

## **MINUTES OF THE TOWN COUNCIL**

### **Town Hall Council Chambers**

**September 21, 2009**

Present:

Michael Smart, President  
Arthur Mathews, Vice-President  
Robert M. Conlon  
Kenneth J. DiFazio  
Ed Harrington  
Brian McDonald  
Michael Molisse  
Patrick O'Connor  
Victor Pap, III  
Kevin P. Whitaker  
Thomas J. Lacey (arrived at 8pm)

Not Present:

James Wilson, Chief Financial Officer

Also Present:

Maureen Duffy, Town Auditor  
Franklin Fryer, Town Clerk  
Michael Gallagher, Director of Administrative Services  
George Lane, Town Solicitor

Recording Secretary:

Janet Murray

Council President Smart called the Town Council Meeting to order at 7:35pm.

### **ANNOUNCEMENTS**

Councilor Mathews announced that the Charter Review Committee will meet on 9/22/09 at 7pm in the Town Council Chambers.

Councilor O'Connor announced that an Octoberfest will be held on 9/27/09 from 1-5pm. The cost is \$15 per person/\$25 per couple. The event will be held at the Bean Post on Hollis Street to benefit Meals on Wheels in memory of Norfolk County Correction Officer James J. Zukauskas, Children's Fund in memory of Weymouth Police Officer and Veteran Michael Davey.

Councilor Molisse announced that the Friends of the Weymouth Public Library will hold a Caddy Stacks day on Sunday 11/01/09. The library will transformed into a miniature golf course. He noted that more information is available at Town's website, clicking on the library tab or by going to [www.libraryminigolf.com](http://www.libraryminigolf.com).

Councilor Pap announced the success of the Fore River Bridge forum which was well attended with over 50 in attendance. He noted that another forum will be held.

Councilor Pap also announced that there will be a Yard Sale at St. Jerome parish on 9/26/09. The proceeds will go to Massachusetts Citizens for Life.

## **MINUTES**

### Town Council Meeting Minutes of September 8, 2009

A MOTION was made by Councilor Mathews to ACCEPT the minutes from September 8, 2009 Town Council meeting and was seconded by Councilor O'Connor and UNANIMOUSLY VOTED.

## **OLD BUSINESS**

### Update on Southfield

South Shore Tri-Town Development Corporation (SSTTDC)

-Kevin Donovan/Chief Executive Officer

-Joseph Connolly/Board of Directors

-Jeff Wall/Board of Directors

LNR Property Corporation

-Bill Ryan/Senior Director of Government Affairs and Community Outreach

Mr. Wall noted that it has been about five months since he has been before the Town Council. He pointed out that there were problems between the master developer, LNR, and SSTTDC which have been resolved in that LNR and SSTTDC have agreed that each entity is better off working together rather than against each other. Although there will always be differences, working together to move forward is the goal. He noted that there are also difficulties when you have a public entity (SSTTDC) working with a private entity (LNR).

Mr. Wall stated that the first issue is that of bonding. He pointed out that State legislation has changed to allow SSTTDC to go out to bond for the purpose of generating capital to fulfill infrastructure needs. He noted that this has been frustrating as the first attempt to get into the bond market was not successful due to the downturn in the economy.

Mr. Wall stated that there has been some loosening of the bond market. He stated that the original dollar amount of \$43 million will be lowered so as not to overextend themselves.

Mr. Donovan stated that there are "Build America" bonds that may be available from the State. He pointed out that Southfield sits in two counties; Plymouth and Norfolk. He stated that SSTTDC will pursue this option.

Mr. Wall stated that an ongoing issue is the setting of the tax rate. He stated that the evaluation hearing with the Department of Revenue (DOR) was postponed because there was a discrepancy/concern regarding what type of rate was to be used, commercial or split commercial residential, as well as questions regarding zoning.

Mr. Wall stated that this matter has been resolved and he expects a new hearing date to be set to start the process of setting the rate. He noted that this process is paramount for bonding as the setting of the tax rate will lead to the start of a revenue stream.

Council President Smart asked about the milestone dates. He asked if there is a long period of time between when you have the hearing with DOR and then apply for bonds.

Mr. Donovan stated that the classification hearing is held first and then the recap sheet is submitted for certification. Once the rate is set, SSTTDC will then apply for bonds.

