

TOWN COUNCIL MINUTES
Town Hall Council Chambers
February 5, 2018, Monday

Present: Michael Smart, President
Arthur Mathews, Vice President
Kenneth DiFazio, Councilor
Jane Hackett, Councilor
Fred Happel, Councilor
Ed Harrington, Councilor
Rebecca Haugh, Councilor
Christopher Heffernan
Thomas J. Lacey, Councilor
Arthur Mathews, Councilor
Brian McDonald, Councilor

Absent: Michael Molisse, Councilor

Also Present: Mayor Robert Hedlund
Ted Langill, Chief of Staff
Brian Connolly, Chief Financial Officer
Joseph Callanan, Town Solicitor
Kathleen Deree, Town Clerk
Richard Swanson, Town Auditor
Robert Luongo, Director of Planning
Owen McDonald, Traffic Engineer
Jane Kudcey, Housing Director
Jen Curtis-Whipple-Supt. Of Schools
Lisa Belmarsh-Chair of School Committee
Sean Guilfoyle, Vice Chair of School Building Committee

Recording Secretary: Mary Barker

President Smart called the meeting to order at 7:30 PM. After the Pledge of Allegiance, Town Clerk Kathy Deree called the roll, with one member absent. President Smart reported that Councilor Molisse was absent due to a prior family commitment.

MINUTES

Budget/Management Committee Meeting Minutes of December 18, 2017

A MOTION was made by Vice President Mathews to approve the minutes of the December 18, 2017 Budget/Management Committee meeting and was seconded by Councilor DiFazio. UNANIMOUSLY VOTED.

Town Council Meeting Minutes of December 18, 2017

A MOTION was made by Vice President Mathews to approve the minutes of the

December 18, 2017 Town Council meeting and was seconded by Councilor DiFazio.
UNANIMOUSLY VOTED.

Town Council Meeting Minutes of January 2, 2018

A MOTION was made by Vice President Mathews to approve the minutes of the January 2, 2018 Town Council meeting and was seconded by Councilor DiFazio.
UNANIMOUSLY VOTED.

Public Works Committee Meeting Minutes of January 23, 2018

A MOTION was made by Vice President Mathews to approve the minutes of the January 23, 2018 Public Works committee meeting and was seconded by Councilor DiFazio.
UNANIMOUSLY VOTED.

PUBLIC HEARINGS

17 106-Traffic Regulations Associated with Reconstruction of Middle Street and Libbey Parkway Intersection

A MOTION was made by Vice President Mathews to open the public hearing on 17 106 and was seconded by Councilor DiFazio. This was published on January 30, 2018.
UNANIMOUSLY VOTED.

Traffic Engineer Owen MacDonald presented the measure. This intersection will be reconstructed and signalized. As part of the design, the regulations have to be approved by the Council. Mr. MacDonald reviewed the plan in a power point presentation. The ordinance contains general regulation with a new addition – a flashing yellow arrow, and he reviewed its purpose. The design included:

- Widening Libbey Parkway at the corner
- Bus stops at the intersection
- Tara Drive signalization
- Easements on driveway for general maintenance
- No Parking sign established

Council President Smart asked if there were any comments from the public, to which there was no response.

A MOTION was made by Vice President Mathews to close the public hearing on 17 106 and was seconded by Councilor DiFazio. UNANIMOUSLY VOTED.

OLD BUSINESS

17 104-Housing Production Plan Presentation-Robert Luongo, Director of Planning and Community Development

President Smart invited Mr. Luongo and Jane Kudcey to the table; he noted that the matter has remained on the agenda as a placeholder. Mr. Luongo noted that if approved, the Housing Production Plan provides the following:

Advantages

- If the town has a plan based on data analysis, it shows a proactive approach to accommodate housing needs.
- It shows the state that the town is making a good faith effort to produce affordable housing.
- It can help prevent an unfriendly 40B development from being forced on the town.
- The plan can be used in the appeal process.
- It assists with receiving state grant funding.

Disadvantages

- It could send out an anti-housing sentiment.
- It could subject the town to possible unfavorable grant standing.
- The town could fall below land area set-aside limits.

Mr. Luongo noted that a town that doesn't grow stays stagnant and eventually a community dies. It sends a message, not just for housing development, but that Weymouth is not willing to invest in its community. Approval of a Housing Production Plan would bring in new growth.

Councilor DiFazio asked to confirm the practical advantage of the plan and the town having some assist with defending a denial to an appeal at the state level, to an adverse decision by the zoning board of appeals. He is in favor of the Board of Zoning having an additional tool at its disposal. He asked if it will help much. Mr. Luongo responded that he has heard it could.

