

MINUTES OF THE TOWN COUNCIL
Town Hall Council Chambers
September 7, 2010 - Tuesday

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

Not Present: Brian McDonald

Also Present: Franklin Fryer, Town Clerk
Kathy Deree, Assistant Town Clerk
George Lane, Town Solicitor
Michael Gallagher, Director, IT/Administrative Svc.

Recording Secretary: Mary Briggs

Vice President O'Connor called the Town Council Meeting to order at 7:30 PM. Town Clerk Franklin Fryer called roll, with one member absent. President Mathews reported that Councilor McDonald is out of town and unable to make it back for the meeting.

MINUTES

Executive Session Town Council Meeting, June 7, 2010 (tabled from July 26, 2010)

Solicitor Lane requested that no action be taken and the minutes remain on the table. The figures presented need further explanation. Through the efforts of DCR, Jim Clarke and the Planning Department and Council, the matter is being brought to fruition, allowing for further waterfront area to the town in perpetuity, but the figures do need further explanation as to the cost savings and the change from the appropriation originally agreed to by the Council and the CPA.

Budget/Management Committee Meeting Minutes, June 9, 2010

A MOTION was made by Councilor O'Connor to ACCEPT the minutes of the June 9, 2010 meeting of the Budget/Management Committee and was seconded by Councilor Smart. UNANIMOUSLY VOTED.

Budget/Management Committee Meeting Minutes, June 14, 2010

A MOTION was made by Councilor O'Connor to ACCEPT the minutes of the June 14, 2010 meeting of the Budget/Management Committee and was seconded by Councilor Smart. UNANIMOUSLY VOTED.

Budget/Management Committee Meeting Minutes, June 15, 2010

A MOTION was made by Councilor O'Connor to ACCEPT the minutes of the June 15, 2010 meeting of the Budget/Management Committee and was seconded by Councilor Smart. UNANIMOUSLY VOTED.

Budget/Management Committee Meeting Minutes, June 16, 2010

A MOTION was made by Councilor O'Connor to ACCEPT the minutes of the June 16, 2010 meeting of the Budget/Management Committee and was seconded by Councilor Smart. UNANIMOUSLY VOTED.

Town Council Meeting Minutes, June 21, 2010

A MOTION was made by Councilor O'Connor to ACCEPT the minutes of the June 21, 2010 meeting of the Town Council and was seconded by Councilor Smart. UNANIMOUSLY VOTED.

Budget/Management Committee Meeting Minutes, June 23, 2010

A MOTION was made by Councilor O'Connor to ACCEPT the minutes of the June 23, 2010 meeting of the Budget/Management Committee and was seconded by Councilor Smart. UNANIMOUSLY VOTED.

Special Town Council Meeting Minutes, June 28, 2010

A MOTION was made by Councilor O'Connor to ACCEPT the minutes of the June 28, 2010 Special meeting of the Town Council and was seconded by Councilor Smart. UNANIMOUSLY VOTED.

Special Town Council Meeting Minutes, July 26, 2010

A MOTION was made by Councilor O'Connor to ACCEPT the minutes of the July 26, 2010 Special meeting of the Town Council and was seconded by Councilor Smart. UNANIMOUSLY VOTED.

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

10 095-Acceptance of G.L. C32S 101 Contributory Retirement Board

Mr. Gallagher requested, on behalf of the Mayor, that the town accepts a local option under G.L. Ch. 32, §101 presented by the Weymouth Contributory Retirement Board. Acceptance of this option would increase the benefits paid to surviving spouses of accidentally disabled retirees who don't die from a cause not related to the disability for which they were retired. Upon acceptance, this allowance would be increased from \$6,000 to \$9,000 annually, beginning January 1, 2011.

A MOTION was made by Councilor O'Connor to refer item 10 095 to the Budget/Management Committee and was seconded by Councilor Smart.
UNANIMOUSLY VOTED.

10 096-Appointment of Health Director – Daniel McCormack

Mr. Gallagher, on behalf of the Mayor, and in accordance with Section 2-10 of the Town Charter, submitted the name of Daniel McCormack for consideration for appointment to Health Director for the Town of Weymouth.

