

MINUTES OF THE TOWN COUNCIL
Town Hall Council Chambers
April 4, 2005

Present: T. J. Lacey, President
Michael Smart, Vice-President
Paul Leary
Colin McPherson
Kenneth DiFazio
Susan Kay
Michael Molisse
Arthur Mathews
Gregory Hargadon
Gregory Shanahan

Not Present: Joseph Connolly

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.

ANNOUNCEMENTS

Mayor Madden – Fiscal Year 2006 Budget Overview

Mayor Madden stated that on Friday, April 1, 2005, he submitted the Fiscal Year 2006 budget in the amount of \$115 million. This is a 3.8% increase over Fiscal Year 2005. He noted that all current programs and services will be maintained. No new programs will be created. There will be no layoffs.

Mayor Madden spoke to the concern of pre-funding and reliance on one time funding. In FY 05 this funding amount was \$4.1 million. This year the amount has been reduced to \$1.8 million. Of this year's \$1.8 million dollars, \$600,000 of it was from additional state assistance that had not been expended.

In FY '01 the town received \$31.6 million and \$3.2 million was taken from this amount in assessments. In FY 06 the town received \$30 million and \$4.6 million was taken from this amount in assessments. Since FY 01, the town has lost \$3 million in state aid. In FY 01, state assistance represented 34% of the budget. In FY 06, state assistance represented 27% of the budget.

The rubbish fee will be increased to \$100 per household, which will increase revenue by \$825,000.

There will be increases in debt services because of water and sewer projects but the money is refunded to the general fund from the enterprise fund. Also, the state assistance on the High School Project has been received. Utility and fuel costs have increased. Snow removal this year was exceptionally high. This amount of \$1 million was absorbed and does not impact the budget.

Mayor Madden noted that the School Department shows a percentage increase of 4.7%. However, this department has contracts which have been negotiated for this fiscal year and the next. He cautioned Councilors not to rely too heavily on the percentage increase line for this reason.

Councilor Announcements

Councilor DiFazio stated that the East Weymouth Neighborhood Association would be holding a Pizza Fest at 6:30pm on 4/7/05 with an Association meeting to follow at 7pm. He also stated that Mayor Madden, Senator Hedlund, and Representative Murphy plan to attend to discuss the proposed redevelopment of the South Weymouth Naval Air Station.

Councilor Leary stated that a clean up of the trail behind the Ralph Talbot School will be held this Saturday, 4/9/05.

Councilor Kay stated that Arthur Davies has retired from Union Towers 1 and 2. William M. Wing is his replacement. She also stated that the senior discount of \$20 for water and rubbish fees can be applied for between April 1 and April 13.

Councilor Hargadon congratulated Councilor Kay on her appointment as the Acting Town Administrator for the Town of Braintree.

Councilor Molisse stated that the 2005 summer recreation program applications are now available.

MINUTES

Town Council – 2/7/05

A MOTION was made by Councilor Smart to APPROVE the minutes from the 2/7/05 Town Council Meeting and was seconded by Councilor Mathews and UNANIMOUSLY VOTED.

Town Council – 2/22/05

Council Kay stated that on page 18, the minutes need to be corrected as follows: *A letter from the President needs to be sent to Human Resources regarding the reclassification of the Town Clerk's position.*

A MOTION was made by Councilor Smart to APPROVE the minutes, as amended, from the 2/22/05 Town Council Meeting and was seconded by Councilor Leary and UNANIMOUSLY VOTED.

Ordinance Committee – 2/22/05

A MOTION was made by Councilor Smart to APPROVE the minutes from the 2/22/05 Ordinance Committee Meeting and was seconded by Councilor Kay and UNANIMOUSLY VOTED.

PUBLIC HEARINGS

05 024 - Massachusetts Electric petition – Libbey Industrial Parkway

A MOTION was made by Councilor Smart to OPEN the Public Hearing on Item #05 024 and was seconded by Councilor Mathews and UNANIMOUSLY VOTED.

It was noted that the abutters were notified on 3/23/05. This project will involve the installation of two 5” underground PVC conduit encased in concrete at 126 Libbey Industrial Parkway to provide electricity to a new pumping station. This work will be done to town standard. It should be completed within a few days.

A MOTION was made by Councilor Smart to CLOSE the Public Hearing on Item #05 024 and was seconded Councilor Kay and UNANIMOUSLY VOTED.

A MOTION was made by Councilor Leary to APPROVE Item #05 024 under 2-9(b), same night action, and was seconded by Councilor Smart and was UNANIMOUSLY VOTED.

