

Board of Directors Meeting
Conservation Commission Meeting
Monday, June 24, 2013 @ 9:00am
SSTTDC Town Hall, Conference Room

Directors Present: Joseph Connolly, Chairman
John Ward, Vice Chairman
Jeffrey Wall
Gerard Eramo

Directors Unable to Attend: James Lavin, Clerk

Also Present: James A. Wilson, CFO
Jim Young, Project Manager/ZEO
Beth Mitchell, Legal Counsel
Steve Ivas, Conservation Agent
Scott Bois, Treasurer/Collector
Keith Nastasia, DPW Supt.

Mr. Eramo called the meeting to order at 9:05am.

Reorganization of the Board of Directors

VOTED: Motion of Gerard Eramo, seconded by John Ward, to open nominations for Chairman

Unanimous vote

VOTED: Motion of Gerard Eramo, seconded by John Ward, to elect Joseph Connolly as Chairman of the Board.

3-0-1 vote Connolly abstained

VOTED: Motion of Gerard Eramo, seconded by John Ward, to open nominations for Vice Chairman

Unanimous vote

VOTED: Motion of Gerard Eramo, seconded by Jeff Wall, to nominate John Ward as Vice Chairman

3-0-1 vote Ward abstained

VOTED: Motion of Gerard Eramo, seconded by Jeff Wall, to open nominations for Clerk

Unanimous vote

VOTED: Motion of Gerard Eramo, seconded by Jeff Wall, to elect James Lavin as Clerk

Unanimous vote

VOTED: Motion of John Ward, seconded by Jeffrey Wall, to close nominations.

Unanimous vote

Mr. Connolly awarded Mr. Eramo a plaque of appreciation for his two years of service as Chairman of the Board. Mr. Eramo graciously accepted.

The Chairman recognized legal counsel.

Ms. Mitchell noted the Board had two measures on the agenda, one related to the Notice of Intent under the Wetland Protection By-Law for the Conservation Commission's consideration, and the other a Waiver of Covenant related to the FOST 1 & 2 Deed granted by SSTDC to LNR concerning additional wetland restrictions in the 50 ft. buffer zone for the Board of Director's consideration. Ms. Mitchell stated the two measures were connected by the project but would be two separate items decided on separate grounds.

9:00AM PUBLIC HEARING – Conservation Commission

**VOTED: Motion of Jeffrey Wall, seconded by Gerard Eramo, to open the public hearing at 9:10am
Unanimous vote**

The Chairman noted the public hearing notice was published in the legal section of the Patriot Ledger on the Conservation Commission's consideration of the Notice of Intent for IBG Cottages at Hollybrook to construct 10 cottages near a wetland area, a stone dust trail in the outer edges of a riverfront area, and to plant in a bordering vegetated wetland area (BVW).

Mr. Young identified the site for the Cottages at Hollybrook project consisting of 31 units, and introduced Gene Crouch to present the details of the NOI application, which included a proposed mitigation plan for the 10 cottages within the 50-foot buffer of the adjacent Bordering Vegetated Wetlands.

Mr. Crouch, VHB Environmental Scientist, provided color graphics noting the location of the proposed cottages and alley way, existing infrastructure, wetland boundary, erosion controls, and the stone dust pathway in front of the cottages. He also identified a future public boardwalk that was not part of IBG's project, but was taken into consideration when preparing the landscape plan.

Mr. Ward was informed that IBG's mitigation plan would enhance an area currently lacking in vegetation and improve the wetland area by adding more structure, aesthetic value and function for wildlife habitat, perching and nesting, and it included eliminating an area of the largest invasive species (Buckthorn) on site.

Mr. Ivas noted the planting plan included species typical to the area, that the site work for the cottages would intrude into the 50-foot buffer zone of the Bordering Vegetated Wetland, that the BVW area was located closer to French's stream in 2001, that using the area as a dewatering site in 2007 changed the BVW area and made for a larger jurisdictional Commonwealth resource, and that IBG's restoration plan to the BVW adequately justified the work proposed within the 50-foot buffer. The Board was informed that 44 special conditions were included in the Order of Conditions to protect the wetland resources on site.

