

MINUTES OF THE TOWN COUNCIL

Town Hall Council Chambers

September 25, 2006

Present: Michael Smart, President
Paul J. Leary, Vice-President
Kenneth J. DiFazio
Thomas J. Lacey
Michael Molisse
Patrick O'Connor
Greg Shanahan
Kevin Whitaker

Not Present: Arthur E. Mathews
Sue Kay
Jack Carey

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.

Council President noted that with the change to the 4th Monday, Councilors Carey and Kay had previous commitments. He also stated that, sadly, Councilor Mathews father passed away this past weekend.

ANNOUNCEMENTS

Councilor Molisse announced that on September 30, 2006, the annual Weymouth Day will be held.

Councilor DiFazio announced that the East Weymouth Neighborhood Association will meet this Thursday, September 28, 2008. There will be a candidate's forum.

Councilor Shanahan announced that the Weymouth Vietnam Veteran's Memorial will sponsor its 14th annual 5K road race.

Councilor Lacey thanked the Weymouth Police Department-- Traffic Division, who played a key role in the ground breaking ceremony at Sacred Heart.

Recognition of Lou Davidson for Community Service-Councilor Thomas J. Lacey

Councilor Lacey presented a citation to Lou Davidson recognizing his outstanding service to the Town of Weymouth for the past 14 years without missing a day of work. Mr. Davidson had worked as a crossing guard in Lincoln Square and is retiring.

Proclamation Issuance-Outstanding Achievement Award from the Executive Office of Public Safety-Granted to the Town of Weymouth --in Recognition of the National Incident Management System Program-Council President Michael Smart

Lieutenant Wall and Mr. Mulveyhill were recognized with this achievement award. Neither was able to be present this evening.

MINUTES

Budget/Management Committee-8/21/06

A MOTION was made by Councilor Leary to ACCEPT the minutes from 08/21/06 and was seconded by Councilor O'Connor.

Councilor Whitaker noted that on page 3, paragraph 5, line 3, after the word "raising", to insert lowering or canceling.

Councilor Whitaker made a SUBSTITUTE MOTION to AMEND the minutes as noted and was seconded by Councilor O'Connor and was UNANIMOUSLY VOTED.

Special Town Council -8/21/06

A MOTION was made by Councilor Leary to ACCEPT the minutes from 08/21/06 and was seconded by Councilor O'Connor.

Councilor Whitaker made a SUBSTITUTE MOTION to TABLE the minutes from 08/21/06 and was seconded by Councilor Lacey and UNANIMOUSLY VOTED.

Budget/Management Committee-9/5/06

A MOTION was made by Councilor Leary to ACCEPT the minutes from 09/25/06 and was seconded by Councilor O'Connor and UNANIMOUSLY VOTED.

Public Parks and Recreation Committee-9/5/06

A MOTION was made by Councilor Leary to ACCEPT the minutes from 09/25/06 and was seconded by Councilor O'Connor and UNANIMOUSLY VOTED.

Town Council-9/5/06

A MOTION was made by Councilor Leary to ACCEPT the minutes from 09/05/06 and was seconded by Councilor O'Connor and UNANIMOUSLY VOTED.

CITIZEN CONCERNS/COUNCIL RESPONSE

Conditions at Pope Towers-Gibson Midgley

Mr. Midgley, 39 Emerson Street, appeared before the Council. He stated that he is a member of the Board of Directors of the East Weymouth Neighborhood Association, and is before the Council as a very concerned citizen.

Mr. Midgley stated that neither he nor Mr. Casimiro were asked by anyone living at Pope Towers, nor the tenants' association, to initiate this action. He noted that neither he nor Mr. Casimiro have any relatives who live at Pope Towers.

Mr. Midgley stated that he and Bob Casimiro had done a walk through of Pope Towers and were deeply concerned about safety issues which they witnessed. Mr. Midgley went to the fire station and spoke with Lieutenant White regarding concerns about fire alarms, smoke detectors, and evacuation plans.