A MOTION was made by Councilor O'Connor to refer item 10 096 to the Budget/Management Committee and was seconded by Councilor Smart.
UNANIMOUSLY VOTED.

10 097-Reappointment to the Redevelopment Authority – Thomas Vincent

Mr. Gallagher, on behalf of the Mayor, and in accordance with Section 2-10 of the Town Charter, submitted the name of Thomas Vincent of 105 Trefton Avenue for consideration for reappointment to the Redevelopment Authority. His term will expire June 30, 2013.

A MOTION was made by Councilor O'Connor to refer item 10 097 to the Budget/Management Committee and was seconded by Councilor Smart.
UNANIMOUSLY VOTED.

10 098-Appointment to the Redevelopment Authority – George Berg

Mr. Gallagher, on behalf of the Mayor, and in accordance with Section 2-10 of the Town Charter, submitted the name of George Berg of 74 Summer Street for consideration for appointment to the Redevelopment Authority. His term will expire June 30, 2011. This is to fill the vacancy of Michael Mulvaney.

A MOTION was made by Councilor O'Connor to refer item 10 098 to the Budget/Management Committee and was seconded by Councilor Smart.
UNANIMOUSLY VOTED.

10 099-Appointment to the Board of Zoning Appeals – Kemal Denizkurt

Mr. Gallagher, on behalf of the Mayor, and in accordance with Section 2-10 of the Town Charter, submitted the name of Kemal Denizkurt of 33 Circuit Road, for consideration for appointment to the board of Zoning Appeals. This is to fill the vacancy of Mary McElroy; Mr. Denizkurt currently holds the position of alternate member on the Zoning Board of Appeals. His term will expire June 30, 2011.

A MOTION was made by Councilor O'Connor to refer item 10 099 to the Budget/Management Committee and was seconded by Councilor Smart.
UNANIMOUSLY VOTED.

10 100-Appointment to the Historical Commission – Cathy Torrey

Mr. Gallagher, on behalf of the Mayor, and in accordance with Section 2-10 of the Town

Charter, submitted the name of Cathy Torrey of 14 Riverbank Road for consideration for appointment to the Historical Commission. This is to fill the vacancy of Joan Rotondo. Her term will expire June 30, 2013.

A MOTION was made by Councilor O'Connor to refer item 10 100 to the Budget/Management Committee and was seconded by Councilor Smart.
UNANIMOUSLY VOTED.

10 101-Appointment to the Memorial Committee – Keith Spain

Mr. Gallagher, on behalf of the Mayor, and in accordance with Section 2-10 of the Town Charter, submitted the name of Keith Spain of 15 Georgia Road for consideration for appointment to the Memorial Committee. This is to fill the vacancy of Tom Curtis. His term will expire June 30, 2012.

A MOTION was made by Councilor O'Connor to refer item 10 101 to the Budget/Management Committee and was seconded by Councilor Smart.
UNANIMOUSLY VOTED.

REPORTS OF COMMITTEES

NEW BUSINESS

Update on Southfield

South Shore Tri-Town Development Corporation:

Kevin Donovan- Chief Executive Officer

Jeffrey Wall- Chairman, Board of Directors

Joseph Connolly, Board of Directors

LNR Corporation:

William Ryan- Senior Director of Government Affairs and Community Outreach

Jeff Wall thanked the Council for the invitation. He reported that things have been moving over the last month with the development and the project at the base. Council President Mathews asked that the items be addressed by issues. There were questions provided by the Council which the board has addressed. Mr. Wall gave the Council an overview of the status. The parkway is official; groundbreaking was completed and work has started by Mass DOT with regard to land-taking and the process of the design built phase leading to the next phase-actual construction has begun. The tax rate was set and taxes have begun to be collected from the only current property owner, LNR. Taxes have been paid in a timely manner and there are no issues. Bonding, which has been a problem because of the economic climate has now been secured. Tri-Town has bonded \$12.5M for the infrastructure costs. Bill Ryan from LNR is also present to discuss the development of land purchase for vertical construction. A number of Purchase and Sales contracts have been signed and Phase 1A and 1B are currently underway. This is the culmination of 13 years of work on the Re-Use Plan. Local businesses along the Route 18

corridor will begin to see the affect of the influx of workers to the site with the construction of the property.