CITIZEN CONCERNS

Kevin Dawyskiba – Firefighters

Kevin Dawyskiba, President of Local 1616, and Jeff Walsh, Secretary of Local 1616, appeared before the Council. Mr. Dawyskiba stated that he does not believe that this year’s overtime is out of sync with previous years. During previous years a, 4/1 mode of operation was maintained.

He expressed concern that the use of a 3/2 mode of operation to curtail overtime is dangerous. Mr. Dawyskiba noted that there was a major fire on Holbrook Road in North Weymouth, as well as the fires in the recent past at the Cathay Center and at Queen Anne’s Gate Apartments.

He also noted that sick leave was high this past year due to orthopedic injuries. He also noted that this was the 3rd snowiest winter on record. Overtime was budgeted at \$350,000.

He suggested that the Town study fire department based EMS/Advanced Life rather than a private company. This could be a potential source of revenue.

St. Albert the Great - Update

Mary Akoury and Lou Rizzo appeared before the Council to give an update of the situation involving the closing of Saint Albert the Great Church. Ms. Akoury was pleased to announce that word had recently been received from the Archdiocese of Boston that the church would be re-opened. She stated that a re-opening date has yet to be set and that the vigil will continue. She did note that the former Pastor would not be assigned back to the parish.

OLD BUSINESS

Lennar Partners – Discussion of Revised Master Plan

William Ryan and David Hall of Lennar Partners appeared before the Council to discuss Lennar's revised Master Plan.

Mr. Hall stated that the Conceptual plan was presented on 9/23/04. There have been many public meetings since then. The Master Plan was presented on 3/7/05. Mr. Hall noted that the following items had been changed:

- Mixed use was added to the residential areas.
- Job creation was a concern so the commercial component was increased from a total of 1.3 million square feet to 2 million square feet: the amount of biotech commercial space is projected to be 1.3 million square feet, 500,000 square feet total of retail, and 200,000 of office space. 3200 jobs are expected to be created.
- Senior Housing was increased to include 150 units in Rockland.
- Affordable Housing and targeted workforce would be 390 in various categories.
- Increase in total number of housing units from 2855 to 3000.
- School aged children are most likely to be generated only from the 200 units on the larger lots (+5000 square feet). The other units are townhouses, apartments, condominiums, and attached units.
- There will be a requirement of 150,000 square feet of commercial space to be build per 1000 units of housing before the project can proceed to the next phase.
- The parkway will be four (4) lanes (two lanes each way). The parkway and the eastern access needs to be built as soon as possible.
- Recreational facilities will account for 200,000 square feet. There will be a sports complex, five (5) outdoor fields, a fitness club, and a winter park at the pond on the golf course.

Mr. Ryan stated that he has copies of the revised revenue analysis and job projections available.

Mr. Hall stated that the website is www.thevillagecenterplan.com.

Councilor Lacey stated that an important issue is specific and detailed information be given to the Council in as timely as possible manner.

Councilor Mathews asked for clarification on the issue of senior housing and whether the market is soft. Councilor Mathews stated that there is a five (5) year waiting list for affordable senior housing. Mr. Hall stated that he was referring to market rate senior housing when he indicated that the market for such units was soft.

Councilor Mathews questioned if fewer housing units was ever considered. Mr. Hall stated that it is certainly possible for there to be far fewer units built, depending on how the project proceeds.

Councilor Smart asked for clarification on amenities for seniors. Mr. Hall stated that there will be a golf course, recreational facilities, wellness facility, and shuttle buses. The homes will be clustered which gives a sense of security. Master suites will be located on the first floor. The community would encourage activities that do not require the use of cars.

Councilor Shanahan asked for clarification on how zoning can be utilized as related to the number of projected children. Mr. Hall stated that no more than 200 lots of more than 5000 square feet will be allowed. There will be more smaller homes with smaller yards. There are fewer amenities on your own lot. The amenities would be elsewhere. Mr. Hall stated that at Pine Hills in Plymouth, of the 830 homes, there are 17 children living on the property. Of those children, 12 are in private school, four are in public school, and the remaining numbers are too young to be in school.

Councilor McPherson questioned the source of revenue numbers. Mr. Ryan stated that Lennar has taken the revenue assumptions as provided by James Wilson, Weymouth's Chief Financial Officer.

