

MINUTES OF THE TOWN COUNCIL
Town Hall Council Chambers
May 15, 2006

Present: Michael Smart, President
Paul J. Leary, Vice-President
Jack Carey
Kenneth J. DiFazio
Sue Kay
Thomas J. Lacey
Arthur E. Mathews
Michael Molisse
Patrick O'Connor
Gregory Shanahan
Kevin Whitaker

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

Recording Secretary: Janet Murray

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

ANNOUNCEMENTS

Councilor Molisse stated that the Town's fireworks program will be held on Saturday July 1, 2006 this year instead of on the night before the Fourth. More details will be posted on the Recreation Department's website.

President Smart expressed thanks to American Legion Post 79 and the Sons of the American Legion for their presenting of the colors at last week's Annual Town Meeting.

President Smart stated that he has forwarded a letter to Secretary of Environmental Protection Agency requesting that a current vacancy on the Citizens Advisory Committee (CAC) be filled with a Weymouth resident.

MINUTES

Town Council-4/3/06

A MOTION was made by Councilor Leary to ACCEPT the minutes from 4/3/06 and was seconded by Councilor Mathews and UNANIMOUSLY VOTED.

Public Works Committee-4/3/06

A MOTION was made by Councilor Leary to ACCEPT the minutes from 04/3/06 and was seconded by Councilor Mathews and UNANIMOUSLY VOTED.

Ordinance Committee-4/4/06

A MOTION was made by Councilor Leary to ACCEPT the minutes from 4/4/06 and was seconded by Councilor Mathews.

Councilor Kay stated that on page 2, under Ordinance change to Section 7-301, the second paragraph should read “change” not chance.

The AMENDED MOTION was seconded by Councilor Kay and UNANIMOUSLY VOTED.

Budget/Management Committee-4/11/06

A MOTION was made by Councilor Leary to ACCEPT the minutes from 4/11/06 and was seconded by Councilor Kay and UNANIMOUSLY VOTED.

Town Council-4/18/06

A MOTION was made by Councilor Leary to ACCEPT the minutes from 4/18/06 and was seconded by Councilor Kay.

Councilor Leary stated that on the last page, 3rd paragraph from the bottom, he stated that the entire “legislation” should be reworked, not the entire language.

The AMENDED MOTION was seconded by Councilor Kay and UNANIMOUSLY VOTED.

Environmental Committee-5/1/06

A MOTION was made by Councilor Leary to ACCEPT the minutes from 5/1/06 and was seconded by Councilor Mathews and PASSED on a 10-0 vote with Councilor Leary abstaining.

Town Council-5/1/06

A MOTION was made by Councilor Leary to ACCEPT the minutes from 5/1/06 and was seconded by Councilor Mathews and PASSED on a 9-0 vote with Councilors Leary and Kay abstaining.

Ordinance Committee-5/4/06

A MOTION was made by Councilor Leary to ACCEPT the minutes from 5/4/06 and was seconded by Councilor Kay and UNANIMOUSLY VOTED.

CITIZEN'S CONCERN/COUNCIL RESPONSE

Weymouth Garden Club Tour-*Jean Berg and Judy Leamy*

President of the Garden Club, Jean Berg and Chairperson of Weymouth in Bloom, Judy Leamy, appeared before the Council.

Ms. Berg stated that on Saturday June 17, 2006 there will be a Garden Club tour of Weymouth's Gardens from 10am to 4pm. Tickets are currently available for \$15. On June 17, 2006 the tickets will be \$20. The tickets may be purchased at the main branch of the Tufts Library and at the Weymouth Garden Club plant sale on June 3, 2006. On June 17, tickets will be available at the Abigail Adams birthplace.

Ms. Berg stated that the purpose of Weymouth in Bloom is to support the Garden Club in its community related endeavors. The Club provides a Scholarship every year, contributes to the Weymouth Food Pantry, and Weymouth Youth and Family Services, supports the Mayor's community efforts, and provides plantings and some maintenance for the Abigail Adams Green.

PUBLIC HEARINGS

06 053-Elimination of Fair Housing Committee

A MOTION was made by Councilor Leary to OPEN the Public Hearing on item number 06 053 and was seconded by Councilor Mathews and UNANIMOUSLY VOTED.