Mr. Wall was informed that there was no plan for a temporary construction road near the wetland area and that all access would be via Alley #2.

Some discussion ensued on the construction timetable for the public boardwalk trail to be extended (by Starwood/LNR) north from Skye Lane through the wetland. The Chairman requested that inquiries be made to Starwood/LNR because this was a key component feature for the residents of SouthField. Mr.

Young suggested as an added condition that boardwalk construction be built simultaneously with the IBG project. Mr. Crouch noted that LNR's public trail was approved on a separate Order of Conditions.

PUBLIC COMMENT

Mrs. Parsons, Rockland, was informed that drainage for the cottage project was part of the overall drainage system for this section of the site, that storm water flow was originally calculated into the Phase 1A Stormwater narrative, and that post-development peak runoff into French's Stream would be below pre-development peak conditions. A copy of the Phase 1A Stormwater narrative would be provided to Mrs. Parsons.

Ms. White, DEP independent wetland observer, stated DEP had not yet signed off (a File # had not been assigned yet), that it was incumbent upon the Board to wait and see if there were any changes suggested by DEP, and that the hearing should not be closed. She also stated that the applicant should look at alternatives to move construction completely out of the 200 ft. riverfront area and to consolidate the two walkways into one.

Mr. Ivas stated that DEP's File # was still pending because they received an incorrect payment for the filing fee (which was corrected), and noted that the DEP analyst had provided his comments to Mr. Crouch.

The Board was informed that the stone dust trail on IBG property was a private way for the homeowners; the other walkway (not part of the IBG project) would be a public boardwalk through the wetlands with educational experiences; and that Board Measure 13-022 stated the Order of Conditions would not be issued until the DEP file # was assigned.

The Chairman suggested, due to the fact that DEP had not yet provided a file number, that the Board continue the hearing to July. Discussion ensued on choosing a date certain or starting the hearing process all over again.

Board Measure #13-022

VOTED: Motion of Gerard Eramo, seconded by Jeffrey Wall, to continue the Public Hearing on the Notice of Intent on IBG Cottages at Hollybrook to July 22, 2013 @ 9:00am

3-1 vote Ward opposed

Board Measure 13-023

Legal Counsel indicated it made sense to move both Board Measures 13-022 (NOI) and 13-023 (Waiver of Covenant) to the next meeting.

VOTED: Motion of Gerard Eramo, seconded by Jeffrey Wall to table the Waiver of Covenant and take it up again at the July 22, 2013 meeting

3-1 vote Ward opposed

9:10AM PUBLIC HEARING – General Municipal Code

The Chairman stated the public hearing notice was published in the legal section of the Patriot Ledger on the Corporation's consideration of additional ordinances to Section 4.7 of the General Municipal Code related to Fire Alarm Signal Systems.

VOTED: Motion of Gerard Eramo, seconded by Jeffrey Wall, to open the public hearing at 9:40am
Unanimous vote

The CFO stated an issue came up in the first half of 2013 as a result of false and malfunctioning alarms. The associated costs (\$34K) took up 15% of the total budget. Mr. Wilson noted the additions to the by-law would permit the Corporation to recover a portion of the costs from fire alarm system owners, starting after the second malfunction (3rd-5th false alarm \$750 - 6th and after \$1,000).

Mr. Eramo was informed that the vast majority of the malfunctions were at the apartment buildings. Mr. Wall was informed that the False Alarm Code was in accord with the model approved by the Attorney General.

Mr. Connolly was informed that the alarm system repairs were not adequate, the additional ordinances would provide more impetus to encourage more thorough repairs, and that land owners would be assessed the fine, not apartment dwellers.

Mr. Ward was informed that each false alarm cost the Corporation \$1,400 but MGL statutes did not allow fines higher than \$1,000.

PUBLIC COMMENTS

Mrs. Parsons, Rockland, was informed the fines began after the second notice was issued.

Mr. LeMott, SouthField Resident, was informed that Corcoran Property Management was formally notified of the proposed additions to the Fire Alarm ordinance.