Councilor Whitaker asked about the developments in Washington, D.C. regarding the bond market.

Mr. Connolly stated that the economy is looking better and opportunities to get into the bond market look brighter. He stated that getting the tax rate set is the biggest hurdle.

Councilor Conlon asked about the initial transfer of land.

Mr. Ryan stated about 500 acres were transferred from the Navy to SSTTDC in 2003 at no cost to SSTTDC. He noted that 200 acres are held for public benefit. This was F.O.S.T. (Finding of Suitability of Transfer) 1 & 2.

Mr. Ryan noted that LNR has spent about \$15 million on the project. SSTTDC had a mortgage on this. He noted that LNR forgave the \$15 million mortgage that it held on the land as well as made a \$4.2 million payment that was divided amongst the three towns.

Councilor Conlon asked if the bonds are insured.

Mr. Connolly stated that general bonds put out to the public would be secured by land on the base.

Councilor DiFazio asked on what date the 324 acres was transferred to LNR. Mr. Wall stated that it happened in 2006. Councilor DiFazio asked if there was anything in the agreement that prevented the charging of real estate taxes. Mr. Wall stated that he did not know.

Councilor DiFazio pointed out that LNR has owned the property for five years and has not paid any taxes.

Mr. Wall stated that there have been payments in lieu of taxes.

Mr. Ryan stated that the agreement between LNR and SSTTDC have always showed that there would be a considerable period of time without payment of taxes.

Councilor DiFazio asked what the differences were between SSTTDC and LNR. Mr. Wall stated that the problems were directly related to the inability to communicate; specifically in regards to the bonding issue and deadlines. He noted that there was a lack of trust that had resulted in both parties contacting the Navy without consulting the other party. He stated that in resolving these issues, it is clear that the Navy deals directly and only with SSTTDC.

Councilor O'Connor asked about the studio proposal as well as when work will begin on the East/West Parkway.

Mr. Wall stated that there is economic money that may be available for the parkway. He stated that the problem at this time is that the Navy is requiring a cost Economic Development Conveyance (EDC) rather than a no cost EDC. SSTTDC does not have \$43 million to purchase the land from the Navy. He pointed out that there are three options: a public conveyance, an easement to be afforded, or a life option.

Mr. Ryan stated that as to the studio-- the investors are at work on this and a lot of this work is of a confidential nature.

Mr. Wall noted that Representative Delahunt has legislation pending for a no cost EDC. He stated that the legislation is in committee at this time. The Navy's schedule for cleanup is set and it is now just a matter of timing.

Councilor McDonald asked about the meeting for the stimulus funding. He asked if there is a benefit to having the property in two counties.

Mr. Connolly stated that SSTTDC will be eligible for money from both counties. He noted that he believes that \$22 million is available for Norfolk County cities and towns.

Councilor Mathews asked about the Navy's willingness to continue the cleanup of the property if the no cost EDC becomes a reality rather than a \$43 million sale. Mr. Wall stated that it is up to SSTTDC to make sure that the cleanup continues.

Councilor Mathews asked if there was a time mechanism in place.

Mr. Donovan stated that the version favored by SSTTDC has passed the House of Representatives. The Senate passed a watered-down version. It is currently in committee.

Council President Smart stated that it was his understanding that the Navy has indicated that it would not transfer any land without it being cleaned.

Mr. Wall stated that the Navy has always stated that the land must be cleaned prior to a transfer. They have allowed for the possibility of another entity cleaning up the land to the necessary standards.

Councilor Conlon noted that many residents of the town believe that there will be a revenue stream from Southfield to Weymouth.

Mr. Ryan stated that the reality of excess revenue available to go back to the towns is unlikely.

Councilor Conlon stated that he would like to see tradesmen and business owners from Weymouth given preference for employment.

Mr. Ryan stated that LNR's first obligation is to the PLA with the Norfolk County Labor Council and the Quincy Building Trades in terms of hiring for construction work done by LNR. He stated that as the project gets into individual builders then local preference could be considered. All of the 1200 jobs created are union jobs.

Councilor Conlon expressed his concern that the Navy refused to not come to a public forum.

Council President Smart stated that the Navy did not refuse to come to the meeting, they deferred to SSTTDC as Weymouth's representatives.