Mr. Midgley gave the Council a log of dates outlining what has been done since 7/12/06.

Mr. Midgley stated that there is a serious problem with mold and mildew within the building.

Mr. Midgley encouraged the Councilors to take a walk thru of the building themselves.

Mr. Midgley suggested that an evacuation plan be developed, the sprinklers are inspected, and the building inspector and health inspector are directed to inspect the premises.

Councilor Smart stated that Councilor Kay, the chairperson of the Senior Citizens Committee and Councilor O'Connor, Chairperson of the Public Safety Committee, will take this matter under advisement to investigate the concerns.

Councilor Leary read a letter from Mr. Moussally, Executive Director of the Weymouth Housing Authority (WHA) into the record.

Flooding Issues on Lee Street-Jim DeVincentis

Mr. DeVincentis of Lee Street appeared before the Council to express concern regarding persistent flooding at the low point of Lee Street. Mr. Will Marini of 486 East Street also appeared before the Council.

Councilor DiFazio suggested that the issue be referred to the Public Works Committee since it has been an on-going problem for many years.

Councilor Smart suggested that Mr. O'Connor, Director of the Department of Public Works, and a representative from storm water management, should be present at this meeting.

Councilor O'Connor made a MOTION to REFER this matter to the Public Works Committee and was seconded by Councilor DiFazio and UNANIMOUSLY VOTED.

PUBLIC HEARINGS

06 131-Massachusetts Electric/Verizon Pole Relocation Middle Street- continued from 9/5/06

A MOTION was made by Councilor Leary to CONINUTE the Public Hearing on item number 06 131 and was seconded by Councilor O'Connor and UNANIMOUSLY VOTED.

Mr. Bretton of Massachusetts Electric stated that the application for the pole relocation on Middle Street has been withdrawn. There was the following public comment.

Cathy Prince, 925 Middle Street, expressed her objection to the relocation of the pole and stated that she is pleased that the application has been withdrawn. She stated that an alternative needs to be found so that the neighbors are not as adversely affected.

A MOTION was made by Councilor Leary to CLOSE the Public Hearing on item number 06 131 and was seconded by Councilor O'Connor and UNANIMOUSLY VOTED.

06 133-Massachusetts Electric/Verizon Pole Relocation Echo Avenue and Paris Street- continued from 9/5/06

A MOTION was made by Councilor Leary to CONTINUE the Public Hearing on item number 06 133 and was seconded by Councilor O'Connor and UNANIMOUSLY VOTED.

This item was published on 8/28/06 and 9/19/06. There was no public comment.

Mr. Bretton of Massachusets Electric stated that he has spoken with all of the abutters and those affected-- and there is agreement on this placement of the pole.

A MOTION was made by Councilor Leary to CLOSE the Public Hearing on item number 06 133 and was seconded by Councilor O'Connor and UNANIMOUSLY VOTED.

06 141-Raise and Appropriate for an Opinion of Value-Fulton School

A MOTION was made by Councilor Leary to OPEN the Public Hearing on item number 06 141 and was seconded by Councilor O'Connor and UNANIMOUSLY VOTED.

This item was published on 9/15/06 and is a request for \$1500 for an opinion of value of the Fulton School

Mr. Wilson gave a presentation regarding both items 06 141 and 06 142. Item 06 142 discusses the reasoning behind why an opinion of value is needed, and the authority to sell certain property.

Development requirements are as follows/implementation guidelines:

- Construction will begin no later than 2 years from the date of conveyance
- All financing must be secured
- Successful respondent is required to execute Land Disposition Agreement (LDA) or Conditional Sales Agreement
- Permit approval per Code of Ordinances Chapter 120 for Public Facility/Open Space

Submission Requirements are as follows;