Item number 06 053 was published on 5/5/06.

Ms. Hackett stated that the elimination of this committee is no reflection on the Town's commitment to fair housing. She noted that the Mayor had requested that all departments review the number of committees to determine if any were no longer useful.

Six of the eleven members of this committee are Town employees. The remaining five members are citizen appointees. The Town has had a difficult time recruiting citizen members for the committee. She noted that there is still an Affirmative Action Officer, Youth and Family Services, and a Fair Housing Officer. Also, the Department of Elder Services advocates for seniors.

Ms. Hackett stated that a temporary advisory committee could be formed; the Mayor believes that a committee, established by ordinance, is not needed

Councilor Kay asked where citizens would go for help. Ms. Hackett stated that there are three positions within the town structure which are available to provide the services. She noted that the appellate process will remain.

Councilor Carey stated that he has always directed residents to call the individuals named by Ms. Hackett.

There was no public comment.

A MOTION was made by Councilor Leary to CLOSE the Public Hearing on item #06 053 and was seconded by Councilor Mathews and UNANIMOUSLY VOTED.

OLD BUSINESS

Terry Fancher-Executive Director of South Shore Tri-Town Development Corporation

-Monthly update and questions/answers from Town Councilors

Mr. Fancher stated that he was accompanied this evening by Colin McPherson and Robert Terravechia, directors of the Board of Directors. Also present with him were James Young and Beth Mitchell.

Mr. Fancher stated that there will be a meeting in Abington next week and another meeting in Rockland on 5/30/06. On 06/01/06 there will be a Public Hearing. He also stated that he anticipates that the Board of Directors will meet on 6/7/06.

-Presentation on Regulatory Framework Requirements

Ms. Mitchell made a PowerPoint presentation regarding the project as it now stands. She discussed the initial regulatory framework, administrative rules and regulations, design guidelines, affordable and workforce housing, wetlands protection rules and regulations, and DDA wetlands provisions.

President Smart asked if all the vernal pools will be certified and identified. Mr. Young stated that this is the intention of the corporation.

President Smart asked about wetlands enforcement of the perimeter area and questioned if this includes the PBC. Ms. Mitchell stated that some of the area under local control may fall outside of the PBC.

Councilor Leary asked for clarification on 40R which was discussed at the meeting the other evening. He asked how this squares with the affordable and workforce housing which is 10% and 10%. Ms. Mitchell stated that 40R requires that for non-age restricted units that 20% of the units meet the affordable standard. They do not deal with workforce housing at all. With respect to senior housing, 25% would need to be affordable. In putting together the 40R district, the Corporation and LNR will need to work together both to satisfy the state standard as to what is an appropriate district, as well as address the fact that those requirements are in a higher threshold than the requirements in our reuse plan. This will be both a mathematical challenge as well as a districting challenge.

Councilor DiFazio asked for clarification of sustainable green housing. He noted that on a cursory review of the design guidelines, no reference is made as to measuring criteria for green

building design. Also, there is no mention of a lead system or energy start system. The only reference is to the placement of solar panels.

Ms. Mitchell stated that there is a reference in regards to the golf course meeting Audubon International standards. With respect to sustainable guidelines overall, those are included in the second phase of regulations. An initial draft of sustainable design guidelines is expected within the next couple of weeks. In the administrative regulations, there are some place holders for cross references to other regulations and other plans which are expected. One of the cross references is to green guidelines.

As to the golf course, Councilor DiFazio noted that the course would be to the bronze standard of the Audubon International standard as opposed to a gold standard. Ms. Mitchell did not know why this decision was made and agreed to look into it.

Councilor DiFazio asked for clarification on the preferred alternative for a water source for the base. He stated that it is his understanding that the preferred alternative is a direct line from the MWRA. However, he noted that at the meeting last week, wheeling of water through Weymouth's pipes was discussed. Councilor DiFazio asked who Rizzo Associates is working with in the Town to obtain information about the town's water pipes.

Mr. Fancher stated that as part of the DEIR, there will be further clarification as to the green building design as well as to the golf course.