Council President Smart encouraged Councilors and residents to go to the SSTTDC offices with any questions or concerns.

Councilor Pap asked if the Navy is charged with the cleanup on the base, will they have less of an incentive to clean up the land on the base.

Councilor DiFazio asked about finding a permanent source of water. Mr. Wall stated that there are no permits with the Town of Braintree for water. He noted that finding a permanent water source is still on the agenda and that Southfield is still using Weymouth water.

Councilor DiFazio asked about union vs. non-union jobs.

Mr. Ryan stated that the infrastructure build out work is being done through the unions.

Councilor Lacey asked about a potential agreement with the movie studio and how it fits into the three phase approach of the construction build out specific to the components in each phase, roadway, park/recreation, commercial, and residential.

Mr. Ryan stated that the conceptual plan was laid out in May. Phase 1 will begin north of the tarmac and follow Shea Blvd. The build out of the studio will be phased so that it is consistent with the commercial footprint based on other components being completed as agreed.

Councilor Conlon stated that with as many as 300 homes being built in the first phase, Weymouth will bear the burden of any school children who live there.

Mr. Wall stated that an agreement will need to be made between SSTTDC and Weymouth for the education of children who live in Southfield. He noted that no burden can be put upon Weymouth, Rockland, or Abington in regards to services, specifically additional children in the school system.

## **COMMUNICATION FROM MAYOR, TOWN OFFICERS, AND TOWN BOARDS**

### **09 109- Reserve Fund Transfer-Death Benefit-Officer Davey**

Mr. Gallagher stated that the Mayor submits the following measure in accord with Collective Bargaining Agreement between the Town of Weymouth and the Weymouth Patrol Officers MCOP Local 378 for consideration by Town Council:

“That the Town of Weymouth appropriate the sum of \$17,530.25 from the Reserve Fund (Program 132) to fund the \$7000 death benefit accorded each patrol officer who is killed in the line of duty plus an additional \$10,530.25 to cover the remaining costs of the funeral.”

Mr. Gallagher stated that this is a one-time item and does not change the collective bargaining agreement.

Mr. Gallagher requested that this item be taken up under 2-9 (b).

A MOTION was made by Councilor Mathews to CONSIDER item number 09 109 under 2-9 (b) of the Charter, same night action, and was seconded by Councilor O'Connor and was UNANIMOUSLY VOTED.

A MOTION was made by Councilor Mathews for FAVORABLE ACTION on item number 09 109 and was seconded by Councilor O'Connor and was UNANIMOUSLY VOTED.

**09 110- Reserve Fund Transfer-Weights and Measures Equipment**

Mr. Gallagher stated that the Mayor submits the following measure for consideration by Town Council:

“That the Town of Weymouth appropriate the sum of \$1,884.00 from the Reserve Fund (Program 132) to fund the cost to purchase a Class F Cast Iron Weighing System. In addition, the request covers the cost for a Class 4 Troemne Apothecary/Metric Kit. Both systems are required for ordinary and necessary functions of the Sealer of Weights and Measures.

A MOTION was made by Councilor Mathews to REFER item number 09 110 to the Budget/Management Committee and was seconded by Councilor O'Connor and was UNANIMOUSLY VOTED.

**REPORTS OF COMMITTEES**

**Budget Management Committee – Chairman DiFazio**

**09 096-Revised CDBG Funding 2009-2010**

This item was referred on 09/08/09. The Committee met on 9/16/09 and voted unanimously to recommend favorable action.

A MOTION was made by Councilor DiFazio to recommend FAVORABLE action on item number 09 096 and was seconded by Councilor O'Connor and PASSED 10-0-1 with Councilor Pap abstaining.

**09 100-Charter Committee Request**

This item was referred on 09/08/09. The Committee met on 9/16/09 and voted unanimously to recommend FAVORABLE action.

A MOTION was made by Councilor DiFazio to recommend FAVORABLE action on item number 09 100 and was seconded by Councilor Mathews and PASSED on a 10-1 vote with Councilor Whitaker opposed.

**09 102-Appointment to the Recreation Commission-Colleen Kelley**

Ms. Kelley was present this evening.

This item was referred on 09/08/09. The Committee met on 9/16/09 and voted unanimously to recommend favorable action.