- Narrative description of proposed development
- Budget sources and uses
- Analysis of affordability and absorption schedule
- Preliminary site plan, floor plan and elevations
- Project schedule
- Letter(s) of interest from lenders
- Development team including resumes
- Financial information
- Description of real estate owned
- Disclosure of beneficial interest (MGL c.7, 40J)
- Certification of tax compliance (MGL c. 62C, 49A)
- Information regarding any legal or administrative actions past, pending or threatened that could relate to the conduct of the responder's business
- How the proposal conforms to the Town's Master Plan

Evaluation criteria are as follows:

- Compliance with RFP requirements
- Cost-effective use of state-funded grants or loans
- Feasibility of proposed project
- Financial feasibility of submitted proposal
- Experience in developing low income senior housing
- Quality and compatibility of design
- Project timetable
- Overall impact on the Town of Weymouth (i.e. traffic impacts)

Selection Criteria; rating system based on some of the following:

- Information provided with respondent's proposal
- Interviews
- References
- Past experience with Town
- Corresponding price proposal will be opened

Councilor Smart stated that this presentation was given at the Budget/Management Committee. He asked about what 50% of the median income means. Currently the median income is \$56,000. So, for a family of 2, the median income would be \$28,000.

Councilor Smart asked about the easement. Mr. Wilson stated that the easement will allow access to the water treatment facility as well as to Negus Park.

Councilor DiFazio asked about whether a disabled person can apply for tenancy. Mr. Wilson stated that this can happen if federal funds are obtained.

Councilor DiFazio noted that preference will be given to current Weymouth residents but residents of other towns may also apply.

Councilor Molisse asked if there has been any interest. Mr. Wilson stated that he has received five (5) requests for the information packet once it is ready for distribution.

Councilor Leary asked about parking for Negus Field. Mr. Wilson noted that there will be an easement for parking on the property.

Councilor Whitaker noted that the Town is retaining two (2) acres of land. He asked Mr. Wilson if this proposal would create revenue to the Town. Mr. Wilson stated that there will be a one-time benefit at the sale of the property as well as placing the property back on the tax rolls.

Councilor O'Connor asked for clarification on federal grants. He asked if federal grants were used if individuals with disabilities under the age of 62 would be able to apply for tenancy. Mr. Wilson stated that this is correct.

Councilor O'Connor questioned if it was possible for the building to be filled with those with disabilities with no seniors living there. Mr. Wilson stated that "in theory" this could happen.

Parcel A is the only area that will be rezoned from Public Open Space (POS) to the intended use. All of the other pieces of the property will remain POS.

Councilor Smart stated that he would like to see the possibility of a scholarship and/or renaming the street in honor Ms. Fulton considered.

Councilor Leary asked if the building must be ADA accessible. Mr. Wilson stated that it must be ADA compliant regardless of whether federal grants are used.

There was the following public comment.

Mickey Cronin, 65 Hinston Road, asked how many units of senior housing would be made available with the build out of the airbase reuse project. Mr. Wilson was not prepared to answer the question.

A MOTION was made by Councilor Leary to CLOSE the Public Hearing on item number 06 141 and was seconded by Councilor O'Connor and UNANIMOUSLY VOTED.

OLD BUSINESS

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

Mr. Fancher appeared before the Council with Mr. McPherson and Mr. Terravecchia.

Mr. Fancher stated that he had planned to make three presentations; the regulatory frameworks, answer any questions in the matrix, and the early design package. He stated that in the past week there have been a number of questions raised regarding the traffic.

Mr. Fancher stated that there has been a misrepresentation that the East-West Parkway may be built on contaminated land. He stated that this would not happen. He noted that Mr. Steve Ivis is available this evening to discuss this issue if time permits.

Mr. Bill Ryan and Mr. Climon appeared before the Council. Mr. Climon presented a summary traffic study findings for the former South Weymouth Naval Air Station. He spoke to traffic volumes and impacts.

