenue. Mr. Ward stated that he is not certain that the golf course is feasible. He also stated that if the golf course were not built, the land would remain open space.

Councilor Connolly noted that the golf course in Quincy generates about \$250,000 per year at a fee of \$28 a round. It was noted that if Tri-Town has to come up with the \$7 million bond issue, the course would not pay for itself. Mr. Ward noted that private development is a possibility.

Councilor Smart asked for clarification of MEPA requirements in regards to moving from Phase I to Phase II. He asked if this would be a condition of the MEPA process. Mr. Ward stated he believed that this is true. The original permit had the condition that Route 18 be four lanes before moving on. If this condition is not put in place, the Tri-Town Board still has control over the permitting process.

Councilor Smart questioned the Condo fees for the proposed 340 units. There will be 170 units built in both Phase I and Phase II. The houses will be a part of the association. The 2800 homes would all pay a fee. Lennar has agreed to pay Tri-Town \$1.5 million per year for the first five years. The enabling legislation does not allow Tri-Town to pass on to the towns any costs for any services.

Mr. Ward noted that all peer reviews were sub-contracted by MAPC and/or OCPC.

Councilor Mathews asked what happens in 15 years when Tri-Town dissolves. Who becomes responsible for the plowing, trash pick up and other services that will not initially be provided by the Town of Weymouth? Mr. Ward noted that the condo fees will remain and pay for what they have always paid. Councilor Mathews questioned what will happen when the revenue for the property in each town only goes to that town and is not split between the three towns thru the Tri-Town Board. Mr. Ward noted that when Tri-Town dissolves the three towns will have five years to resolve these issues.

Councilor Leary asked for clarification on the governmental set-up. He noted that there would be a need for building inspectors, electrical inspectors, etc. Mr. Ward stated that Tri-Town would most likely hire the inspectors from the towns and pay for the services provided. Councilor Leary noted that the legislation calls for an inter-community agreement on how to dissolve. He questioned why Rockland and Abington would want to dissolve the Corporation since they would then no longer receive a significant source of tax revenue. Mr. Ward stated that he did not know the answer to this and would look into it.

Councilor Kay stated that the cleanup of the base is currently under the jurisdiction of the Navy and Lennar is looking for that to come under their jurisdiction under an early transfer with no cost. Mr. Ward stated that although this is true, it is his sense that the Navy is not willing to allow an early transfer. The Navy believes that they can do the cleanup and get it done consistent with the development timeframe. The cost of insurance has hurt the prospect of an early transfer. Mr. Rogers noted that the Navy has cleaned over 100 sites and expended over \$40 million dollars. He also noted that the Navy would retain responsibility for any future concerns regarding the quality of the clean up.

Councilor Lacey requested clarification regarding the public hearings. He stated that the town will schedule three hearings to discuss the conceptual plan that is currently in hand. He also stated that it is his understanding that the feedback received at these hearings will be taken back to Lennar and incorporated into the plan as amendments and changes and that Tri-Town will make any further amendments and/or changes, as they deem necessary. Any significant changes should require an additional public hearing. The plan to be voted on by Tri-Town would be presented to the public before any vote took place.

Councilor Lacey noted that there are multiple categories that are outlined on the multi-color page. He expressed concern regarding the mixed use of residential and retail. That this could turn into additional units of housing. He asked Mr. Ward to clarify the controlling points that may occur specific to zoning as well as the master plan and how those two interrelate specific to changes to what might be developed here or in other portions of the base. Mr. Ward noted that the commercial would be strictly commercial. The mixed use is in the village center where you can have coffee shops, restaurants, and offices, with housing units above them. The mixed use is in the village centers to discourage car usage. Commercial usage cannot be in the mixed-use area. There are no changes proposed to page 26. The master plan states what can go where, the zoning states how it will go there for such things as height, width, alleyways, driveways, etc.

When the master plan is approved the town will know what will go where. Mr. Ward noted that more information would be forthcoming.

It was noted that there are ten candidates to be interviewed for the executive director position. All interviews are set to be completed by January 13, 2005. The initial interviews are held in Executive Session. From that group, finalists will be selected and interviewed in front of the whole Board. The Board would like to have the position filled as soon as possible.

