

Town of Fairhaven

Finance Committee

Minutes of the meeting for <April 10, 2014>at the BPW Administration Building, Arsene St., Fairhaven, MA

Members in attendance:

Chairman-John Roderiques, Robert A. Furtado, Scott Fernandes, Padraic Elliott, Kathi Carter, Lisa Plante, John Mota

Member absent

Therese Szala

Town of Fairhaven:

Jeffery Osuch- Executive secretary

Vincent Furtado- BPW Superintendent

Michael Ristuccia- BPW

Town Government Study Committee:

Phil Washko- Chairman

Bernard Roderick- Vice Chairman

Mark Badwey

Rich Griffiths

Siobhan Henebury

Pattie Pacella

Linda Meredith

G. Steve Riley

Meeting was covered by government access television. Member of the press was not present.

Chairman called the meeting to order at 7:00 PM. Announced that the meeting was being recorded by government access TV. Chairman has to be notified if anyone else present is recording the meeting by video or audio.

Motion made by Scott to accept the minutes from April 3, 2014. Seconded by John M.

Vote: Unanimous

- Mr. Osuch passes out updated FY15 spreadsheet, updated warrant for the STM.

- Chairman questions the figure of \$ 30,000 for the Highway Dept. Sand & Salt, on the STM. Mr. Osuch states that the actual amount needed is \$ 24,816.32.
- Discussion and voting on STM warrant.
- Article1- Town Charges
 - 2. Veterans' POS
 - Request is for \$ 30,000, with \$ 15,000 of that transferred from Medical Benefits
 - Chairman asks Mr. Osuch about the amount requested. States that every year half of what the agent says he needs is turned back.
 - Scott motions to Recommend At Town Meeting. Seconded by Lisa. Vote: Unanimous
 - 3. Legal Expenses
 - Chairman asks Mr. Osuch if he feels the \$ 28,000 requested will be enough.
 - Mr. Osuch states that it may be marginal, but the balance could come from the Reserve Fund.
 - Chairman states that the overages this year were driven by special circumstances.
 - Scott motions for \$ 28,000. Seconded by Lisa. Vote: Unanimous
 - 4. Fire Department Salaries
 - Request is for \$ 30,000 from the Ambulance Fund to cover overtime due to injuries.
 - Scott motions for \$ 30,000 from the Ambulance Fund. Seconded by Lisa. Vote: Unanimous
- Article 2- Setting Salaries of Town Officials
 - 1. Town Clerk
 - Pat motions to fix the compensation rate at \$ 51,813.64. Seconded by John M. Vote: Unanimous
 - 2. a. Salary- Town Clerk
 - Pat motions for \$ 134.24. Seconded by Lisa. Vote: Unanimous
- Article 3- Funding Labor Contracts- 2014
 - 1. Dispatcher Union
 - a. Salaries and Wages
 - Mr. Osuch states that the union is not close to settling and this Article will be passed over.
 - 2. Fire Department
 - c. Supplies

- Scott motions to Recommend At Town Meeting. Seconded by Lisa. Vote: Unanimous

- Article 4-Rogers-Oxford Schools Fiscal Year 2015
 - Chairman asks Mr. Osuch if this amount is sufficient for the year. Mr. Osuch states yes.
 - Chairman states that he will not support any Reserve Fund transfers for these buildings. These expenses would not be extraordinary or unforeseen.
 - Kathi questions the repairs spelled out in the Article.
 - Mr. Osuch states that this is for broken windows or doors. The Oxford School has been broken into twice.
 - Scott motions for \$ 8,000. Seconded by Lisa. Vote: Unanimous

- Article 5- Millicent Library West Chimney Repairs
 - Chairman explains that a Reserve Fund transfer was done for this money several years ago. The money was not spent and was turned back.
 - Pat questions if this could be done through CPC.
 - Chairman explains that the work has already been done, on an emergency basis, and the contractor needs to be paid.
 - John M. questions not being able to see their line item budget.
 - Chairman explains how the library is funded and that the town is responsible for the maintenance. The library appropriating is through a state formula.
 - Scott motions for \$ 16,500. Seconded by Lisa. Vote: Unanimous

7:19 PM. The Town Government Study Committee and Mr. Furtado & Mr. Ristuccia join the meeting

- Article 15- Establishing Position of Town Administrator
 - Mr. Washko gives the committee an explanation of how the TGSC has gotten to point they are at now.
 - Mr. Washko states that the TA position is central to other government changes recommended by the DOR, so they have focused on it.
 - Mr. Washko states that this Article is similar to last year's, but they have eliminated the firing without cause provision, and added an open hearing to the firing process.
 - Mr. Washko states that this is consistent with other towns.
 - Mr. Washko states that some people had reservations about the financial impact of the TA position.

The TGSC commissioned a study by the Collins Center of UMass Boston, which found that the present salary of the executive secretary position would be sufficient.

The study also found that this would be creating a 1 person job and current staffing levels would be sufficient.

- Chairman asks if they are telling people what bylaws are being changed.
 - Mr. Washko states, what is being changed is in the Article.
- Scott asks if the TGSC has read the Act of 1932, the original legislation. Scott is worried that they may be creating an Executive Secretary and a Town Administrator.
 - Chairman states that concern is more appropriate with the BPW language.
- Chairman states making the TA Chief Operating Officer could create a conflict with Section 2. c(4)-oversight over boards.
 - Mr. Washko states the Selectmen have specific oversight, the ultimate oversight.
- Chairman states, if the Selectmen can overrule the TA, you are not appointing a Strong TA.