Councilor Heffernan noted that the town sought guidance from Secretary Ash and asked what resulted from the request. Mr. Luongo responded that there has been an outreach but he hasn't heard the result. The new guidelines have come into effect since then. There is a suggestion for the calculation for land area set aside but it is not definitive and they do not have to comply with the guidelines.

Mayor Hedlund responded that he has reached out and discussed this with our State Senator, Representatives and the Lt. Governor. He noted that in ten years, forty bills were filed around 40B and it was frustrating during his Senate tenure. Because of the building pressure, and the effort some years ago to repeal 40B, DHCD offered that by the creation and adoption of a housing plan, a town would have some minor defense. He sensed the Council's trepidation. He is disappointed not to hear back from Secretary Ash's office. President Smart responded that this isn't driven by trepidation; rather the Council is seeking as much information as possible to make the most informative decision for the residents.

Vice President Mathews noted several communities have adopted a Housing Production Plan and he asked what is the impact of not meeting the five-year goals. Mr. Luongo and Ms. Kudcey responded that by approving the plan, the town shows a good faith effort, even if not meeting the goals. This is simply a benign plan-its a proactive stand. If they

adopt it and then not implement the goals, they would stand to lose a challenge to 40B; however, any action on the strategies would require action by the Council. Approval of the plan does not approve inclusionary zoning, which is an ordinance change.

Councilor Harrington asked if the plan allows for any amending. Ms. Kudcey responded that the plan is good for five years, and then it can be revisited.

President Smart asked if there is a timeline if the town were to fall below the 1.5%. Mr. Luongo responded that it applies only if a developer were to challenge it. There is a developer testing the waters, but Mr. Luongo is unsure of its validity. Activation of a plan after a challenge could appear as ingenuous.

Councilor Lacey asked when conditions would require Town Council approval and when not. Mr. Luongo responded with examples. It could include zoning changes requiring action of both Town Council and the Planning Board, it could include the creation of a Housing Trust Fund. Implementing the strategies to implement goals could be changed subtracted or added as needed.

Chapman School Building Project Update- Ted Langill, School Building Committee Chair, Sean Guilfoyle, School Building Committee Vice Chair

Ted Langill, Chair, Sean Guilfoyle, Vice Chair of the Building Committee, Supt. Whipple, School Committee Chair Lisa Belmarsh and Mayor Helund were invited to the table. Mayor Hedlund reported that they are excited to take on this challenge. Chief of Staff Langill provided a power point presentation:

- timeline of the design
 - statement of interest signed
 - acceptance and eligibility period
 - feasibility study –currently at the beginning of this process. the next steps include:
 - submit preliminary design program to MSBA
 - preliminary evaluation of all alternatives and the costs of these
 - project schedule
 - define the education plan
 - evaluate existing conditions
 - evaluate space needs
 - final determination of preferred solution option
 - submit preferred schematic report

This will take place over the next few weeks. The next few months will explore the preferred solution options and submit the preferred schematic report in May.

Enrollment options

- a. existing conditions 5/6 middle school and 7/8 middle school
- b. 2- 6/8 middle schools
- c. 2-5/8 middle schools
- d. 1-6/8 middle school

Resultant from the more than 30 public meetings and forums, meetings with MSBA, staff and administration, a fourth option became available and MSBA was asked to add it to the official Enrollment Study Options and it was accepted; to create one middle school for grades 6-8 and the Adams building would become the ninth primary school. Primary schools would become grades K-5. For each of the enrollment options, there are three design requirements that must be submitted to MSBA:

- Renovation design
- Renovation addition design
- New construction

These twelve requirements will be submitted in the next few weeks. Renovation is significant; it includes code updates and complete renovation of the building. Addition means keeping some of the original building, getting rid of the rest and building new construction around it, and deconstruction of the existing building and construction of a new school. As they reviewed the options, the second was removed from consideration as there is no room for the fifth grade at the existing primary schools. There wasn't a lot of interest in keeping with the existing configuration. Of the final two options, and after some discussion, and much deliberation, the committee determined the last option was the preferred solution and voted it 9-1. Option (D) will service 1,470 students in grades 6-8. The costs were further delineated:

- Option (a): \$100-110 million – complete renovation of the existing Chapman building (town share \$38-42 million with reimbursement). The current reimbursement rate is a little over 56% but will be decreased by the cost of ineligible aspects and the MSBA cap on per square foot cost which results in a reimbursement rate of about 43%. This option does not have a lot of support by the committee; there are too many needs.
- Option (b): \$160-168 million - renovating the auditorium, and gym because MSBA caps the size of these elements, and the cafeteria. The Cafeteria wouldn't necessarily be a part of the school, but could be used as a community events center. Town share of the cost would be about \$88-97 million and any reconditioning to turn Adams into a ninth primary school. All costs for reconditioning will be the town's share- \$10 million (non-reimbursable).
- Option (c): \$150-153 million for new construction with slightly smaller footprint than exists. \$83-92 million and also includes reconditioning of the Adams at \$10 million.