Public Hearing Schedule for Conceptual Plan submitted by Lennar for the Naval Air Station - Councilor DiFazio

Councilor DiFazio stated that he has forwarded two memos to Councilors. The first is the updated NAS Tool Kit. This was originally issued two weeks ago, and it has been updated. The second memo is the solidification of the public hearing process. In the memo, the Council President is asked to notify the 13 entities that are listed in the memo concerning the schedule and agenda for the three public hearings. Councilor DiFazio stated that it needs to be explicitly described to the entities that are presenting information what their requirements will be prior to the public hearing. They will need to be prepared to give initial brief presentations on each of the agenda items that are listed for each of the meetings. A general overview of the project is scheduled for the first meeting. He also noted that it is imperative that constituents are aware of the importance of these meetings, and when they are and where they are.

Meetings dates are as follows:

January 24, 2005 (changed from January 25, 2005)

- Overview of project milestones
- Phased project completion process
- Overview of DDA (Disposition Agreement) and the relationship between South Shore Tri-Town and LNR and potential enabling legislation
- Environmental clean up process
- Water supply, water treatment, wastewater
- Zoning changes

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- Open space, recreation, and wetlands protection
- Golf course
- Housing, 40R, senior housing
- Impact on education department
- Construction and permanent retail, and commercial employment

February 10, 2005

- On-site transportation
- On/off site access
- Traffic infrastructure improvements
- Town services required to support the project
- Tax rates and fiscal benefits to the Town of Weymouth

All of the meetings will be held at the Abigail Adams Intermediate School Auditorium at 7:30pm.

Councilor Kay urged the viewers at home to call their Councilors with any issues. This will be helpful to plan for these meetings.

Councilor McPherson stated that he is concerned with the setting of specific agenda items and how this will work if people come and want to discuss something other than the agenda item. Councilor Lacey stated that people would be allowed to bring up any questions. Councilor Lacey stated that it is not the intent to limit the meetings, but more to allow for the participants to be well prepared. Councilor Leary stated that he believes that there is a lot of interest and that people will come to the meetings to discuss the specific topics. Councilor Kay stated that if a resident were to come to a meeting with questions that are not on the agenda, those questions could be noted, and asked at the appropriate time. If the resident could not make the meeting they could possibly watch it on cable. Advertising is important. There should be radio spots, newspaper articles and advertising. It was noted that the cable channel has changed from Channel 10 to Channel 11.

Councilor McPherson questioned the availability of the various entities as far as scheduling is concerned. Councilor Lacey stated that he has been working with Lennar to make it work.

A MOTION was made by Councilor Leary to ADOPT Councilor DiFazio's recommended meeting schedule, agenda, as well as a request to send notification to the list of entities in the memo, with the January date changed to January 24, 2005 and was seconded by Councilor Kay and was UNANIMOUSLY VOTED.

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

Jane Hackett, the Mayor's Chief of Staff, appeared before the Council for three items, one of which includes a request for action under 2-9B and the other two for referral.

04 243 - Authorization to Over Expend for Snow Removal

Ms. Hackett noted that Item #04 243 is the 2-9B request. It is the annual authorization request to over expend for snow removal. The original appropriation for the current fiscal year was \$221,143. With the cost of last week's snowstorm, the balance will be approximately \$1400.

A MOTION was made by Councilor Smart to CONSIDER Item #04 243 under 2-9B, same night action, and was seconded by Councilor Mathews and was UNANIMOUSLY VOTED.

Councilor Kay asked for clarification on the purchasing of sand and salt. It was noted that there is limited storage capacity in the town. This request includes snow removal throughout the town.

Councilor DiFazio asked if the town was budgeting for two more storms. Ms. Hackett answered that no, that this request is to over expend the line item in general with no set limit. She noted

that she would be back before the Council at the end of the year with a measure to make the account whole.

Councilor Smart noted that this is a common practice.

A MOTION was made by Councilor Smart to APPROVE Item #04 243 under 2-9B, same night action and was seconded by Councilor Mathews and was UNANIMOUSLY VOTED.

04 244 - Appropriation Request - \$13,989 - Librarian Collective Bargaining Agreement

Ms. Hackett stated that this is the FY05 economic impact of the Librarian Collective Bargaining Agreement. This will require a legal notice and a public hearing. The memorandum of agreement and a breakdown of the financial impact were included with the measure.

Councilor Kay noted that the financial impact is for the first year and then it is asked to include the additions for the second year on the bottom line. Then to add 3% and 4% increases. Councilor Kay noted that she does not see 2006 and 2007 impacts and would like to see this. She stated that she would like to see the financial impact of years two and three for the individuals listed by employee as opposed to just the grade and step. Ms. Hackett agreed to provide this information.