Mr. Fancher stated that he has taken a number of calls in the past week in regards to what was meant by the statements which were made about the water sources at the meeting last week. He stated that, as previously stated, there are three possible sources; coming through the desalination plant in Brockton, wheeling water through Hingham and Scituate, and with regards to the MWRA there are four different options being considered. Those possible options are to run it down Route 3, down the MBTA right of way, down Route 37, or to wheel it through the Town of Weymouth from the city of Quincy.

Mr. Fancher stated that in his opinion the best option is to have a direct connection to the MWRA.

Councilor DiFazio asked why research is being done in Weymouth.

Ms. Hackett stated that the Mayor is cooperating with SSTITDC in order to research and evaluate this issue. She noted that the Mayor has authorized the Director of Public Works, the Water and Sewer Superintendent, and the Assistant Water and Sewer Superintendent to meet with LNR and SSTITDC to assist in their evaluations.

Councilor Kay asked what the public comment period would be. Mr. Fancher stated that the comment period is three weeks.

Councilor Kay asked why the wetland issues were addressed in the DDA. Ms. Mitchell stated that there was a disagreement between attorneys as to whether SSTITDC had the ability to

incorporate into the wetlands bylaws, regulations that were above and beyond the State's requirements. Rather than continuing to disagree, another mechanism was sought. It was decided to make it a covenant in the DDA and a deed covenant going forward. This would be binding on all base residents but would not be within the regulations themselves. Councilor Kay asked if the negotiations are complete. Ms. Mitchell stated that it is not a signed agreement but she believes that they have an agreement in concept.

Councilor Lacey asked if it is the intent of SSTTDC to apply for 40R. Mr. Fancher stated that 40R is probably one of the most controversial issues because of two key provisions. One issue involves determining the number of bedrooms. Also, there is a stipulation to have a permanent source of water in place at the time of the application. The application must be in within 365 days of the vote taken last summer. SSTTDC is aware that a source of water will not be identified within that timeframe. The intention is to have the application submitted as a place holder. Once the application is submitted, three years are allowed to bring it back to the towns.

Councilor Lacey asked about land transfer timelines. Mr. Fancher stated that the Navy was taking six weeks to go through the appraisal process. The master developer and SSTTDC have been developing their own scope and estimate as to what the infrastructure costs would be. The issue and outcome of the clean up of West Gate transfer is included. There has been an extension of the master lease from 6/30/06 to 12/31/06. He noted that discussions are ongoing.

Colin McPherson informed the Council that the Board of Directors has voted to transfer land to LNR in Phase 1A.

Councilor Whitaker asked about bicycle paths in addition to pedestrian access. He stated that he is concerned about the dispersion of affordable and workforce housing. He noted that he has read that 20 or more of these units may be allowed in one structure.

Councilor Whitaker asked that SSTTDC try to allow for more home ownership in the affordable housing product; not just townhouses, condominiums and apartments.

Councilor Whitaker also questioned the availability of funds from the Host Community Agreements (HCA).

Mr. Fancher stated that SSTTDC is working on the funds availability. He stated that July 1, 2006 is the target date and is still on track.

Ms. Mitchell stated that she did not intend to exclude bicycles from her discussions. She noted that bicycles will be part of the next phase and will be included in the subdivision rules and regulations.

Ms. Mitchell stated that the working group spent time discussing the dispersion of affordable and workforce housing throughout the base, yet still be able to qualify for 40R funding. She stated that they spent considerable time discussing the percentage of rental vs. ownership. She stated that the number noted here are not perfect numbers. The committee would welcome comments from the Council and the public at large about potential changes to those percentages. She does

not believe that they will be able to spread affordable and workforce housing over every product type. The reuse plan has very strict controls over the number of single family homes because of the number of bedrooms issue, walkability from these homes, as well as lot sizes. She stated that it is expected to be more units of townhouses than single family homes.

Mr. Fancher stated that the 10% and 10% must be provided for at the end of each phase or the plan can not go forward to the next phase.

Councilor Whitaker stated that he believes that there is a carryover in that if more is provided in an earlier phase it will count towards future numbers.

Councilor Whitaker asked if it would be possible to send these regulations to the town's experts for information and advice. President Smart stated that this has been done in the past and should continue in the future.

Ms. Mitchell stated that James Clarke, Weymouth's Director of Planning and Community Development, was a member of the committee and has shared earlier drafts of the regulations with some of the department chairs for input.