There have been some revisions to the Re-Use Plan. In August 2008, 60 units of housing were added. Revision two occurred in June 2010 and 60 units were reduced. A third revision is under consideration but not yet voted. The developer interested in purchasing is attempting to fulfill the Re-Use Plan requirement of 150 units of senior living. A meeting is scheduled with a public hearing on September 13, 2010 for a request to add a senior living component; 221 units have been requested, with a commercial component for long term care.

Councilor Lacey asked who is submitting the application for revisions. For clarification, it was noted that LNR is coming to Tri-Town as an application for revisions for the purpose of trying to sell land to a developer. Councilor DiFazio asked about the commercial aspect of the long term care and if it was covered in Phase 1 of the plan. Mr. Wall responded that there is a 650,000 sq.ft. component in Phase 1; the commercial developer is proposing 40,000.

Kevin Donovan then covered an overview of the DDA agreement. The agreement has been amended eight times; the first five were to extend the default deadlines, the sixth addressed disposition of taxes and a PILOT payment, the seventh addressed cleanup issues with the DDA documents to coincide with recent legislation, and the eighth is for release of a letter of credit to the Commonwealth for the issuance of the Parkway and bond closing dates. All DDA issues are resolved. The purchase price for the infrastructure includes \$9.8M paid to LNR for Shea Memorial Drive and Memorial Grove Avenue. These are the first land-secured bonds issued in the history of Massachusetts. Because Tri-Town is an unrated industry, it does not have a credit rating history to be able to go out on the bond market to secure funding. The land is being used as collateral. Part of the money (capitalized interest) must be put aside in a reserve fund the first two years of the bond to pay the debt and interest.

Councilor Whitaker asked that any future amendments to the DDA be provided to the Council as they occur, so they are able to review them. Mr. Donovan reported that they are available on the website.

President Mathews asked if future amendments to the DDA were anticipated, and requested that they be cognizant to the commitment to the taxpayers of Weymouth with regard to future tax revenue to the town. Changes to the DDA could have long term ramifications to the town. Mr. Wall responded that most of the previous amendments were to reconcile the language of the agreement to the DDA. Any future substantive changes which will affect demographics, needs or services to the host communities will be brought forward.

Mr. Wall reported that the construction of the first phase of the East/West Parkway has been awarded to Barletta Heavy Division for design and construction. The course will be run from Reservoir Drive in Rockland to beyond Hangar One. Hangar One will be taken

down in the first phase. Mass. DOT is in the design phase. Tri-Town has some overview in this project and has requested Barletta provide clear vision and for representatives from Barletta to be available to the Board to address concerns. There will be some overlay of protection and caution in regards to the needs within a sensitive area on the base. The land taking is in process; the hale bales will be marked to secure from any runoff in the course of the construction process. This is essentially a Mass DOT project, as the state put forth the funding for it. They are still dealing with the Navy and the transfer of the land, and have permission from the Navy to work across their land.

Mr. Wall reviewed the water usage issue and how it will be affected by the additional 221 housing units. In Phase 1A & B, there is enough support through the agreement with Weymouth for water. In the very near future, Southfield will need to secure an additional water source. The additional units will not exceed the usages that were agreed to by the former and current Mayors. With the current Mayor, an agreement was reached with an end user fee for water at a premium price. The total of units combined in Phase 1- A&B are covered in the water usage agreement.

Councilor Conlon commented on the fragile and diminishing resource of fresh water and its future depends on smart, careful planning now. Weymouth must preserve and protect its most undervalued resource. He noted managing the resource will be essential to future generations. The town was two days away this summer from imposing water restrictions facing a water shortage. The town is presently committed to providing 245,000 gallons of fresh water and processing 187,000 gallons of wastewater per day for Southfield. The town must ensure that future generations will have water and the only way this can happen is to not deplete the source.

