

Southfield Redevelopment Authority
Board of Directors Meeting
September 22, 2014 @ 7:00pm

Directors Present: Walter Flynn, Weymouth, Chairman
William Minahan, Rockland, Vice Chairman
Christopher Aiello, Abington, Clerk
Kelli O'Brien -McKinnon, Rockland
Patricia O'Leary, Weymouth
Ralph Rivkind, Chamber Representative
Robert Rizzi, Labor Representative
Lyndsey Kruzer, Southfield Resident

Directors unable to attend: John Brewer, Southfield Resident

Also in attendance: Scott Bois, Treasurer/Collector
Jim Young, Project Manager
Patricia Petrillo, Accountant
Matthew Feher and Anatoly Darov, Burns & Levinson

The Chairman *Pro Tem* called the initial meeting of the Southfield Redevelopment Authority to order at 7:00pm and informed the Board of the on-line training program that needed to be completed and the documents that required their signature. Mr. Flynn asked for a motion to adopt Robert's Rules on Parliamentary Procedure.

**VOTED: Motion of Bill Minahan, seconded by Chris Aiello, to adopt Robert's Rules of Order on Parliamentary Procedures for Board of Director meetings
Unanimous vote**

Budget

The Chairman noted that the Abington Board of Selectmen were also in session this evening and intended to pass the FY15 General and Enterprise Fund Supplemental Budgets as presented. It was critical that the Board of Directors also pass the budget as is. The Board was informed that this was not the final budget; it could be revisited and amended. There were no questions and no objections.

Board Measure 14-024 FY15 Supplemental Budget

**VOTED: Motion of Chris Aiello, seconded by Bill Minahan, that the Southfield Redevelopment Authority raise and appropriate the sum of \$3,225,359.84 to provide for all the expenses for the maintenance and operation of Southfield Redevelopment Authority's several departments and activities for the fiscal year 2015. This measure is intended to increase by \$1,718,940.38 the appropriation of \$1,506,419.64 as voted in measure 14-012 that includes a \$150,000 budget for overlay for abatements
Unanimous vote**

Board Measure 14-025 FY15 Supplemental Enterprise Fund Budget

VOTED: Motion of Bill Minahan, seconded by Ralph Rivkind, that the Southfield Redevelopment Authority raise and appropriate the sum of \$537,250 to provide for all the expenses for the maintenance and operation of Southfield Redevelopment Authority's Water and Sewer Enterprise Fund for the fiscal year 2015. This measure is intended to increase by \$384,500 the appropriation of \$152,750 as voted in measure 14-013
Unanimous vote

The Chairman introduced the Town of Weymouth's attorneys, Matthew Feher and Anatoly Darov of Burns & Levinson. They distributed overview materials to the Directors and noted that they negotiated the mitigation agreement between the Town of Weymouth and LNR/Starwood, and were involved in the writing of the new enabling act with LNR/Starwood. Mr. Feher reviewed the deadlines and deliverables in the transition timeline.

October 15, 2014

The Tax Plan must be submitted to A&F and DOR. A Trust Indenture Certificate from the 2010A Bond trustees must be submitted to A&F. If these two events do not occur by Oct. 15th then the Towns are not responsible for tax collections or municipal service delivery, and Section 19 of the Enabling Act would be voided.

December 18, 2014

All Zoning By-Laws, Regulations, and all other operative agreements must be revised to correspond with the new Act. The DDA must be amended to obligate Starwood to build water and sewer infrastructure, and the Deficiency Payment needed deferral approval from the State along with a state commitment to finance Phase 2 of the Parkway.

The Board was informed that October 15, 2014 and December 18, 2014 were hard date requirements that must be met to obligate Starwood and Host Towns under the Act. If the Tax Plan and the 2010A Bond Amendment did not happen, then Starwood would not be obligated to undertake development of water and sewer infrastructure and the Host Towns would not be obligated to collect taxes or provide services. If the Tax Plan was not submitted on time the towns would never take over taxes or services.

Mr. Rivkind was informed that home rule zoning authority was applicable to Southfield property located within each Host Town's jurisdiction.