Councilor Leary stated that he continues to be concerned about the water. He stated that he understands that SSTITDC is exploring all options. He reiterated that the Town of Weymouth is only obligated to supply 150,000 gallons of water per day for the base. He noted that rumors are rampant about the source of water. He stated that he thinks that wheeling the water through Weymouth is not a good idea.

Councilor Mathews asked Mr. Fancher for a copy of the presentation which was given last week on the seven alternatives for the permanent source of water. Councilor Mathews stated that all of these sources of water must be discussed as part of the MEPA process. There was an extended discussion at the meeting about wheeling because a number of the members of the CAC did not understand what it was. He also noted that it was his understanding that wheeling was not a viable option as the city of Quincy does not have the infrastructure to support it. He also noted that it was stated that a direct connection to the MWRA is the preferred alternative.

Councilor Kay stated that if the percentage of senior housing is increased, it would count towards 40R. She requested that SSTITDC consider increasing the number of senior housing units.

Councilor Lacey asked what the potential financial gain for the corporation would be if maximized over the project, specific to 40R. Mr. Fancher stated that these are raw numbers. He noted that they could not file through Weymouth or Rockland. They have to file on their own. There would be \$600,000. Roughly \$3000 per unit is available. The total potential is roughly \$2 million.

Councilor DiFazio asked about the probability of being successful in 40R. Mr. Fancher stated that one major change has taken place which is that the application must be filed within 365 days. He stated that they did not know that after the 365 days had passed, they would have three

years to come back to Town Council and two Town Meetings. He stated that it is their belief that if there is a way to make it work within in that timeframe, they would do so.

COMMUNICATION FROM MAYOR, TOWN OFFICERS, AND TOWN BOARDS

06 093-Appointment to the Board of Registrars-Anne Hilbert

A MOTION was made by Councilor Leary to REFER item number 06 093 to Budget/Management Committee and was seconded by Councilor Mathews.

Ms. Hackett stated that Ms. Hilbert has withdrawn her name from consideration for this appointment.

Councilor Leary made a MOTION to take item number 06 093 under 2-9b, same night action, and was seconded by Councilor Mathews and UNANIMOUSLY VOTED.

Councilor Leary made a MOTION to take NO ACTION on item number 06 093 and was seconded by Councilor Mathews and UNANIMOUSLY VOTED.

06 094-Appointment to the Historical Commission-Jodi Purdy-Quinlan

A MOTION was made by Councilor Leary to REFER item number 06 094 to the Budget/Management Committee and was seconded by Councilor Mathews and was UNANIMOUSLY VOTED.

06 095-Appointment to the Veteran's Council-Paul Shinney

A MOTION was made by Councilor Leary to REFER item number 06 095 to the Budget/Management Committee and was seconded by Councilor Mathews and was UNANIMOUSLY VOTED.

06 096-Appointment to the Zoning Board of Appeals as an Associate Member-Martin Joyce

Ms. Hackett noted that Mr. Joyce no longer serves on the Redevelopment Authority.

A MOTION was made by Councilor Leary to REFER item number 06 096 to the Budget/Management Committee and was seconded by Councilor Mathews and was UNANIMOUSLY VOTED.

06 097-Appointment to the Board of Elder Services-Vincent O'Keefe

A MOTION was made by Councilor Leary to REFER item number 06 097 to the Budget/Management Committee and was seconded by Councilor Mathews and was UNANIMOUSLY VOTED.

06 098-Organization Plan: Establishment of the Community Preservation Committee

Ms. Hackett stated that the Committee would be comprised of seven (7) members, one each from the Housing Authority, the Historical Commission, the Recreation Commission, the Town Council, the Planning Board, the Conservation Commission, and a member appointed by the Mayor.

Councilor Whitaker asked if a public hearing is required. President Smart stated that a public hearing is required.

A MOTION was made by Councilor Leary to REFER item number 06 098 to the Ordinance Committee and was seconded by Councilor Mathews and was UNANIMOUSLY VOTED.

06 099-Organization Plan: Establishment of Community Preservation Division within the Department of Planning and Community Development

A MOTION was made by Councilor Leary to REFER item number 06 099 to the Ordinance Committee and was seconded by Councilor Mathews and was UNANIMOUSLY VOTED.