Mr. Ryan stated that the numbers were computed based on two categories, a non-blended tax rate and a blended tax rate. The blended tax rate was done the same way commercial rate is blended- which is based on the amount of land mass with respect to the total project. He noted that at build out there is a 17% net revenue difference based upon the difference between a blended and non-blended rate.

Councilor McPherson requested that an analysis that shows average tax generated per residential units is provided along with the assumptions that go along with it.

Councilor Kay stated that most citizens think of senior housing as affordable or subsidized, not market rate. Mr. Hall stated that there are 840 units which are targeted for a specific group. Of these, 450 units are the market rate senior housing.

Councilor Molisse stated that he would like to see the proposed fitness center not be a membership based facility.

Councilor Leary questioned the use of blended/non-blended rates for residential and commercial. Mr. Ryan stated that SSTTDC asked Lennar to do this for comparison. There is currently not a blended rate for residential. A residential blended rate was done using the same method as the commercial blended rate.

Councilor Leary stated that he would like to see more light industrial rather than office and retail. He also stated that the zoning allows for no more than 500,000 square feet of retail space.

Councilor Smart asked for clarification on the water source. Mr. Laskey stated that MWRA looks to be the preferred source of water; however, Brockton could provide the water.

Tri-Town Development Corporation - Update

Terry Fancher, John Ward, John Rogers, and Robert Lundquist appeared before the Council to provide an update.

Mr. Fancher stated that the Board of Directors has set an official date of April 25, 2005 for a vote to be taken on the Re-use Plan and Zoning Land Use By-Laws. Letters have been sent to Mr. Arny (Navy) and to LNR regarding the reason for this date.

There will be a 500 foot setback between the Shea Industrial Village and the neighboring residential area. Retail space will be limited to 500,000 square feet.

Mr. Lundquist stated that SSTTDC will need to coordinate a meeting to discuss the issue of affordable vs. market rate senior housing.

In regards to the use of a blended rate, Mr. Lundquist noted that the original re-use plan called for all commercial with very little housing. He also stated that SSTTDC has been working with the legislative delegation regarding this concern.

Councilor Mathews questioned the existing sewerage infrastructure. He stated that it is outdated. Mr. Fancher stated that he suspects that a camera will be used to analyze the pipes. The Citizen Advisory Committee is scheduled to meet in the late summer/early fall and look at this issue.

Councilor Mathews expressed concerns about when construction starts and the potential for damage to the existing system. Mr. Lundquist stated that it is SSTTDC's responsibility to repair anything that breaks. He also stated that they will be a part of the MWRA. Councilor Lacey questioned this statement. Mr. Lundquist acknowledged that he may have overstated. Mr. Ryan stated that during the early phase, some of the existing infrastructure would be used as the onsite sewer treatment plant is being prepared. The amount of discharge would not be at the same level as when the base was previously used.

Councilor Kay stated that there is a multitude of revenue analysis and expenditure analysis. She stated that there are analyses from the peer reviews, the town, and LNR. She questioned which

source would be used. Mr. Fancher stated that SSTTDC will review the numbers and there will be a second round of peer reviews. The intention is to be conservative, realistic, and reasonable.

Councilor Kay questioned who is responsible for public safety on the site, at this time. It was stated that the town would respond to a fire on the base. She questioned if the town is being reimbursed. Mr. Fancher stated that Reliable Security is contracted to provide security at the site.

Councilor Kay questioned if Mr. Marken had provided any input. Mr. Fancher stated that he had spoken to him on 4/1/05. Mr. Marken had indicated that he would speak to Mr. Army on 4/5/05 and would in turn call Mr. Fancher on 4/6/05.

COMMUNICATION FROM MAYOR, TOWN OFFICERS, AND TOWN BOARDS

05 027 – Reserve Fund Transfer – Medical Payments - \$4,012

This is for payment to South Shore Hospital for a rabies treatment.

A MOTION was made by Councilor Smart to REFER to Budget/Management Item #05 027 and was seconded by Councilor Kay and UNANIMOUSLY VOTED.

05 028 – Reserve Fund Transfer – Non-Contributory Retirement Benefits - \$2,200

This is to cover an FY 05 2% COLA increase.

A MOTION was made by Councilor Smart to REFER to Budget/Management Item #05 028 and was seconded by Councilor Mathews and UNANIMOUSLY VOTED.

05 029 – Reserve Fund Transfer – Mayor's Salary - \$2,844

This is for payment of vacation time to an employee who no longer works for the Town.

A MOTION was made by Councilor Smart to REFER to Budget/Management Item #05 029 and was seconded by Councilor Mathews and UNANIMOUSLY VOTED.