A MOTION was made by Councilor Smart to REFER to Budget/ Management Item #04 244 and was seconded by Councilor Molisse and was UNANIMOUSLY VOTED.

04 245 - Request to Amend Measure Number 04 237

Ms. Hackett noted that this is a request to amend measure #04 237 that is currently in Budget/Management. It is a request to increase the amount from \$66,785 to \$153,00. This is related to the high school debt service payment for fiscal 2005. Mr. Wilson has put together a narrative explanation that was attached to the measure that was distributed to the Council. Councilor McPherson asked if this measure is in addition to Item #04 237 or if it replaces Item #04 237. Mr. Wilson stated that it amends measure #04 237 and both measures would need to be passed.

A MOTION was made by Councilor Smart to REFER to Budget/ Management Item #04 245 and was seconded by Councilor Leary and was UNANIMOUSLY VOTED.

REPORTS OF COMMITTEES

Budget/ Management Committee - Chairman DiFazio

04 216 - TIF Review and Analysis

This item was referred to the Budget Management Committee on November 19, 2004. The Committee met on November 23, November 29, and most recently on December 28, 2004. The Budget/ Management Committee believes collectively that issues of non-compliance with the original TIF agreement currently exists. Further, the committee, on December 28, 2004, after a thorough presentation by our Auditor Richard Swanson concerning de-certification criteria and procedure, voted 2-1 to recommend to this Town Council the following MOTION;

The Budget/ Management Committee RECOMMENDS that the President of the Town Council issue correspondence to each of the parties, Sager Electric, Sampson Insurance, Abington Savings/Sovereign Bank and Campanelli Companies Libbey Park LLC, requesting their appearance before the Town Council to answer to compliance related issues regarding the TIF agreement executed by the Town of Weymouth and Libbey Park LLC. The objective of this request for the appearance of the parties would be to enable all town council members to have the benefit of hearing Mr. Swanson's brief synopsis of the de-certification process as well as having the opportunity to address the TIF participants directly. The MOTION was seconded by Councilor Mathews.

The following discussion ensued. Council McPherson stated that he voted against this motion. He noted that the TIF agreement had been voted on a couple of years ago. He also noted that he had requested that Mr. Swanson look into this matter because he was concerned about Abington Savings Bank having been bought out by Sovereign Bank and vacating the space. He does not have a problem going forward with TIF de-certification on that space. However, in regards to the other TIF recipients, Councilor McPherson does not agree that we should be going forward on them, so he will vote no on this.

Councilor Leary noted that he is on the Budget/ Management Committee, however he missed this meeting. He stated that he feels very strongly that we should get all the information possible on the TIF's. He also stated that he voted against it originally because the town is not in the rental business. According to the TIF, which is a regulation, not legislation, it was to create jobs. He has heard something about if they go below 50% you should de-certify. It is supposed to add jobs. Councilor Leary stated that he does not see where one job has been added at Weymouth Woods and he wants to see these parties before the Councilor for a full discussion. Councilor Kay stated that she voted in favor of this motion at the committee level. She felt it was only fair to invite all of the participants since there had been a prior meeting and two out of the four were able to speak to the issue. She also stated that she does not believe that any of them are in compliance with the TIF.

President Lacey questioned who the four participants should appear before, the Committee or the Council. He was under the impression that the Budget/ Management Committee would be doing this work of having the participants come in. The committee would conduct a full review and allow the participants give an update of their current situations. Councilor DiFazio stated that if the Council President wanted this work to continue on the committee level, he was agreeable to that. However, he had put this into the motion in order that all Councilors would be able to speak on the issue. He noted that he would recommend that Councilors attend the Budget/Management Committee meeting that will be scheduled. He also noted that the two participants that had previously appeared had not been asked to come, but came of their own free will. Now that there is concern about this issue, the committee wanted to call all four participants in order that they only have to appear once.

Councilor Leary stated that he would prefer to see the participants come before the full Council.

Councilor Kay stated that she agrees with Councilor Leary. She also noted that there needs to be notification to the Administration in order that the Mayor can make a decision on whether to take action or not.

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Councilor Smart stated that he supports the main motion. He noted that all of the participants had appeared before the full Council when the TIF agreement was voted on.

