Finance and Warrant Committee Minutes

October 18, 2018

Dave Roberts, Cecilia Emery Butler, Kevin Hughes, Beth Pierce, Kevin Preston, John Heffernan, Susan Fay, Marty Lindemann, and Michelle Persson Reilly present.

Meeting called to order at 6:35. Chairman Preston gave the opportunity for public comment on any issue. There was none. The committee moved to discussing a reserve fund transfer request from Denise Moroney of the Facilities Department.

The request is a $100,000 transfer for electrical repairs. This is to replace a failed electrical bus duct with a new electrical panel. The expected cost for the replacement is $69,850, but there is an additional $17,000 cost for prior repairs, plus security bond costs and unexpected costs bring the request to $100,000. The failed bus duct is from the original construction of the building. The budget for electrical repairs is typically less than $50,000 a year, so this failure represents a significant cost.

Ms. Moroney shared information from a previous facilities condition analysis. It contains immediate breakdown risks, as well as estimated future risks.

Mr. Lindemann pointed out that the immediate risk section totals more than $5 million dollars of repairs. This is well beyond the funding the facilities department receives. Mr. Rippin responded that one of the items listed was over $4 million, so the number becomes more manageable once that is removed from consideration. Ms. Moroney noted that she estimates a $45 million facilities maintenance deficit that she attributes to failure to properly budget for building maintenance in the years past.

Mr. Lindemann asked if the strategy was to use what money they had to make repairs as failures happen. Ms. Moroney answered that they do the best they can with their funding. Mr. Rippin noted that sometimes emergency repairs jump to the front of the list, which can push even high priority issues down the list.

Mr. Roberts mentioned that he is currently involved in the development and implementation of a master facilities and building maintenance plan the results of which are forthcoming.

Mr. Hughes asked why a surety bond was required. Ms. Moroney answered that purchasing laws require a surety bond for work above $50,000.

Mr. Heffernan asked if the other electrical equipment is the same age. Ms. Moroney replied that most of it has since failed and been replaced, but there are a small number of original components remaining.

Mr. Hughes motioned to transfer $100,000 from the reserve fund to the school facilities electrical repairs line item. Ms. Emery Butler seconded. It was voted 9-0.

The committee moved to discussion of Article 15.

Russell Poole, Chairman of the bylaw review committee took the floor to represent the Bylaw Review committee.

Ms. Terkelsen explained that Article 15 pertains to the yearly re-authorization of spending limits on departmental revolving funds. This sort of re-authorization has to come before the committee every year. The municipal modernization act requires by-laws relating to each revolving fund. As a result of Article 15, the sustainability fund, Ames rental revolving fund, and the youth revolving fund are eliminated. These funds are no longer used or needed by their respective departments.

Ms. Persson Reilly asked what would become of the remaining balance in these revolving funds. Ms. Terkelsen answered that the money reverts to the general fund.

The committee moved to discussion of Article 16, pertaining to a new bylaw entitled “Nuisances.” Mr. Poole mentioned that there will be a public meeting on Monday the 29th at the Endicott estate. Town Counsel has prepared a slightly edited version of the bylaw as presented to fix several grammatical and process issues, but does not change the substance of the article.

The article’s sponsor, Selectman James Macdonald, explained that this has been put forth in part due to collaboration with the MA Abandoned Housing Initiative. The AHI is a slow process, and they suggested that having a bylaw of this sort can make the process easier.

Mr. Preston asked if the person who files the complaint would be anonymous. Mr. Macdonald answered that complaints would be public information.

Mr. Lindemann asked Selectman Macdonald what he expected to change if this article is approved. Mr. Macdonald explained that the goal is to give the town a way to move forward with serious repeated complaints and expedite the process when there was no conflict involved.

Ms. Terkelsen explained that when taxes are owed on a building, the town is capable of moving forward with foreclosure proceedings but those often take over a year and are expensive.

Mr. Hughes asked where these records would be kept. Mr. Macdonald answered that they would be filed with the town clerk.

Ms. Fay asked if the selectmen’s list of problem houses is public or official. Mr. Macdonald estimated there are about a dozen houses on it. The full list is available in the minutes of the selectmen’s meetings preceding this meeting.

Mr. Preston raised concerns that there are houses which have had their condition deteriorate but may not pose a public safety or health risk. House disrepair is a difficult to define issue.

Mr. Lindemann asked how long the town of Hull has been using similar legislature, and if they have had success with it. Mr. Macdonald answered that he was uncertain.

The chair recognized Mary Jane Parnell, who asked if there were limitations on who could make complaints. Ms. Parnell raised concerns that this law could be abused by developers. Mr. Macdonald answered that it is only abutters or near abutters, to prevent that problem.

Ms. Fay asked if the fine structure was going to be in the final bylaw wording. Ms. Baker clarified that the wording update did not change the fines. Ms. Fay asked what the timeline of the fines is. Ms. Baker agreed to send it to the committee.

The committee moved to discussion of Article 17, pertaining to replica firearms. The sponsor of the article has requested it be indefinitely postponed.

The committee moved to discussion of Article 18, pertaining to amending the town bylaws on the Open Space and Recreation Commission. Mr. Poole explained that this is largely a housekeeping change to the law to reflect processes that are already in place.

Georgianna Woods, sponsor of Article 18, took the floor. She explained that the town moderator appoints members to boards that do work related to town meeting, whereas the selectmen makes other board and committee appointments.

Mr. Driscoll, Town Moderator, noted that he had no objection to this article.

The committee moved to discussion of Article 19, pertaining to the makeup of the Bylaw Review Committee. This article is sponsored by Russell Poole. Currently, there is a provision that a member of the committee be a district chair. There are only 7 district chairs in the town, so that selection group is very small. The bylaw review committee has asked that it be changed to allow that chair to be held by a Town Meeting member.