Mr. Rizzi was informed that the financing for Parkway-Phase 2 would depend upon the redevelopment plan submitted. Mr. Feher noted that the State wanted the plan to include triggers on build-out to insure private development would take place within 3-5 years.

Ms. Kruzer was informed there were no hard deadlines to modify the Parkway MOA, but it was in the best interest of the Towns to get it done as soon as possible so they can collect taxes and provide services.

Mr. Feher stated, once the redevelopment plan was in place, and the tax plan was approved, the Trust Indenture Certificate was delivered, the Parkway MOA was modified and a State finance agreement on Parkway Phase-2 was in place, then the Towns would be obligated to provide services, accept roads and collect taxes. If any of these things did not happen, then the Towns would then be in a position to receive only annual excess revenue from SRA.

No matter what happens, Starwood remains obligated to establish a dedicated commercial zone and submit an Open Space Preservation Plan to SRA.

Mr. Minahan inquired which of the tasks was the most challenging and was informed that getting the Tax Plan submitted by Oct. 15th was the biggest challenge. How to plan the transfer of tax collection to the towns and provide reimbursement for municipal services from Jan to July was an important component of the Tax Plan. Mr. Feher noted that the Tax Plan had to be submitted by that date, not approved by that date.

Mr. Aiello was informed that it was the Authority who had to negotiate with AnF and DOR by Oct. 15th. AnF and DOR are committed to work with the Authority and the Towns.

Mr. Rizzi was informed that the status of the redevelopment plan was not known at this time.

Organization of the Board

Eric Hart, Advisory Board member, officiated over nominations for Chairman of the Board.

VOTED: Motion of Bill Minahan, seconded by Chris Aiello, to elect Walter Flynn as Chairman of the Board

7-0-1 vote Mr. Flynn abstained

VOTED Motion of Chris Aiello, seconded by Lyndsey Kruzer, to elect Bill Minahan, as Vice Chairman

7-0-1 vote Mr. Minahan abstained

VOTED: Motion of Walter Flynn, seconded by Bill Minahan, to elect Chris Aiello as Clerk

7-0-1 vote Mr. Aiello abstained

The Chairman noted that the Board was now in a new business with a lot of things to cover in 4 weeks. He proposed that the Board have a Finance Committee. He appointed Pat O'Leary as the Chairman of that committee because she had the time to devote to such matters and would be the Board's agent dealing with A&F. Ms. Kruzer and Mr. Minahan also volunteered to serve on the committee. Mayor Kay, Weymouth invited the finance committee to attend her weekly conference call to A&F.

Mayor Kay also proposed that the Finance Dept. in the 3 communities be allowed access to MUNIS. Mr. Aiello was informed the motion was for remote access from the three towns; he indicated he wanted to confer with Abington's Town Accountant before voting. Eric Hart, Rockland Town Accountant, indicated that MUNIS access should be browse only. Mr. Bois stated secure remote access would be set up as soon as possible.

VOTED: Motion of Pat O'Leary, seconded by Ralph Rivkind, to work with the three communities to establish MUNIS remote access

Unanimous vote

Ms. Kruzer distributed two motions for the Board's consideration

1) Motion of Lyndsey Kruzer, Seconded by Pat O'Leary, that the staff of the Southfield Redevelopment Authority be directed to: Contact by telephone or email the appropriate contact at any organization or entity which is responsible for irrigation of a common area at Southfield and for which said irrigation has been shut off by action of the SSTDC and solicit

their assurance written or by email that they will pay future invoices associated with irrigation of said common area – and – Upon receipt of that written or email assurance, expediently restore irrigation to that area.

No vote

Mr. Minahan was informed that there was a prior agreement between SSTTDC and LNR on a 60/40 cost split to irrigate some sections of Southfield. Mr. Bois noted SSTTDC's portion of limited irrigation last year totaled \$50K. The FY15 Budget only has \$10K in there with no irrigation turned on this year. Mr. Minahan suggested to table the motion for now.

Ms. O'Leary voiced concern that LNR's planting material might be lost if not irrigated. It was noted that the growing season was over. Mr. Rivkind stated the Board needed to set a precedent to stay within the current Budget and to develop a Budget with LNR/Starwood participation for irrigation in the spring. Mr. Aiello stated he didn't appreciate receiving a motion during a meeting with expectations of Board action; he wanted time to read it and give it some thought.