President Lacey clarified the MOTION: Refer to full Town Council for review and bring the applicants/tenants before the Council. A vote would then need to be taken by the Council to recommend action or no action to the Mayor. The issue would not go back to the Budget/Management Committee.

Councilor DiFazio stated that he has an open mind regarding the process of this issue. If it needs to come back to the Committee he would be agreeable to that.

The state time line meets on de-certifications on TIF agreements quarterly. They most recently met in late December. The Council would need to make a decision by mid-February in order to meet the next scheduled meeting in March.

The MOTION was APPROVED on an 8-1 vote. President Lacey asked for a roll call vote.

Councilor McPherson – No

Councilor Kay - Yes

Councilor Hargadon – Absent

Councilor Mathews - Yes

Councilor Shanahan – Absent

Councilor DiFazio - Yes

Councilor Lacey – Yes

Councilor Leary - Yes

Councilor Smart – Yes

Councilor Connolly - Yes

Councilor Molisse – Yes

04 231 - Reserve Fund Transfer - \$30,000 - Year One of Fire Alarm Contract

Item #04 231 was referred to Budget/Management on December 20, 2004. The Committee met on December 28, 2004 and voted unanimously for favorable action. This item did not require a public hearing. Councilor DiFazio noted that this payment was for year one of a three-year lease. The total lease payment would \$116,000.

Councilor DiFazio made a MOTION to approve Item #04 231 and was seconded by Councilor Molisse and was UNANIMOUSLY VOTED.

04 235 - Appropriation Request - \$32,239 - Two DPW Laborers

Councilor DiFazio noted that the public hearing for Item #04 235 will be held at the next Council Meeting. He elected not to report out at this time.

04 236 - Appropriation Request - \$80,000 - Fuel Depot

Councilor DiFazio noted that the public hearing for Item #04 236 will be held at the next Council Meeting. He elected not to report out at this time.

04 238 - Reserve Fund Transfer - \$87,780 - Sewer Enterprise

Item #04 238 was referred to Budget/Management on December 20, 2004. The Committee met on December 28, 2004 and voted unanimously for favorable action. It was clarified that this item did not require a public hearing, as it was a sewer reserve fund transfer not an item to raise and appropriate from free cash.

Councilor made a MOTION to approve Item #04 238 and was seconded by Councilor Molisse and UNANIMOUSLY VOTED.

04 239 - Reserve Fund Transfer - \$9,975 - Water Enterprise

Item #04 239 was referred to Budget/ Management on December 20, 2004. The Committee met on December 28, 2004 and voted unanimously for favorable action. It was clarified that this did not require a public hearing, as it was a water reserve fund transfer not an item to raise and appropriate from free cash.

Councilor made a MOTION to approve Item #04 239 and was seconded by Councilor Molisse and UNANIMOUSLY VOTED.

NEW BUSINESS

04 246 - Internal Audit - Information Technology Equipment - Councilor Lacey

Councilor McPherson stated that in the past these items have been treated as confidential documents and now they are being put forth as measures. He questioned if this is a new policy. Councilor Lacey noted that it is not a new policy for all audits. These particular measures are for clarification. Councilor McPherson noted that in the past he had been directed by the Town Auditor and Town Solicitor to keep these confidential.

Councilor Kay commented that this is a town wide issue and it is an asset issue.

Councilor DiFazio stated that a previous item was made public as there were concerns about interpretations of contract language and it was decided to discuss the issue on the record.

A MOTION was made by Councilor Smart to REFER to Budget/ Management Item #04 246 and was seconded by Councilor Leary and was APPROVED on an 8-1 vote. President Lacey asked for a roll call vote.

Councilor McPherson – No
Councilor Hargadon – Absent
Councilor Shanahan – Absent
Councilor Lacey – Yes
Councilor Smart – Yes
Councilor Molisse – Yes

Councilor Kay - Yes
Councilor Mathews - Yes
Councilor DiFazio - Yes
Councilor Leary - Yes
Councilor Connolly - Yes

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04 247 - O'Connor and Drew Audited Financial Statements and Management Letter -
Fiscal 2004 - Councilor Lacey

A MOTION was made by Councilor Smart to REFER to Budget/ Management Item #04 247 and was seconded by Councilor Molisse and was UNANIMOUSLY VOTED.

ADJOURNMENT

At 9:30 pm there being no further business, Councilor Leary MOTIONED to adjourn and Councilor Molisse seconded and was UNANIMOUSLY VOTED.

Approved by: _____
T.J. Lacey, President