Mr. Foley, Weymouth, suggested the Fire Chief investigate the installer's license and lamented that false alarm fees paid by SSTITDC were lost revenues for the Host Communities. He was informed that the fees were paid to the Weymouth Fire Dept., and that false alarm incidents decreased in the third quarter of FY2013.

VOTED: Motion of Gerard Eramo, seconded by John Ward to close the Public Hearing at 9:55am
Unanimous vote

Board Measure 13-009

VOTED: Motion John Ward, seconded by Gerard Eramo that the South Shore Tri-Town Development Corporation Amends section 4.7 of the General Municipal Codes by adding the following sections: (d), (e), (f), (g), (h), (i) & (j) as specifically identified in the attached Exhibit A. Said new sections will be effective as of July 1, 2013

3-0-1 vote Wall abstained

FINANCIAL

Board Measure 13-024

The CFO noted that this matter was tabled at the last meeting for further discussion on the adoption of MGL Chapter 40 Section 21E.

VOTED: Motion of Jeffrey Wall, seconded by Gerard Eramo to take the adoption of MGL Chapter 40 Section 21 off the table for further discussion

Unanimous vote

The Board was informed that the ordinance allowed cities and towns to establish due dates for payment of municipal charges and to fix a rate of interest to be accrued if charges were not paid on time. 1% interest rate per month would be effective immediately, other communities had similar penalties.

VOTED: Motion of John Ward, seconded by Gerard Eramo, that the South Shore Tri-Town Development Corporation accepts the following provisions of Massachusetts General Laws: Chapter 40 section 21E by establishing that all municipal charges must be paid within 30 days of issuance and if the charge remains unpaid after 30 days then SSTTDC is authorized to impose a 12% charge

Unanimous vote

Board Measure 13-025

The CFO noted that SSTTDC was required by GASB-45 to calculate and appropriate funds sufficient to address the cost of post-retirement health/dental benefits due to employees who are close to retirement. Total liability calculation for the six (6) full-time employees was \$1,526,612 requiring an FY13 contribution of \$251K (due 6/30/13). GASB-45 also required the creation of a Stabilization Account to hold the funds.

The Board was informed that all municipalities were required to comply with the GASB-45 Liability calculation. Discussion ensued on SSTTDC's projected revenues, the calculation for contributions over the next four years, the difficult financial position regarding this funding schedule and the number of employees eligible to retire within the next 5 years. It was mentioned that three (3) of the six (6) employees were nearing retirement age. The Board agreed to establish the stabilization account.

VOTED: Motion of Jeffrey Wall, seconded by John Ward that the South Shore Tri-Town Development Corporation hereby creates a special Stabilization Account for the purpose of holding funds for the GASB-45 Other Post-Employment Benefits contribution to be known as OPEB Liability Trust Fund

Unanimous vote

Board Measure 13-026

The Chairman stated he would like to have further discussion based upon the Corporation's year-end financial status before voting on the OPEB contribution.

VOTED: Motion of John Ward, seconded by Jeffrey Wall for purposes of further discussion, that the South Shore Tri-Town Development Corporation hereby authorized the Treasurer with the assent of the CEO to withdraw the sum of \$251,165 from the general Stabilization Account and deposit same in a special Stabilization Account created by Board Measure 13-025 for the purpose of holding funds for the GASB-45 Other Post-Employment Benefits contribution

Mr. Wall inquired if the contribution could be discussed at the July meeting after SSTTDC's financial situation was closed out for FY13. The CFO noted the calculation (\$1.5M) would not change and would be better divided over 4 years, rather than cross June 30th with zero contribution. The Chairman stated he had no problem reporting a zero contribution until all other financial issues were identified for the year.

Mr. Ward was informed that the CFO was comfortable with the \$251K contribution and that after June

30th the amount would go higher; he felt the Corporation should prepare to pay the FY13 liability. The Board addressed the motion on the table.