05 030 – Re-appropriation Request – Police Department Overtime - \$165,000

A MOTION was made by Councilor Smart to REFER to Budget/Management Item #05 030 and was seconded by Councilor Mathews and UNANIMOUSLY VOTED.

05 031 – Re-appropriation Request – Medicare - \$100,000

A MOTION was made by Councilor Smart to REFER to Budget/Management Item #05 031 and was seconded by Councilor Mathews and UNANIMOUSLY VOTED.

05 032 – CDBG and Home Funding Authorization

A MOTION was made by Councilor Smart to REFER to Budget/Management Item #05 032 and was seconded by Councilor Mathews and UNANIMOUSLY VOTED.

05 033 – Fiscal Year 2005 – Unpaid Bills - \$7,335.96

A MOTION was made by Councilor Smart to REFER to Budget/Management Item #05 033 and was seconded by Councilor Mathews and UNANIMOUSLY VOTED.

Fiscal Year 2006 Budget Measure Referrals

Measures 05 034 through 05 046 are all budget related and all require public hearings.

A MOTION was made to CONDENSE Item # 05 034 through 05 046 and under Rule 36, the Budget/Management Committee will report back to the Town Council on May 16, 2005- and was seconded by Councilor Mathews. The following discussion ensued.

Councilor Kay questioned the need for a date. Councilor Smart stated that under Rule 36, this date is to give guidance to ensure expedient voting on these measures.

Councilor DiFazio questioned the need for guidance.

The MOTION was UNANIMOUSLY VOTED.

05 047 – Capital Request #1 – Water Enterprise Fund - \$210,000

This is for the purchase of four pieces of equipment. This item also requires a public hearing.

A MOTION was made by Councilor Smart to REFER to Budget/Management Item #05 047 and was seconded by Councilor Mathews and UNANIMOUSLY VOTED.

05 048 – Capital Request #2 – Bonding Authorization - \$1.6 million

This is capital request number two and is for construction and oversight for repair and replacement of water lines along Route 18. The amount of \$600,000 is requested to be raised and appropriated from the water enterprise fund retained earnings fund.

A MOTION was made by Councilor Smart to REFER to Budget/Management Item #05 048 and was seconded by Councilor Mathews and UNANIMOUSLY VOTED.

REPORTS OF COMMITTEES

Budget Management Committee – Chairman DiFazio

05 014 – Appropriation Request – Health Insurance - \$156,000

Councilor DiFazio stated that Item #05 014 was referred to the Committee on 2/7/05. Meetings were held on 2/15/05 and 3/21/05. A Public Hearing was held on 2/22/05 and 3/21/05. The Committee voted to recommend unanimous favorable action.

Councilor DiFazio made a MOTION to recommend FAVORABLE ACTION on Item #05 014 and was seconded by Councilor Smart and was UNANIMOUSLY VOTED.

05 025 – Appointment – Commission on Disabilities – Beverly DeMorat

Councilor DiFazio stated that Item #05 025 was referred to the Committee on 3/21/05 and a meeting was held on 4/4/05. The Committee voted unanimously to recommend favorable action. This term will expire on 6/30/08.

Councilor DiFazio made a MOTION to recommend FAVORABLE ACTION on Item #05 025 and was seconded by Councilor Smart and was UNANIMOUSLY VOTED.

Review of Town Auditor Employment Contract

Councilor DiFazio stated that this item has been tabled pending the receipt of further information regarding this contract. There is no report.

MOTIONS, ORDERS, AND RESOLUTIONS

Executive Session – Councilor Smart

EXECUTIVE SESSION

At 9:45pm a MOTION was made by Councilor Smart to go into EXECUTIVE SESSION for the purpose of considering the value of the real property at the South Weymouth Naval Air Station- such discussions in open session may have a detrimental effect on the negotiating position of the Council- and to reconvene in open session for the purpose of adjourning. This motion was seconded by Councilor Mathews and was UNANIMOUSLY VOTED. The roll call vote was as follows:

Councilor Connolly – absent	Councilor McPherson – Yes
Councilor DiFazio – Yes	Councilor Molisse – Yes
Councilor Hargadon – Yes	Councilor Shanahan – Yes
Councilor Kay – Yes	Councilor Smart – Yes
Councilor Leary – Yes	Councilor Lacey – Yes
Councilor Mathews – Yes	

EXECUTIVE SESSION MINUTES WILL BE RELEASED AT A FUTURE DATE.