06 100-Appointment to the Historical Commission-Theodore Clarke

A MOTION was made by Councilor Leary to REFER item number 06 100 to the Budget/Management Committee and was seconded by Councilor Mathews and was UNANIMOUSLY VOTED.

REPORTS OF COMMITTEES

Budget Management Committee – Chairman DiFazio

06 053-Elimination of Fair Housing Committee

Item number 06 053 was referred on 04/18/06. The Committee met on 4/25/06. A Public Hearing was held 5/15/06. The committee voted unanimously to recommend favorable action.

A MOTION was made by Councilor DiFazio to APPROVE item number 06 053 and was seconded by Councilor Leary and was UNANIMOUSLY VOTED.

06 077-Appointment to the Cultural Council-Gertraud Gillen

Item number 06 077 was referred on 5/1/06. The Committee met on 5/8/06. The committee voted unanimously to recommend favorable action.

A MOTION was made by Councilor DiFazio to APPROVE item number 06 077 and was seconded by Councilor Molisse and was UNANIMOUSLY VOTED.

06 078-Appointment to the Cultural Council-William Westland

Item number 06 078 was referred on 5/1/06. The Committee met on 5/8/06. The committee voted unanimously to recommend favorable action.

A MOTION was made by Councilor DiFazio to APPROVE item number 06 078 and was seconded by Councilor Molisse and was UNANIMOUSLY VOTED.

06 079-Appointment to the Cultural Council-Cathy Torrey

Item number 06 079 was referred on 5/1/06. The Committee met on 5/8/06. The committee voted unanimously to recommend favorable action.

A MOTION was made by Councilor DiFazio to APPROVE item number 06 079 and was seconded by Councilor Molisse and was UNANIMOUSLY VOTED.

06 080-Appointment to the Cultural Council-Jeraldine Hollander

Item number 06 080 was referred on 5/1/06. The Committee met on 5/8/06. The committee voted unanimously to recommend favorable action.

A MOTION was made by Councilor DiFazio to APPROVE item number 06 080 and was seconded by Councilor Molisse and was UNANIMOUSLY VOTED.

06 081-Appointment to the Commission on Disabilities Susan Kelly-Luscombe

Item number 06 081 was referred on 5/1/06. The Committee met on 5/8/06. The committee voted unanimously to recommend favorable action.

A MOTION was made by Councilor DiFazio to APPROVE item number 06 081 and was seconded by Councilor Molisse and was UNANIMOUSLY VOTED.

06 082-Appointment to the Commission on Disabilities-Deb Deveau

Item number 06 082 was referred on 5/1/06. The Committee met on 5/8/06. The committee voted unanimously to recommend favorable action.

A MOTION was made by Councilor DiFazio to APPROVE item number 06 082 and was seconded by Councilor Molisse and was UNANIMOUSLY VOTED.

06 083-Appointment to the Fourth of July Committee-Peter Webb Jr.

Item number 06 083 was referred on 5/1/06. The Committee met on 5/8/06. The committee voted unanimously to recommend favorable action.

A MOTION was made by Councilor DiFazio to APPROVE item number 06 083 and was seconded by Councilor Molisse and was UNANIMOUSLY VOTED.

06 084-Appointment to the Board of Elder Services-Mildred Johnson

Item number 06 084 was referred on 5/1/06. The Committee met on 5/8/06. The committee voted unanimously to recommend favorable action.

A MOTION was made by Councilor DiFazio to APPROVE item number 06 084 and was seconded by Councilor Molisse and was UNANIMOUSLY VOTED.

Ordinance Committee-Chairperson Kay

06 076-Review of Ordinances (Via Roll Call Vote)

The committee met on 5/4/06. The committee voted unanimously to recommend favorable action. Councilor Kay stated that Councilors Smart, Mathews, and Shanahan were also present. She noted that Councilor Whitaker was not present.

Claire Cunningham appeared before the committee. She stated that the work done by the review committee did not involve any substantial changes. All changes were for punctuation and typographical errors. She recommended that the official printing be done later in the year.

Councilor Shanahan noted that the website document reflects the updates.

Councilor Kay stated that the committee voted unanimously to recommend favorable action. She noted that this item does not require a public hearing but does require a roll call vote.