3-1 vote Connolly opposed

Board Measure 13-027

Mr. Wilson noted some line items were underfunded during FY13 and provided an overview of the necessary re-appropriations. The Board was also provided with a year to date budget report. The CFO noted there were four (4) special education student placements for FY14 totaling over \$275K potential liability.

The Chairman was informed that the eastern box turtle monitoring program was a public bid process and had one-year duration as per the Conservation Management Permit.

VOTED: Motion of Jeffrey Wall, seconded by Gerard Eramo, that the Board of Directors re-appropriates the sum of \$413,597 from the following accounts into the designated accounts for purposes of funding departmental like item deficits in the FY13 approved budget; the Accountant with the approval of the Chief Executive Officer is authorized to make adjustments among the several line items in the FY13 authorized budget but in no event is the Accountant authorized to exceed the dollar amount authorized by this measure

Unanimous vote

Board Measure 13-028

The Project Manager noted the East/West Parkway was substantially complete from the end of Shea Memorial Drive easterly out to Weymouth Street. The Traffic Control Maintenance Agreement included the 1/3 mile section of the Parkway taken by MHD from outside the Base boundary line to Weymouth Street. The Agreement made SSTDTC responsible to maintain that section of roadway, and incur all costs tied to that section. The Project Manager noted that the Rockland Board of Selectmen executed the Agreement in May. The Chairman was informed that a dedication ceremony would most likely occur in July/August. MADOT final punch list work and Barletta final change order work was scheduled in July.

VOTED: Motion of Jeffrey Wall, seconded by Gerard Eramo, that the Board of Directors execute a Traffic Control and Maintenance Agreement with the Town of Rockland pertaining to the future operation and maintenance of that section of the East-West Parkway right-of-way located on Rockland owned property outside the limits of the former NAS South Weymouth

Unanimous vote

Board Measure 13-029

The CFO noted there were three unpaid bills received after July 15th last year, two were electrical back charges and the other was additional audit services. Mr. Wilson stated over the past few years SSTDTC had not been charged for electric use in Bldg. 141 or 20.

VOTED: Motion of Jeffrey Wall, seconded by Gerard Eramo, that the Board of Directors transfer the sum of \$13,213.73 from the 1220950.570700 SPED to line item 11336730.578107 for the purpose of paying the following FY12 unpaid bills: LNR South Shore LLC (electric m41051121) \$6,218.77; LNR

South Shore LLC (electric bldg. 20) \$4,494.96; Malloy, Lynch, Bievenue, LLP (FY12 balance) \$2,500
AND that the Accountant with the assent of the Chief Executive Officer is authorized to pay such bills
in such amounts as they deem appropriate but not to exceed the amounts stated above

Unanimous vote

Minutes

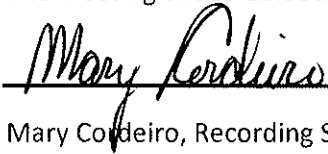
VOTED: Motion of Gerard Eramo, seconded by Jeffrey Wall, to approve the minutes of May 20, 2013

Unanimous vote

VOTED: Motion of Gerard Eramo, seconded by John Ward, to adjourn the meeting

Unanimous vote

The meeting ended 10:30am



Mary Cordeiro, Recording Secretary

Joseph Connolly, Chairman of the Board

Documents Reviewed during the meeting:

Notice of Intent Application

Conservation Agent Report

Proposed Order of Conditions

ANR Plan 6/5/12 – Parcel R7F

Covenant Concerning Wetlands

Form of Waiver of Covenant

OPEB Calculation

Departmental Line Item Deficits & Year to Date Budget

Traffic Control & Maintenance Agreement

FY12 Unpaid Invoices

Fire Protective Systems Malfunction

Board Measure 13-009

Effective Date: July 1, 2013

The following Ordinance covers Fire Protective Systems Malfunction and Fire Department Response.

"That the Board of Directors hereby amends Section 4.7 of the Municipal Code by adding the following new sections:

(d) Fire Alarm Activation

Upon notification of any fire alarm activation, the applicable Fire Department shall respond to the fire alarm and notify the person or persons listed in the registration form as having the responsibility for securing said fire alarm system. No Person or Persons shall reset a fire alarm prior to the arrival of the applicable fire department.

