

Board of Directors Meeting  
Monday, December 16, 2013 @ 4:00pm  
SSTTDC Town Hall Conference Room

Directors Present: Joseph Connolly, Chairman  
John Ward, Vice Chairman  
James Lavin, Clerk  
Gerard Eramo  
Jeffrey Wall (arrived 4:15pm)

Also Present: Kevin R. Donovan, CEO  
James A. Wilson, CFO  
Jim Young, Project Manager  
Steve Ivas, Conservation Agent

The Chairman called the meeting to order at 4:00pm

Conservation Commission

Continued Public Hearing – Notice of Intent for Rte. 18 Widening

Mr. Young reported that the applicant requested a continuance in order to re-evaluate options for potential wetland mitigation sites based on comments from the Army Corp of Engineers. The Chairman was informed that this issue did not pertain to the temporary bridge on Rte. 18 that concerned the Barbara Lane residents. Mrs. Parsons, Rockland, requested a copy of the Army Corp of Engineers comments.

**VOTED: Motion of John Ward, seconded by James Lavin, to continue the Public Hearing on the Notice of Intent for Rte. 18 widening to January 13, 2014 at 4:00pm**

**Unanimous vote**

Conservation Commission

Public Hearing – Amended Notice of Intent for TACAN Outfall Drainage Ditch Weir

Mr. Ivas summarized work that was done to remove a blocked weir located downstream from the TACAN Outfall, and the proposed work to replace it. He noted that beaver activity blocked up the original weir. Mr. Perry, Gale Associates, reviewed the proposed project to replace the weir, a pre-existing earth fill berm, with a concrete outlet control structure. The Board was informed that additional permits may be required from both State and Federal Agencies; that silt fencing would surround the entire project area to keep endangered species outside of the proposed work site, and a temporary ponding area and pump-around would be constructed in order to work in a dry site.

Mr. Ivas also noted that the Rockland Conservation Commission had previously voiced concern on the potential for increased peak flow runoff from the site without the weir.

Mr. Eramo was informed that beaver activity was back again and that there was no prior record of beavers on the Base.

Mr. Ward was informed that construction would commence once all permits were in hand and when the necessary funds were in place, ideally in the fall season 2014, and that additional approvals were required to relocate beavers.

Mr. Lavin was informed that fish from French's Stream made it all the way up to the eastern storm water pond off Memorial Grove Avenue.

#### PUBLIC COMMENT

Ms. Parsons, Rockland, was informed that the proposed weir was an open box structure with arches that would allow safe passage for fish, that the black alder vegetation died off because of fluctuating water levels due to beaver activities, and she confirmed that the original berm was a runoff control point for both the TACAN outfall and the easterly side of the TACAN area.

Ms. White, Wetland Strategies, noted the proposed reconstruction project was not contemplated during the EIR process and would most likely trigger a Notice of Project Change; she also recommended a conservation seed mix to restore indigenous wetland plantings along the banks of the ditch. Ms. White also mentioned that ACOE Appendix C may need to be submitted to the ACOE prior to conducting work. Mr. Bromberg, Rockland, was informed that the two proposed 24" arches would perform similar to the two former 18" round pipes, and what was thought to be a failure in the pipes turned out to be blockage by beavers. The blockage raised the water level to the top of the berm. Preventive measures were taken to prevent downstream problems. The proposed weir with "beaver deceiver cages" would help prevent future weir blockages and allow easier maintenance of the weir.

Mr. Nover, Rockland Conservation Commission Agent, was informed that calculations on the proposed weir design included projections for peak runoff at full build-out of the Base. He asked that the hearing be continued to allow sufficient time for a complete review of the amended NOI, and noted that until the weir was replaced there would be potential for serious downstream flooding impacts to Rockland. He requested an interim solution be put in place until reconstruction began. The Chairman asked the applicant to work with the Rockland Conservation Commission's Agent.