Mr. Wall noted that the project is committed to finding another source; it is paramount to the project moving forward. Councilor Conlon responded that the town is committed under the agreement; any change must be agreed to by both parties. He also requested what sources Tri-Town has explored and whether a desalinization plant was being considered. Mr. Wall responded that MWRA is still a source, although a costly one. There could be another agreement at some future point. Mr. Ryan noted that as of this moment, the Southfield permitting agreement requires that beyond Phase 1, the source of water is the MWRA unless and until an alternate adequate source is identified.

Councilor DiFazio asked if Tri-Town is committed to not requesting any water from Weymouth outside of the agreement. Mr. Wall noted that will be the case. Councilor DiFazio requested what has been agreed to at this point with the MWRA. Mr. Wall responded that the MWRA is not in the permitting process at this time. The Board will be contacting all choices shortly. Other options have been reviewed as an overview. Mr. Ryan noted that the land which is currently owned by LNR, that had been transferred by Tri-Town and transferred from the Navy constrains the project to Phase 1. Any further expansion beyond Phase 1 requires a final concluded transfer with EDC from the Navy. The project is so massive that the sequencing is imperative. To go through a significant permitting process with significant costs without a concluded EDC isn't equitable and is something Tri-Town has been mindful of. Tri-Town does not have the standing to pursue

permitting without having rights to the land. Councilor Conlon noted the current water agreement only pertains to Phase 1 of the project. The town will need to change the agreement with Phase 2.

Councilor Lacey asked for an update on the transfer of the remaining land. Mr. Donovan reported that the issue of land transfer is still in negotiation with the Navy, but close to an agreement. The Navy is verifying numbers put forward. He expects an agreement around the end of the calendar year. This will be the final step completing the transfer as it relates to the Master Plan and they can then move forward to the next phase. Councilor Lacey noted that he is frustrated with the struggle concerning the delays with the Navy. There needs to be additional pressure to get this portion of the project completed. This is land the Navy took away from these communities many years ago. Mr. Wall responded that with the help of Senator Kerry, Congressman Delahunt and Governor Patrick, the pressure is on and the legislature is working to get it complete by the end of the calendar year. The Navy had to go out and reassess. (During this discussion, at 8:15 PM, Councilor Pap left the meeting.) Congressman Delahunt is also pursuing this with the Pentagon to get a final number negotiated. Councilor Lacey requested that Tri-Town keep up the pressure to bring it to fruition by the close of the calendar year.

Councilor DiFazio asked if there are issues other than price prolonging the negotiations. Mr. Donovan responded that price and the structure of the deal, but he cannot go further into explanation at this time. Final disposition is close. Councilor DiFazio asked what is the significance of January date. Mr. Donovan responded that it was prudent from their standpoint to have deadline to work with. Mr. Ryan further explained that Tri-Town has bonded \$12M, LNR has invested \$80M thus far, and the Commonwealth has vested \$40M with bonding for the start of the parkway; there is land that is heavily invested in which is still not locally controlled; a January 1st date in his opinion is good-spirited and there will be disappointment if it goes much beyond that. Three of the four major challenges have been met, the last being the transfer of land.

Councilor Whitaker asked what the job market might look like once this gets underway. Mr. Ryan responded that the first jobs will be construction- horizontal mainly, and all union. Then following there will be vertical construction. The first land sale closed last Thursday. As the commercial construction begins, it will open up some permanent job creation. On the construction side, infrastructure has a PLA in place which dictates the hiring rights. There will be the opportunity for interested parties to submit applications with the vertical development for some of the permanent onsite opportunities once commercial construction is underway. The state is not sure of the number of workers who will be involved in the construction of the parkway along with the vertical construction.