- Erroneous information reported
 - Traffic figures have not doubled.
- What is CTPS?
 - Central Transportation Planning Staff - technical staff for Mass Highway and MBTA on traffic modeling for the Base and route 18.
- Total daily base-related vehicle trips - data history
 - 40,800
- External daily base-related vehicle trips - data history
 - External trips are trips entering and leaving the base. A number of trips generated on the base will never leave the base-internal capture
 - 25% capture vs. 16% capture rate.
- AM and PM peak vehicle trips* - data history (* these peak volumes are the basis for mitigation requirements.)
- Mitigation
 - 2 of 5 Route 18 intersection improvements completed.
 - Route 18 widening prior to Phase II
 - Four-Lane East-West Parkway prior to Phase II completion
 - Work with Weymouth throughout the MEPA review process to design appropriate mitigation.

Mr. Ryan stated that previous estimates are being fine tuned. The data that is here is from a third party and will be the data that is used for mitigation. He stated that they believe that the internal capture rate will be higher than 16%.

Total Daily trips with internal trip reductions:

	<u>Total Daily Trips</u>	<u>Internal/Bypass Trip Reduction</u>	<u>Total Daily Trip After Reductions</u>
LNR*	20,000		20,000
MAPC**	68,841	17,210	51,631
MHD***	40,800	6,500	34,300

*The LNR project total trips per day of 20,000 was the amount which was proposed by LNR in its presentation to the Town Council prior to the July 25, 2005 vote by the Town of Weymouth

**Master Plan data from April 20, 2005 MAPC Report with utilization of a maximum 25% internal trip reduction as applied by MEPA on the Mills Plan report.

***The recent 2006 MHD results just published include a 16% internal trip reduction.

Councilor Smart asked if the Central Transportation Planning Staff (CTPS) numbers are based on 2 million square feet of commercial space and 2855 housing units. Mr. Climon stated that they are.

Councilor Smart asked why there is a difference between the CTPS rate of 16% and the LNR capture rate of 25%. Mr. Climon stated there had been criticism of the initial rate of 25% which was based on Smart Growth and Transit oriented development. These models in general are still relatively new. Councilor Smart asked if increased mitigation will be called for. Mr. Ryan stated that some of the mitigation will be different but he does not foresee a substantial increase in dollar figures.

Councilor DiFazio stated that if the internal trips are at 16% as opposed to 25%, this is a significant change and not fine tuning. He asked if there is any point when scaling back the project will become a consideration.

Mr. Ryan stated that if mitigation is not adequate then the project would be impacted.

Councilor Leary stated that the slide indicates that the East/West Parkway will be completed at the end of Phase II. Mr. Ryan stated that the construction would need to begin before the end of Phase II. He noted that MEPA will certainly look at having this completed earlier rather than later in the project.

Councilor Leary questioned the statement that the parkway will provide direct access to Route 3 even though there will be a number of traffic signals. Mr. Climon stated that access to Route 3 will be four lanes from the East/West Parkway, to Reservoir Park Drive, Weymouth Street, and Hingham Street to Route 3 with dedicated turning lanes and is shown by the models to be more efficient than cutting through neighborhoods.

Councilor Leary stated that there is no intersection of Columbian Street and Park Avenue. The intersection is at Park Avenue West.

Councilor Whitaker stated that it is incredulous to believe that these mitigations proposals will improve traffic on Route 18.

Councilor Lacey suggested that CTPS appear before the Council to address the issue of internal capture. He stated that the concept of internal capture is confusing. He also asked for clarification on indirect and direct access to Route 3.

Mr. Ryan agreed that it would be a good idea to have CTPS do a presentation to the Council regarding internal capture rates. He stated that the biggest issue with direct access to Route 3 was the ability to obtain permits.

Mr. Climon spoke to how internal trips are separated from external trips. An internal trip has a beginning and ending point on the base. A person may make more than one trip on any given day. These numbers are based on land use; the number of housing units, the amount of commercial development, recreational development and the proximity of those different land uses. The person does not necessarily have to live on the base.

Councilor DiFazio asked that CTPS and Massachusetts Area Planning Council (MAPC) be invited to appear before the Council as soon as possible.

Mr. Fancher suggested that the three presentations originally planned for this evening be done at a later date. He also suggested that JDA Associates be included in the meeting with CTPS and MAPC.