A MOTION was made by Councilor DiFazio to recommend FAVORABLE action on item number 09 102 and was seconded by Councilor Mathews and was UNANIMOUSLY VOTED.

**09 103-Appointment to the Historical Commission- Donald Mathewson**

This item was referred on 09/08/09. The Committee met on 9/16/09 and voted unanimously to recommend favorable action.

A MOTION was made by Councilor DiFazio to recommend FAVORABLE action on item number 09 103 and was seconded by Councilor Mathews and was UNANIMOUSLY VOTED.

**09 104-Appointment to the Historical Commission-Philip Smith**

Mr. Smith was present this evening.

This item was referred on 09/08/09. The Committee met on 9/16/09 and voted unanimously to recommend favorable action.

A MOTION was made by Councilor DiFazio to recommend FAVORABLE action on item number 09 104 and was seconded by Councilor Mathews and was UNANIMOUSLY VOTED.

**09 106-Appointment to the Conservation Commission-Laura Harbottle**

Ms. Harbottle was present this evening.

This appointment is to fill the vacancy created by the resignation of Gerald Murphy. The appointment is effective 10/5/09.

This item was referred on 09/08/09. The Committee met on 9/16/09 and voted unanimously to recommend favorable action.

Councilor Harrington reminded those being appointed to town boards to be mindful of the fact that when residents come before a committee they may be nervous or not as informed about the process.

A MOTION was made by Councilor DiFazio to recommend FAVORABLE action on item number 09 106 and was seconded by Councilor Mathews and was UNANIMOUSLY VOTED.

**09 107-Appointment to the Conservation Commission-George Loring III**

Mr. Loring was present this evening.

This appointment is to fill the vacancy created by the resignation of Jeffrey Kent. The appointment is effective 10/5/09.

This item was referred on 09/08/09. The Committee met on 9/16/09 and voted unanimously to recommend favorable action.

A MOTION was made by Councilor DiFazio to recommend FAVORABLE action on item number 09 107 and was seconded by Councilor Mathews and was UNANIMOUSLY VOTED.

**09 108-Appointment to the Conservation Commission-Scott Dowd**

Mr. Dowd was present this evening.

This appointment is to fill the vacancy created by the resignation of Scott Coven. This appointment is effective 10/5/09.

This item was referred on 09/08/09. The Committee met on 9/16/09 and voted unanimously to recommend favorable action.

A MOTION was made by Councilor DiFazio to recommend FAVORABLE action on item number 09 108 and was seconded by Councilor Mathews and was UNANIMOUSLY VOTED.

**Ordinance Committee-Chairman Kevin Whitaker**

**09 101-Ethics Reform Bill-Adoption of M.G.L C.268A, S. 29, Designation of Liaison to the MA Ethics Commission**

This item was referred on 09/08/09. The Committee met on 9/21/09 and voted unanimously to recommend favorable action to appoint Town Solicitor, George E. Lane, as liaison to the Massachusetts State Ethics Commission.

A MOTION was made by Councilor Whitaker to recommend favorable action on item number 09 101 and was seconded by Councilor Mathews and was UNANIMOUSLY VOTED.

**09 038-Proposed Ordinance “Neighborhood Property Preservation”**

Councilor Whitaker stated that Councilors Molisse and Harrington are the sponsors of this proposed ordinance. He also stated that this proposed ordinance is still being reviewed.

**09 091-Proposed Ordinance “Peer Review Process”**

Councilor Whitaker stated that Councilor Mathews has submitted a draft and is soliciting comments from the public and his fellow Councilors. The Ordinance Committee will have a more thorough discussion at next meeting.

**Public Works Committee-Chairman Arthur Mathews**

Community Rating System (CRS) Approval Process

Councilor Mathews stated that this item was referred to the Public Works Committee in the late spring/early summer. This evening Mr. Clarke, Director of Planning and Community Development and Mr. Fuqua, Principal Planner gave an overview of the National Flood Insurance Program for the community rating system. He noted that nothing transpired as this was for informational purposes.

**ADJOURNMENT**

At 9:15 there being no further business, Councilor Mathews MOTIONED to adjourn and Councilor Whitaker seconded and was UNANIMOUSLY VOTED.

Approved by: \_\_\_\_\_  
Michael Smart, President