Mr. Young noted that SSTDTC had not received NHESP's review letter and recommended the Public Hearing be continued to the next meeting.

**VOTED: Motion of John Ward, seconded by James Lavin, to continue the Public Hearing on the Amended Notice of Intent for the TACAN Outfall Drainage Ditch Weir to January 13, 2013 @ 4:00pm Unanimous vote**

#### FY14 Infrastructure Special Assessment

The CFO noted that the terms in the bond authorization required the Board of Directors to approve the "Annual Assessment Report and Amendment of the Assessment Roll for the Collection of Assessments". The Report included the FY14 amended tax roll, property ownership changes, special assessment and source of funding for the FY14 2010A Bond debt service of \$1,052,817. The Board was informed that DOR had certified the tax rate and land values, and that the calculation of taxes to be pledged to the debt service by SSTDTC was \$492K, leaving a Special Assessment of \$535K. The Board of Assessors had met earlier in the day and approved the Special Assessment approach.

#### Board Measure 13-044

**VOTED: Motion of Jeffrey Wall, seconded by Gerard Eramo, that the Board of Directors approve the FY14 Annual Assessment Report and Amendment of the Assessment Roll for the Collection of Assessments for FOST 1 and 2 as submitted to the Corporation by MUNICIPAL in November, 2013 and in accord with the approved bond authorization of April 27, 2010 Unanimous vote**

#### Food Vendor License

The Board reviewed the food vendor renewal application of Willy's Treats

Board Measure 13-046

**VOTED: Motion of Gerard Eramo, seconded by John Ward, in accordance with the provisions of NAS South Weymouth General Municipal Codes, Section 7.2 Regulation of Food Vendors and Amendments and additions thereto, a Permit is granted to Willy's Treat's; license to expire on December 31, 2014 Unanimous vote**

Discussion of Development at SSTTDC

The Board was informed that after various Starwood presentations the CEO and CFO had identified areas of agreement, and that those areas of agreement could be accomplished by written agreement between the two parties. The CEO reviewed a Board resolution and a recommendation to adopt it. Mr. Ward stated it was an interesting proposal, but the Board needed to go further given the fact that Starwood stopped development on this project back in January 2013, and engaged in a public relations campaign and a lobbying effort, by their agent William Ryan, to discredit SSTTDC. Mr. Ward further stated that the Master Developer was obligated, per the Disposition and Development Agreement, to follow the Master Plan; instead they proposed legislation that would nullify that plan and violate the DDA. Mr. Ward suggested that Starwood be notified that they are in default and should within 30 days drop their proposed legislation and work with SSTTDC to revise legislation.

Mr. Eramo stated the recommended resolution was a good base to move forward, to sit down with Starwood and work things out.

Mr. Lavin voiced his frustration that no effort by LNR had been made to revitalize stalled commercial development when there clearly were good opportunities to start a heavy marketing campaign to induce developers to come to the Base. It's time to work together.

Mr. Wall noted that the Starwood presentation frequently referred to the phrase "work together" and that the proposal had some good points; but Starwood was not working together with SSTTDC. Mr. Wall stated that LNR and SSTTDC had a disposition and development contract together that needed to be fulfilled. The CEO/CFO resolution would help fulfill the DDA contract. Starwood should show good faith to revise the legislation and submit it together with SSTTDC and the 3 Host Communities.

Mr. Connolly stated he received a call from Mr. Barry, Starwood, to discuss a way to work out differences. Mr. Connolly indicated this was a good first step. He also received a call from Mr. Glantz, noting that they had a difference of opinion. The Chairman thanked the CEO and CFO for their proposal.

**VOTED: Motion of John Ward, seconded by James Lavin, to find the Master Developer, LNR South Shore LLC/Starwood CPG Operations LLC in default of Section 6.3 of the Development and Disposition Agreement and notify them that they have 30 days to cure by withdrawing the legislative proposal and negotiating a path forward with SSTTDC and the Host Communities 3-2 vote, Connolly and Wall opposed**

The Board unanimously agreed to adopt the CEO's and CFO's 13 point resolution.