Councilor Whitaker asked about the recent use of the White Street gate. Mr. Fancher stated that he had been informed by Mrs. Halloran that the White Street gate had been opened and the lock was in the locked position. A vendor who had been given permission to use one of the other gates had left it open as they were transporting port-a-potties onto the base. They did not have permission to do that. Mr. Fancher stated that this will not happen again.

COMMUNICATION FROM MAYOR, TOWN OFFICERS, AND TOWN BOARDS

06 146-Appointment to the Recreation Commission-Paul Carnell

A MOTION was made By Councilor Leary to REFER item number 06 146 to the Budget/Management Committee and was seconded by Councilor DiFazio and was UNANIMOUSLY VOTED.

REPORTS OF COMMITTEES

Budget Management Committee – Chairman DiFazio

06 137-Accidental Death Benefit for Surviving Children

Item number 06 137 was referred on 8/21/06. The Committee met on 9/14/06 and voted unanimously to recommend favorable action.

Councilor DiFazio stated that Mr. Wilson had informed the Committee that this benefit will apply to the surviving children of all town employees and that it will have no economic impact on the budget.

Councilor DiFazio made a MOTION to recommend FAVORABLE action and was seconded by Councilor Leary and UNANIMOUSLY voted.

06 141-Raise and Appropriate for an Opinion of Value-Fulton School

Item number 06 141 was referred on 9/5/06. The Committee met on 9/14/06 and voted unanimously to recommend favorable action. A Public Hearing was held this evening on 9/25/06.

Councilor DiFazio made a MOTION to recommend FAVORABLE action and was seconded by Councilor Molisse and UNANIMOUSLY voted.

06 142-Sale of Town Owned Land-Fulton School

Item number 06 142 was referred on 9/5/06. The Committee met on 9/14/06 and voted unanimously to recommend favorable action.

Councilor DiFazio made a MOTION to recommend FAVORABLE action and was seconded by Councilor Molisse.

Councilor Leary noted that this is a work in progress and the Mayor has the ability to reject any proposals.

Councilor O'Connor asked about the five developers who have requested information and if any of them will use federal grants. Mr. Wilson declined to reply.

Councilor O'Connor also asked about the oversight of potential abuses of HUD grants. Mr. Wilson stated that the RFP requires a detailed financial plan. If a bid is noncompliant or vague, the Mayor has the right to reject it. As to oversight of abuses, the Federal Government audits for any abuses in projects. There is a reverter clause in the RFP. There are enough safeguards in 30B to reject proposals during the process, if necessary.

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Councilor Smart stated that he supports this measure solely because affordable senior housing is so desperately needed. He would have preferred to see this location maintained as a school but affordable senior housing is a good reuse.

Councilor DiFazio stated that all of the town's departments were asked if there were any other possible uses for this property. There was no interest in it.

The MOTION was UNANIMOUSLY VOTED.

Public Works Committee-Vice-Chairman Shanahan

06 131-Massachusetts Electric/Verizon Pole Relocation Middle Street-withdrawn by Mass. Electric on 9/19/06

The Public Works Committee met on 9/5/06 and 9/25/06. On 9/25/06 the Committee voted unanimously to recommend no action. A Public Hearing was held on 9/25/06.

Councilor Mathews made a MOTION to recommend NO ACTION and was seconded by Councilor O'Connor and UNANIMOUSLY voted.

NEW BUSINESS

06 145-Proposed Ordinance Establishing a Salary for the Clerk of the Council-Councilor Kevin Whitaker

A MOTION was made by Councilor Leary to REFER item number 06 145 to the Budget/Management Committee and was seconded by Councilor O'Connor and UNANIMOUSLY VOTED.

ADJOURNMENT

At 9:50pm there being no further business, Councilor Leary MOTIONED to adjourn and Councilor O'Connor seconded and was UNANIMOUSLY VOTED.

Approved by: _____
Michael Smart, President