A MOTION was made by Councilor Kay to APPROVE item number 06 076 and was seconded by Councilor Leary and PASSED on an 11 to 0 vote as follows:

- | | |
|-----------------------|------------------------|
| Councilor Carey – Y | Councilor Mathews – Y |
| Councilor DiFazio – Y | Councilor Molisse – Y |
| Councilor Kay – Y | Councilor O’Connor – Y |
| Councilor Lacey – Y | Councilor Shanahan – Y |
| Councilor Leary – Y | Councilor Whitaker – Y |
| President Smart – Y | |

Environmental Committee-Chairperson Lacey

Motion Initiated by Councilor DiFazio-Requesting the Installation of a Wind Anemometer at the South Weymouth Naval Air Station

Newly Submitted Resolution Draft from Councilor Whitaker

Councilor Lacey stated that the Environmental Committee has met several times in the past two weeks. A report was given to the Council on 5/1/06 and the committee has met on 5/8/06 and 5/15/06.

Councilor Lacey stated that it is not the intent of this resolution to suggest any changes to the reuse plan. He noted that there had been some concern regarding language in the original resolution. Specifically there was mention to a wind farm application at the air station.

The resolution presented this evening is different from the initial resolution submitted. He noted that the committee voted favorably, 4-1.

President Smart commented that the cost of this anemometer should come from the master developer, LNR, not from South Shore Tri-Town Development Corporation's (SSTTDC) budget. He also commented that in supporting this, it in no way is an attempt to change the reuse plan.

A MOTION was made by Councilor Lacey to APPROVE this Resolution as follows:

Whereas the Town Council hereby respectfully requests the SSTTDC and its Master Developer, South Shore LNR, LLC and LLC Managed by LNR South Shore Development, Incorporated, 1601 Washington Ave Suite 1800, Miami Beach Fl, 33139, explore the use of alternative energy solutions and sources in the redevelopment of the former South Weymouth Naval Air Station, located in part, in South Weymouth, MA. Whereas in making this request the Town Council specifically requests the erection of a wind anemometer of the NSA property as soon as possible in order to collect data to determine feasibility or infeasibility of wind power applications in the future. Respectfully submitted by the Weymouth Town Council through its President, Michael Smart upon favorable vote of the Weymouth Town Council.

The MOTION was seconded by Councilor Leary.

It was noted that this resolution is in place of the motion previously submitted by Councilor DiFazio. Councilor Lacey stated that the above resolution was approved as a substitute motion specifically to that verbiage.

Councilor O'Connor stated that he is concerned that the resolution, as written, has a number of holes, such as who is responsible for payment; spending political capital on something that is not going to happen; in addition to the fact that SSTTDC has already stated that they are not

supporting a wind farm application. He feels that previous presentations were misleading as to the amount of potential revenue.

Councilor Shanahan agreed with much of what Councilor O'Connor has said as to questions, but also this question has been answered by both SSTTDC and LNR that they would not support a wind farm as part of the reuse plan. Also, they both had said they would explore alternative energy use.

Councilor Lacey stated, as a point of order, that the wind farm component has been removed from this resolution.

Councilor Molisse stated that LNR has stated that it will look into wind technology for its own purposes and we don't need to direct them as what to do.

Councilor Carey stated that no one has proposed that the town pay for the anemometer.

Councilor Kay stated that this resolution does not mandate anything. She stated that it will not hurt anything to measure the wind.

Councilor DiFazio stated that there are many constituents who are interested in knowing if wind energy is feasible on the base. To purchase and install the anemometer is \$9500.

Councilor Whitaker stated that he is not seeking to change the reuse plan. He is looking to see if wind power is feasible on the base.

President Smart stated that by approving this, we would be enforcing LNR to keep its promise.

The MOTION was PASSED on an 8-3 vote as follows.

Councilor Carey – Y	Councilor Mathews – Y
Councilor DiFazio – Y	Councilor Molisse – N
Councilor Kay – Y	Councilor O'Connor – N
Councilor Lacey – Y	Councilor Shanahan – N
Councilor Leary – Y	Councilor Whitaker – Y
President Smart – Y	

ADJOURNMENT

At 9:20pm there being no further business, Councilor Leary MOTIONED to adjourn and Councilor Kay seconded and was UNANIMOUSLY VOTED.

Approved by: _____
Michael Smart, President