The committee moved to discussion of Article 2. Margaret Adams, town meeting member from precinct 6 and Alison Staton, town meeting member from precinct 6 presented on behalf of the 33 sponsors of this article. The basis of the article is to amend the town charter to replace the term Board of Selectmen with the term Select Board.

Ms. Adams explained that this article was inspired by her young daughter, who understood the title “Selectman” to mean that women could not be elected to that position. This change also brings the title more in line with the naming convention of other boards and committees in the town.

Ms. Staton explained that the change to the term Select Board has been made in other nearby towns. She contacted other towns to see if there were any unexpected costs with this change, and learned that there was almost no cost associated with it. This article would require a majority vote at town meeting and then go before the governor for final sign-off. Ms. Staton clarified that she has contacted all 5 members of the board of selectmen, 4 are in support of the change and one has yet to reply.

Mr. Heffernan asked if this would have to go before the charter study committee, and if they have done changes like this in off-years. Ms. Baker answered yes, they use a special rule to make the change. The next charter review would be in 2020.

The committee moved to discussion of Article 23, a temporary moratorium on town-owned land parcel 109-2. The sponsor was not present, so the committee moved to Article 24.

Lindsay Barich, precinct 6 town meeting member, took the floor to present Article 24. Mr. Barich is the sponsor of the article. He stated that the purpose of the article is to create a mechanism to verify the veracity of grant applications. The goal is to increase the transparency of the town’s grant application process so the public can be made aware of projects that are being planned. Furthermore, the goal is to increase public transparency of grants and their associated requirements.

Mr. Roberts asked if Mr. Barich felt managing this would come under the umbrella of the Finance committee. He noted that the library has its own grant board. Mr. Barich emphasized the importance of these grant application being available for public scrutiny.

Mr. Preston asked about the town employees mentioned in the article, and what the current process for their applications is. Ms. Baker answered that every grant has different restrictions for both applications and processes. She estimated that the town manager signs almost every grant moving through the town, except the library which operates its own grant process. Ms. Baker pointed out that there are notes from town counsel Lauren Goldberg indicating that this article is an operational issue and outside of the scope of town meeting to address.

Mr. Preston asked about Parks & Rec grant requests. Ms. Baker answered that they report to an elected board. However, they make the town manager’s office aware of any grant proposals they write.

Mr. Preston asked who approves grant applications from the schools. Mr. Bilafer answered that this typically goes before the superintendent.

Mr. Preston asked about the grant requests for groups outside of the town’s control, such as volunteer groups or consultants as mentioned in the article. Mr. Barich answered that it would only apply to grants made for the benefit of the town.

Ms. Persson Reilly noted that there are nonprofits that could receive grants that benefit “the town” without interacting with the town government. Mr. Barich noted that the article is meant to apply to grants that provide money to the town.

Ms. Fay asked about the change mentioned by town counsel. There is a phrasing choice between “require” and “recommend.” The article’s original proponents asked the language remain “require”. The change was suggested because it is beyond the scope of town meeting to mandate operations of the town. The language remains “require”

Ms. Fay asked what would happen if the phrasing went through as it is written. Ms. Baker answered that in the view of town counsel, it would not be enforceable with the word “require.” Regardless of the exact wording, however, town meeting cannot direct daily town operations.

Mr. Barich closed by enumerating the importance of transparency at all phases of government, and helping the public understand what the town is planning for the future.

Mr. Barich thanked the committee for their time.

Ms. Baker informed the committee that Article 23 would be added to the agenda for their next meeting.

Mr. Kern took the floor to introduce Article 5, pertaining to the land at 10 Bryant Street. This property stands next to the current Town Hall. Mr. Kern explained that the primary purpose would be to provide parking to the municipal campus. This area is estimated to provide 16 spaces. An appraisal has been commissioned for the costs associated with this proposal.

Mr. Kern explained that procurement law dictates that a unique aspect of a property be identified for the town to purchase it. Mr. Kern suggested there may be a way to use the borrowing authorization for the project to cover this expense.

Mr. Lindemann asked if the property owner approached the town. Mr. Kern answered that they did, and it is widely known that the construction is going to take place.

Ms. Fay asked if this would be the most financially efficient way to gain these 16 necessary parking spots. Mr. Kern confirmed that it would be according to estimates.

Mr. Hughes asked how many total public parking spaces are proposed for the new municipal campus. Mr. Kern answered roughly 120. Mr. Kern explained that the zoning bylaw may call for more parking spots, so going higher is going to be advantageous.

Mr. Roberts asked how many parking spaces the town hall currently has. Mr. Kern estimated 65. Mr. Roberts noted that getting these 16 parking spots put in ahead of the construction of the public safety building could be a huge asset to the construction process.

Town Meeting member Jean Zeiler was recognized by the chair. She asked if the usage for the space was confirmed to be parking. She expressed concerns that it may be used as greenspace. She asked about the immense amount of underground parking for the public safety building. Mr. Kern replied that it is largely a security issue and a generally confirmed best practice for public safety buildings to have non-public employee parking. He explained that in the near term, both during construction and after construction, the additional parking will be immensely helpful, because we are nearly 30% below what we have estimated to be the need to meet demand.

Mr. Roberts asked if this proposal will at some point go in front of the planning board. Mr. Kern confirmed that it will.

Mr. Barich was recognized by the chair. He suggested the town investigate available parking areas nearby. Underused parking areas could enter a rent agreement to ameliorate temporary parking issues. Mr. Kern answered that the town is in the process of talking to some of the owners of those lots.

Mr. Heffernan motioned to adjourn, Mr. Hughes seconded, and it was approved 9-0. Meeting concluded at 8:29.