If a responsible party fails to respond within a reasonable time period when notified of a fire alarm activation, then the fire officer in charge of the responding fire brigade shall to the best of their ability thoroughly check the property. If in the opinion of the fire officer in charge of the brigade determines that the cause of the activation is readily apparent then fire officer may attempt to reset the system if said system is readily accessible to the fire officer.

Any dwelling, building or place required by law to maintain a fire protective system whereby said fire alarm system fails to function and cannot be returned to service within a reasonable time, and if in the opinion of the CORPORATION the absence of a properly functioning fire alarm system may pose a threat to life and property, the CORPORATION may require a fire department detail of one or more firefighters which may include fire suppression equipment. Costs associated with the fire department detail shall be the responsibility of the property owner of said premises.

(e) Fire Protective system malfunctions - penalty

Any fire protective system malfunction, as defined herein, the CORPORATION may assess a fine against a fire alarm system owner for each false alarm occurring due to a malfunction in any twelve (12) month period according to the following schedule:

- 1st and 2nd malfunction no fine
- 3rd through 5th \$ 750
- 6th and after \$1000

In any dwelling, building or place required by law to maintain a fire alarm system where the fire alarm system repeatedly malfunctions then the officer in charge of the fire brigade responding to the fire alarm may, in his/her sole judgment, decide not to reset the fire alarm system (leaving horns/strobes sounding). If the alarm system is not reset then the property owner and tenant/lessee of said premises will be notified either verbally or in writing by the CORPORATION or its agent.

For the purposes of this ordinance, a malfunction shall be defined but not limited to the following:

- The operation of a faulty smoke or carbon monoxide detection device
- Faulty control panel or associated equipment
- A water pressure surge in automatic sprinkler equipment
- Accidental operation of an automatic sprinkler system
- Action by any person or persons causing accidental activation of the fire alarm system without a permit

The property owner of said premises will be notified after the first malfunction and billed once a month for the previous month's malfunction activity after the second malfunction occurs in any twelve (12) month period.

(f) Failure to Restore or Repair Fire Protective Systems

Failure to correct or abate conditions to restore or repair fire protective systems may result in civil and or criminal penalties in accordance with Chapter 148 of the Massachusetts General Laws and 527 Code of Massachusetts Board Regulations of Fire Prevention.

(g) Shutting Off, disconnection of fire protection devices

In accordance with Massachusetts General Laws Chapter 148 section 27 A, no person shall shut off, disconnect, obstruct, remove or destroy or cause or permit to be shut off, disconnected, obstructed, remove or destroy any fire protection devices or systems without first procuring a written permit to do so from the head of the fire department.

(h) Hearings

Any person receiving an order or notice of violation pursuant to the provisions of these rules and regulations may contest said order or notice at a hearing before the CORPORATION's Municipal Hearing Officer. All demands for a hearing must be made in writing and delivered in person or by mail no later than ten (10) days following receipt of the order or notice of violation. Any person requesting a hearing shall be given written notice of the date, time and place of the hearing. Such hearing shall be held not less than fifteen (15) days, nor more than thirty (30) days from the date of the mailing notice, provided, the municipal hearing officer shall grant upon good cause shown any reasonable request by any interested party for postponement or continuance. A person wishing to contest an order or notice of violation shall appear at the hearing and shall have the right to present evidence and cross examine witnesses.

1. Request for a Hearing

Kevin Donovan
South Shore Tri-Town Development Corporation
223 Shea Memorial Drive
Weymouth, MA 02190

(i) Failure to Pay Fines

Failure to Pay Fines may result in civil and or criminal penalties in accordance with Chapter 148 of the Massachusetts General Laws and 527 Code of Massachusetts Board of Fire Prevention Regulations.

Unpaid fines may result in the building owner, tenant and/or lessee being unable to obtain any permits from the CORPORATION for the building or property where such violation occurred in accord with General Laws Chapter 40 section 57 whose provisions are hereby accepted.