Councilor DiFazio asked if the parkway and vertical construction will all be done with union labor. Mr. Wall responded that the first part of the parkway, which has federal monies, was put out to bid. The federal requirements are different from a PLA or any other agreements in place. The East/West parkway may very well have non-union personnel, but they would still need to meet the Prevailing Wage laws. The vertical construction, residential, will be a bid process through the developers. The commercial

construction and heavy construction will be under the PLA. Residential purchasers are required to follow a bid process and solicit union bids. LNR executed the governing PLA. Councilor DiFazio asked if he was aware that Weymouth has a large percent of non-union personnel. Mr. Ryan responded that there is also a large percent of union as well and he is disappointed with a quarrel with the union aspect. Overall there will be many jobs created. A discussion of the funding sources followed. Councilor DiFazio asked if the state used taxpayer funding to finance the project or whether Mass. Development had anything to do with it. Mr. Ryan responded that Mass Development is the issuer of the bond, but that new tax revenue is being utilized. It was merely an agency to handle the bonding process.

Councilor O'Connor thanked the members of Tri-Town and LNR for the transparency of the boards with the town. He noted the three major accomplishments; selling parcels, securing bonding, and groundbreaking for the East/West Parkway. Now is the time to make sure progress continues.

Councilor Smart reiterated the comments and he asked if the sales of the land trigger mitigation to the town. Mr. Ryan responded that under an amendment requested by the Mayor, the host communities are entitled to mitigation fees with the sale of property. Mr. Ryan will supply the numbers to the Council.

Councilor Conlon asked if Weymouth residents will be given any preference in hiring. Mr. Ryan responded that they are required to follow PLA protocol and is not dictated by LNR. A great many of the previous workers were from Weymouth, and it will happen again. In terms of permanent job creation, they are required to notify the community of employment opportunities. They cannot guarantee it, however. The project will significantly impact the town.

Councilor Harrington asked the projected number of residential units. Mr. Ryan responded that there will be 2,855. Councilor Harrington noted that developers can come from anywhere to build here. Mr. Wall responded that the Tri-Town board is the permitting board for the development and there will be the chance to have some leeway to be sure that local residents are given hiring priority. Councilor Harrington responded that when he came on board for the project he was of the opinion that many of the jobs created would go to local people. There is the potential that many of the residential units will be developed by non-local people. Mr. Wall responded that the first purchasers are from Weymouth. Councilor Harrington asked if they will use local builders or bring them in from elsewhere. Councilor Harrington asked if they could give him any guarantees or assurances that the labor pool will be drawn from Weymouth, Abington or Rockland. Mr. Wall responded that the Tri-Town Board, as the permitting authority will be looking at that. All Massachusetts employers are required to secure health insurance for their workers and documentation for them. The permitting authority will follow the letter of the law to be sure the project is sound without putting constraints on developers. Mr. Ryan also noted that the Prevailing Wage requirements will curtail use of workers from outside of the area. It is not economically feasible to truck workers in.

President Mathews reminded everyone that the public hearing is scheduled for September 13, 2010 at the offices at Southfield. All documents are posted to the website: www.ssttdc.com

Councilor Lacey noted that criteria was set for each phase that must be met before moving to the next phase and asked if the recreational component has been met and when the gymnasium on Shea Blvd will be affected. Mr. Ryan noted that the vast majority of the recreational use is on Navy land and cannot be started until the transfer is complete. The existing facility will not be at risk through next spring. Mr. Wall concluded that the local political level should keep the pressure on to get the Navy to transfer the remaining parcels.

Mr. Connolly noted the frustration level is understandable and that there are major strides being made and there is room for optimism. Councilor DiFazio noted that there are many recreational items in the Amenity Plan in Phase 1 of the Master Plan. He questioned if all will be completed before the project goes to Phase 2. Mr. Ryan responded that the developer of the amenities is ready to go; the only hurdle is the transfer of the land. Phase 2 cannot begin without these in place.

ADJOURNMENT

The next Town Council meeting will be held on Monday, September 20, 2010, at 7:30 PM.

At 8:50 PM, there being no further business, a MOTION to ADJOURN was made by Councilor O'Connor and seconded by Councilor Smart. UNANIMOUSLY VOTED.

Respectfully Submitted by Mary Briggs as Recording Secretary

Approved by

**Arthur Mathews
Council President**