**VOTED: Motion of Jeffrey Wall, seconded by James Lavin, that given the urgency expressed by the Master Developer at a public meeting on December 10, 2013 and its express desire to find solutions; the Board of Directors is prepared to agree with the Developer on the following declarations and commitments made by the Master Developer at said meeting:**

- 1) That SSTTDC and the Master Developer will jointly work with the Secretary of Administration and Finance in seeking a remedy to the so-called "Claw Back" portion of an Agreement between the Commonwealth of Massachusetts and SSTTDC as amended and dated March 4, 2010.**
- 2) Authorize LNR South Shore LLC to immediately procure and finance the water supply and**

wastewater capacity for development of the former NAS South Weymouth.

3) That LNR South Shore LLC joins with SSTTDC to explore a funding schedule for the Commonwealth to absorb the costs of the so-called Parkway Phase 2 Improvements and the East-Side Improvements.

4) That LNR South Shore LLC immediately propose changes in the commercial zoning within the jurisdictional boundaries of SSTTDC in order that the three Communities may vote during FY14 in accord with current law on the proposal.

5) That the outstanding construction 'punch list items' for future public roadway improvements be immediately completed by LNR South Shore LLC and presented to the Board of Directors as being ready for turnover to SSTTDC.

6) That the "Amenities" itemized in Exhibit B of the Reuse Plan be reaffirmed as those facilities the Master Developer will construct. The construction will be timed in accord with the number of completed housing units defined in the Reuse Plan.

7) That the Master Developer, now and forever, agrees to pay the so-called Entitlement Fees specified in the DDA to SSTTDC.

8) That the Master Developer immediately present to the Board of Directors development plans for residential units in order that construction may commence in the spring of 2014. These plans will exhibit good faith to the Commonwealth while it is considering changes to the existing "claw back" Parkway agreement and producing needed revenue for the Project.

9) That the Master Developer immediately commence its PBC obligations for FOST 1 and 2 properties

10) Given that the Master Developer recently hired expertise in the area of Commercial Development and that it has expressed that it has achieved a national reputation for commercial development, the Board of Directors request a proposal from the Master Developer regarding public financial incentives in the nature of TIFs that would attract commercial developers to the site along with any other concepts for attracting commercial development in the Project.

11) That the Master Developer presents its "readily available" Master Plan including water and wastewater solutions to the Board of Directors. This plan would enable the Communities to review and comment on the plan in light of its stated desire to complete the project.

12) That all roadways constructed by the Master Developer at Southfield will be in accord with or exceed the standards utilized by the Communities or SSTTDC whichever achieves a higher standard of craftsmanship.

13) That the Developer provides the financing plan for up to \$175M bond issuance requested in the proposed legislation and that said plan will not adversely affect the Towns and Residents of Southfield by increasing fees beyond the current level.

The Board agrees with these commitments expressed by the Master Developer and in accord with paragraph 14 of the existing Enabling Act the Board is willing to consider and recommend to the Communities changes in the Reuse Plan and/or Master Plan and/or Zoning By-Laws that will assist in expediting development of the Project.

**Unanimous vote**

Minutes were tabled to the next meeting.

**VOTED: Motion of Gerard Eramo, seconded by Jeffrey Wall, to adjourn the meeting**

**Unanimous vote**

The meeting ended 4:55pm

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Mary Cordeiro, Recording Secretary

Joseph Connolly, Chairman of the Board of Directors

Documents reviewed during the meeting:

Amended Notice of Intent for TACAN Outfall Drainage Ditch Weir

Annual Assessment Report and Amendment of the Assessment Roll for the Collection of Assessments

Food Vendor License Application

CEO/CFO Recommended Resolution on Development at SSTDC