Fines that remain unpaid for a period of 90 days shall be subject to the provisions of Massachusetts General Laws Chapter 40 section 58 whose provisions are hereby accepted.

(j) Liability Invalidity

The installation and maintenance of fire alarm systems permitted by these Codes shall be made at no cost to the CORPORATION. No liability whatsoever is assumed by the CORPORATION for the failure of such fire alarm systems or monitoring facilities or for failure to respond to fire alarms, or for any other act or omission in connection with such fire alarm systems. Each fire alarm system permit holder shall be deemed to hold and save harmless the CORPORATION, its departments, officers, agents and employees from liability in connection with the permit holders fire alarm system.

Board Measure 13-027

Org	Object	description	current amount	needed	comment	to reapp	from	description	current balance	balance after reapprop
			\$ 439,000.00	\$ 439,000.00	raised in FY11					
			\$ 27,927.00	\$ 27,927.00	FY11 to be raised					
			\$ 232,970.00	\$ 232,970.00	FY12 to be raised					
19270000	596100	transfer to AnF	\$ 439,000	\$ 699,897.00		\$ 260,897	17514905	591500 long term debt service	\$ 345,125.50	\$ 84,228.50
14104420	529102	Snow and Ice	\$ (11,250)	\$ 11,500.00		\$ 11,500	17514905	591500 long term debt service	\$ 84,228.50	\$ 72,728.50
"0002"		new account	\$ -	\$ 42,000.00	turtle watching per bid	\$ 42,000	17514905	591500 long term debt service	\$ 72,728.50	\$ 30,728.50
11214416		constituent serv	\$ (7,000)	\$ 8,000.00		\$ 8,000	17514905	591500 long term debt service	\$ 30,728.50	\$ 22,728.50
13204405	531106	Fire prof serv	\$ 8,572	\$ 20,000.00	\$50K in total needed	\$ 20,000	17514905	591500 long term debt service	\$ 22,728.50	\$ 2,728.50
11945941		Medicare & SS	\$ (486)	\$ 2,000.00		\$ 2,000	17514905	591500 long term debt service	\$ 2,728.50	\$ 728.50
11945742	517206	Unemploy	\$ (555)	\$ 1,000.00		\$ 1,000	11325201	573100 Reserve Fund	\$ 27,000.00	\$ 26,000.00
11754475	531106	Conservation	\$ (3,840)	\$ 4,000.00		\$ 4,000	11325201	573100 Reserve Fund	\$ 26,000.00	\$ 22,000.00
13204405		Fire	\$ 8,572	\$ 20,000.00	\$50K in total needed	\$ 20,000	11325201	573100 Reserve Fund	\$ 22,000.00	\$ 2,000.00
14104477	541115	Vehicle Parts	\$ (49)	\$ 100.00		\$ 100	11325201	573100 Reserve Fund	\$ 2,000.00	\$ 1,900.00
11214115	510170	Car allowance	\$ -	\$ 100.00		\$ 100	11325201	573100 Reserve Fund	\$ 1,900.00	\$ 1,800.00
14104176	510001	Bldg Maint Salary	\$ (9,863)	\$ 15,000.00		\$ 15,000	12200950	570700 SPED AFTER PROPOSED RFT	\$ 91,599.00	\$ 76,599.00
14105377	541001	Gasoline	\$ (1,200)	\$ 1,500.00		\$ 1,500	12200950	570700 SPED	\$ 76,599.00	\$ 75,099.00
14104490	546203	Grounds construc	\$ (4,901)	\$ 7,500.00		\$ 7,500	12200950	570700 SPED	\$ 75,099.00	\$ 67,599.00
13104405	531106	Police	\$ 56,452.00	\$ 10,000.00		\$ 10,000	12200950	570700 SPED	\$ 67,599.00	\$ 57,599.00
13204405	531106	Fire	\$ 8,572	\$ 10,000.00	\$50K in total needed	\$ 10,000	12200950	570700 SPED	\$ 57,599.00	\$ 47,599.00
					TOTAL	\$ 413,597				