All twelve design options will be presented to MSBA in May. All have to be brought forward but they will profess their preferred option (d). Once approved, they can move forward with the schematics.

Councilor Hackett asked about the thought process with regard to parity and quality of both buildings. Mr. Langill responded that the education plan was first developed for the project. It narrowed down what was the best option. Supt. Whipple noted that discussions and public forums indicated that equity was important to the parents, staff and administration. They also leaned towards limiting the number of transitions and providing

for full-day kindergarten programs in the neighborhood schools and creating a robust plan with feeder programs across the district—which will expose all the students to the opportunities available to them at the high school.

Councilor DiFazio asked what the difference in costs are between options (c) and (d). Mr. Langill responded that option (d) is \$20 million more. The committee discussed this before the vote.

The presentation posted on the website is more detailed: anewchapman.org. Councilor Haugh noted that this is still five years out. No matter what option is chosen, redistricting will still be necessary. What issues will be relieved in this redistricting? Superintendent Whipple noted that some buildings are overcrowded (requiring cart-teaching) and some are underfilled (resulting in inability to provide full day kindergarten in the home school). They have to be careful watching enrollments; the fluctuation across the district will require redistricting whether or not the project moves forward.

Councilor Heffernan asked where the student population will be housed during the construction. School Committee Chair Belmarsh responded that discussion has taken place. In Phase II of the timeline, part of the cost includes housing while building. Another option is to potentially construct without students. It could reduce costs and the timeline. This hasn't been studied yet in detail. The shorter the construction period, the less expensive it will be.

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

18 006-Reppointment to WEY/BRA Regional Recreation-Conservation District-James Lockhead

CFO Brian Connolly requested on behalf of the Mayor that the Town of Weymouth reappoint James Lockhead of 95 Lester Lane to the WEY/BRA Regional Recreation-Conservation District for a term to expire on June 30, 2020.

18 007-Reppointment to WEY/BRA Regional Recreation-Conservation District-Richard McCulley

CFO Brian Connolly requested on behalf of the Mayor that the Town of Weymouth reappoint Richard McCulley of 348 Summer Street to the WEY/BRA Regional Recreation-Conservation District for a term to expire on June 30, 2020.

A MOTION was made by Vice President Mathews to adopt the reappointment list, which includes measures 18 006 and 18 007 and was seconded by Councilor Lacey.
UNANIMOUSLY VOTED.

18 008-Appointment to Board of Zoning Appeals-Paul Koch

CFO Brian Connolly requested on behalf of the Mayor that the Town of Weymouth appoint Paul Koch of 64 Browning Street to the Board of Zoning Appeals for a term to expire on June 30, 2020.

A MOTION was made by Vice President Mathews to refer measure 18 008 to the Budget/Management Committee and was seconded by Councilor Lacey.
UNANIMOUSLY VOTED.

18 009-Application of Bond Premium

CFO Brian Connolly requested on behalf of the Mayor that the Town of Weymouth votes to supplement each prior vote of this Council that authorizes the borrowing of money to pay costs of capital projects to provide that in accordance with Chapter 44, Section 20 of the General Laws, the premium received by the Town upon the sale of any bonds or notes thereunder, less any such premium applied to the payment of the costs and the amount authorized to be borrowed for each such project, shall be reduced by the amount of any such premium applied.

A MOTION was made by Vice President Mathews to refer measure 18 009 to the Budget/Management Committee and was seconded by Councilor Lacey.
UNANIMOUSLY VOTED.

REPORTS OF COMMITTEES

Public Works Committee- Chairman Arthur Mathews

17 129 Measure to Provide an Exemption under the State Ethics Law to allow Municipal Employees to Plow Snow

Vice President Mathews reported that measure 17 129 was affirmatively voted by the Town Council on December 18, 2017. Subsequent to the vote, the Council voted to refer the matter of snowplowing to the Public Works Committee for review. The main topic of discussion was private contractors plowing for the town and Solicitor Callanan and Robert Feldman of the DPW were in attendance to discuss the public contractors plowing for the town. During the 2015/2016 season, the town contracted with 51 private contractors and had 152 pieces of equipment. During the first storm of the 2017/2018 season, on December 9, 2017 the town had 32 contractors and 52 pieces of equipment. Since the first storm, additional contractors were enlisted and the total number stands at 32 contractors and 77 pieces of equipment. Solicitor Callanan noted that the additional insurance requirements enacted to protect Weymouth homeowners and residents, negatively impacted the town's ability to attract contractors. They discussed and received the surrounding cities and towns rate structures and protocols when contractors are called in, the amount spent so far on snow removal, and the intent by the administration to review rates after the season in order to retain contractor and attract additional contractors. No action was taken.