**VOTED: Motion of Chris Aiello, seconded by Kelli McKinnon to table the motion
6-2 vote Kruzer and O'Leary opposed**

2) Motion of Lyndsey Kruzer, seconded by Ralph Rivkind - for purposes of discussion - that the commercial and residential water rates be restored to those imposed prior to the March 10, 2014 SSTTDC Board of Directors meeting, and that the staff of the Southfield Redevelopment Authority be directed to (1) Send an invoice directly to the appropriate contact at the Massachusetts Department of Transportation (Thom Dugan, Deputy Chief of Staff) for any outstanding irrigation costs associated with the Delahunt Parkway (\$57,888.85 plus or minus). (2) Send courtesy copies of that correspondence to other involved parties as evidence of the resolution of the issue (3) Develop and enact a plan to credit any additional funds charged and/or paid by rate payers since the water rates were increased subsequent to the March 10, 2014 meeting. Such plan should forgive any penalties upon any rate payer who paid the original rate but did not pay the additional (approximately 20%) increase for those months.

Mr. Bois noted that the invoice in question was forwarded to DOT through LNR, and that Mr. Young received a request to send MassDOT an electronic copy of the original bill issued to LNR South Shore LLC, which was done on Sept. 19, 2014.

The Board was informed that the former SSTTDC Board voted to increase the water rate because of a potential revenue deficit due to approximately \$150K in uncollected water charges; the rate change was not a surcharge. Mr. Bois would look into waiving interest charges and the enterprise fund legal statutes on forgiving unpaid debt. The Chairman stated the issue may be tabled for reconsideration at the next meeting. Mr. Rivkind voiced concern on the Board's consideration of forgiveness of debt; that some residents paid in good faith and some didn't. They should not receive a discount.

Mr. Bois indicated discussions on the final Enterprise budget would include an analysis to lower the water rate based on the quantity of water needed and the price for water supply.

**VOTED: Motion of Ralph Rivkind, seconded by Chris Aiello, to table the motion
Unanimous vote**

The Chairman asked Mr. Barry to have a Starwood representative in attendance at every Board meeting, and that he welcomed cooperation from Starwood.

Mr. Barry agreed stating communication and collaboration was the key for success. He requested an opportunity to remedy the irrigation issue and pay to water the trees.

Mr. Young suggested the Board reach an agreement with Starwood on the required O & M to operate the various systems for a month of run time. The Board was informed that the former SSTTDC Board authorized the irrigation shut off due to past due balances, still unpaid at this time. If MassDOT paid LNR's Parkway water bill then it may be appropriate to turn that meter on. Discussion ensued on Starwood taking 100% liability for the irrigation costs. The Board was informed that some of the irrigation costs were incurred during the time MassDOT was constructing the Parkway, but LNR was the property owner of record for that meter. Mr. Young had recently received email confirmation that LNR representatives had resolved their reimbursement issue with MassDOT.

**Motion by Mr. Rivkind to turn the parkway meter on pending a written commitment from Mr. Barry to take 100% responsibility for the cost of water
Amended by Mr. Minahan, seconded by Ms. Kruzer, to include full cost for all repairs that may be required in order to operate the irrigation system on the parkway.**

Mr. Aiello inquired if other water bills were in dispute besides the Parkway bill, and was informed there was a rough total of \$150K in unpaid bills, owed by LNR. Discussion ensued on LNR's responsibility to repair leaks in the old Navy water distribution system that still needs to be addressed.

Mr. Rivkind withdrew his motion and the Chairman asked for clarification on what meters Mr. Barry wanted turned on. Mr. Barry stated he wanted all irrigation turned on, wanted to pay his portion of the irrigation, and that he found it startling that as partners they could not reach agreement.

Ms. Kruzer withdrew her motion to engage discussion later in the week.

The Chairman noted there would be a public comment period at every meeting and that comments had to be related to the topics that were discussed during the meeting.

**VOTED: Motion of Chris Aiello, seconded by Bill Minahan, to adjourn the meeting
Unanimous vote**

The meeting ended 8:15pm

Mary Cordeiro, Recording Secretary

Walter Flynn, Chairman of the Board