Ordinance Committee-Chairman Kenneth DiFazio

Councilor reported that the Committee met on January 29, 2018 to deliberate the following measures:

17 036-Waterways Ordinance Revision-Chapter 12-100

Councilor DiFazio reported that this matter was withdrawn by the administration.

17 106-Traffic Regulations Associated with Reconstruction of Middle Street/Libbey Parkway Intersection

This matter was referred to the committee on November 13, 2017. The committee met on January 29, 2018. A public hearing was held on February 5, 2018. The matter is still in committee.

17 127-Zoning Amendment to Create a Commercial Corridor Overlay District

This matter was referred to the committee on December 4, 2017. The committee met on January 29, 2018 and a public hearing is scheduled for February 20, 2018.

18 002-Measure Prohibiting Commercial Marijuana

This matter was referred to the committee on January 16, 2018. The committee met on January 29, 2018. This matter is pending a public hearing.

NEW BUSINESS

Charter Compliance Concerns – Charter Section 8-13 (Enforcement of Charter Provisions)-Councilor Thomas Lacey

Councilor Lacey requested a referral to the Ordinance Committee to review matters of what he believes are noncompliance with the charter. There are four specific areas he would like reviewed:

- Charter Section 8-14: request for an annual town report- none has been provided
- Charter Section 6-8: provide town clerk allotment of schedules personnel- not filed with the Clerk's office to date
- Charter Section 5-1: Organization of Town Agencies- re-organization established without Town Council approval – the creation of the Department of Asset Management and Procurement without a measure having been submitted.
- Charter Section 2-10: appointment of a department head without Town Council approval.

He noted it is the duty of the Town Council to notify administration when areas of noncompliance exist.

A motion was made by Councilor Lacey to refer the item to the Ordinance Committee and was seconded by Vice President Mathews. UNANIMOUSLY VOTED.

Reappointment-Town Clerk Kathleen Deree –Vice President Arthur Mathews

A Motion was made by Vice President Mathews to refer the reappointment of the Town Clerk to the Budget/Management Committee and was seconded by Councilor Lacey. UNANIMOUSLY VOTED.

Reappointment-Assistant Town Clerk Lee Hultin –Vice President Arthur Mathews

A Motion was made by Vice President Mathews to refer the reappointment of the Assistant Town Clerk to the Budget/Management Committee and was seconded by Councilor Lacey. UNANIMOUSLY VOTED.

Preliminary Overview of Fiscal Year 2019 Budget-Ted Langill, Chief of Staff

Mayor Hedlund and Mr. Langill provided a brief overview of the preliminary budget submission. Mr. Langill noted that the Chair of the Budget/Management committee is not present and they will work closely with the committee as the process moves forward. This is the Mayor's third budget and significant process has been made and the hope is to continue going forward.

- Goals- continue progress
 - Revenue growth
 - No operating reliance on free cash
 - Maintain and responsibly restore needs
- Tax levy 65%- 4% growth (new growth)
- Local Receipts- see some leveling off going into FY19
 - Meals tax
 - Medicaid reimbursement
 - PILOT

Leveling off:

- Motor Vehicle Excise
- Building Permit revenue

Mr. Langill reported that net state aid is decreasing and assessments increasing significantly. On the assessment side, it is the charter schools. Charter schools are not being funded by the state despite a promise during the transition. Reimbursement rates decreased and caused deficits on the cherry sheet. Senator O'Connor proposed several amendments last year to address this issue but none were passed. There is some effort to obtain relief. The administration and school committee are drafting a letter to state government and legislature and encouraged the Town Council to join in this effort.

Going into FY19, all Collective Bargaining Agreements are settled. This is the first budget which will include all of them. They are waiting to see what will happen with health insurance. It was noted that the Retirement Board voted an increase of 4%.

Councilor Happel asked about the cut to Veterans Services that is shown on the Governor's budget. Mr. Langill responded that the Veterans Agent will review. He thinks it may be simply a timing issue and that it shows only a two-quarters payment.

Councilor Haugh asked about the letter that the administration and school committee are jointly drafting. Mr. Langill responded that it addresses three areas which are affecting the town:

- Chapter 70 funding
- Circuit breaker
- Charter schools

Mr. Langill will provide a draft for the Budget/Management to consider.

ADJOURNMENT

The next regular meeting of the Town Council Meeting has been scheduled for Tuesday, February 20, 2019, due to Presidents' Day. At 9:10 PM; there being no further business, a MOTION was made by Vice President Mathews to adjourn the meeting and was seconded by Councilor DiFazio. UNANIMOUSLY VOTED.

Respectfully Submitted by Mary Barker as Recording Secretary.

Approved by Michael Smart as President of the Town Council.

Unanimously voted on 5 March 2018