Chairman makes comparison to the Superintendent of Schools, where the school committee hires the Superintendent and he or she has total control of the school system.

Chairman states that this is no different from what we have now, where the Selectmen can overrule the Executive Secretary.

Chairman wants a strong TA.

- Mr. Washko asks about removing that 1 line.
 - Chairman states you can't piecemeal the Article.
- Chairman states issue with the way hiring of special council is addressed.
- Chairman takes issue with the way the removal clause is written. It should not be up to the contracting parties.
- Chairman states no 2 towns have the same level of TA.

Picking the language from different towns doesn't work for a strong TA.
- Chairman takes issue with the wording of Section 3.(B)7.- with the TA having sole authority over personnel.
 - Mr. Washko again suggests removing the word "sole".
 - Mr. Washko states the TGSC is trying to learn from this meeting.
- Chairman states the TGSC should be defending their Article. It is too late at this point to make changes, or have a list of changes on TM floor.
 - Mr. Washko states that unless there are drastic changes, this is what we will be voting on, at TM.
- Chairman states he has no problem eliminating the Personnel Board.
- Chairman states the Article references a strong Fire Chief but not a strong Police Chief.
- Chairman states he sees a conflict with the selecting and hiring of labor council.
- Chairman states he is not happy with the TA picking calendar dates for the budget process.

- Chairman asks if the schools are included in the Procurement process.
 - Mr. Washko states no.
- Chairman states it should be spelled out.
- Kathi states the Finance Committee has voiced the need to hire labor council.
 - Mr. Washko states that is why it is in the Article.
- Discussion that it should be spelled out the TA can hire labor council on his own.
- Chairman states we have to think 2, 5, 10 years down the road.
- Chairman brings up the TA establishing rental policy for Town property.
- Chairman states this Article doesn't take enough power away from the Selectmen and takes too much from the BPW.
 - Mr. Washko states the BPW Superintendent should report to the TA.
- Chairman states his belief that the decision to change government should go before all voters, not just TM.
 - Mr. Washko states this was discussed at length. Not a lot of communities do it that way.
 - When do you stop going to the voters?
- Chairman again emphasizes this is a change in government.
 - Mr. Washko states other towns have done it this way.
- Chairman states he believes government should be changed by the people not the legislative branch.
- Pat asks if they are proposing that day to day decisions can be overruled by the Selectmen.
 - Mr. Washko states that was not the intent, but they also did not intend to weaken the Selectmen.
- Pat feels the TA should run with it, and not be overruled.
 - Mr. Washko states the intent was for the TA to be in charge.
 - Ms. Henebury states the TGSC heard bad feedback about having 1 person in sole authority of the town.
- Chairman states if the TA can be overruled, it is no different than what we have now. Position needs to be made strong. Again, comparison to school dept.
- Mr. Washko states the term Strong TA is a "spectrum". States they preferred to error on the side of less strong.
 - Chairman states you can take what we have now and change Executive Secretary to Town Administrator.
 - States that better Procurement language exists now and we have problems with it.
- Mr. Badwey states he doesn't feel anyone can be considered strong if their superior can fire them.

Feels the key is to hire the right person.

Language is simply checks & balances.

- Chairman states if someone can interfere, they will.

- Article 25- Information Technology Advisory Committee

- Chairman asks why this is proposed now.

- Mr. Washko states the Town has ignored IT and doesn't use IT for the benefit of the Town.

- The needs of the Town need to be established.

- Chairman states you don't need a committee to spend \$ 20,000.

- States concern with the size of the committee and this number of people getting along.

- Mr. Washko states some communities have committees with 20 to 25 people.

- Chairman asks where is the appropriation for the \$ 20,000.

- Mr. Washko states they met with every department head and they all said this was needed.

Larger committee is needed to discover everyone's needs.

- John M. states there should be an Article to hire a full time IT person.

- Mr. Washko states that did come up.

- States the TCSC isn't qualified to assess the Town's needs.

- Chairman asks how this fits into the Town Code.

Asks if this committee would be a standing Town Meeting Committee.

- Mr. Washko states it would be a Town Meeting Committee with no authority.

- Advisory committee to propose hiring an IT Consultant and come back to the committee with recommendations.

- Chairman asks Mr. Osuch if the Selectmen have voted on this yet.

- Mr. Osuch states no.

- Article 31- Restructuring the Board of Public Works

- Chairman asks why an elected advisory board.

- Mr. Washko states they are a resource for the BPW and the citizens.

- Chairman asks if this was a way to bypass the TA Article.

- Mr. Washko states they were told the service was valuable. Asks what is wrong with extra support.

- Chairman states it creates a useless board.

- Chairman states it creates a headache for whoever has to deal with this board.

- With a strong TA you don't need an advisory committee..

- Chairman states this Article takes all powers of the elected board and gives it to the TA. Other towns give it to the Selectmen.

- Mr. Washko states the Superintendent would run the BPW.
- Chairman states that is not how it is written.
The Superintendent becomes the TA's flunky.
- Chairman states the Selectmen are the Directors and Goal Setters for the entire town except the BPW.
The TA has all the powers previously vested in the BPW.
Most towns transfer it to the Selectmen.
- Mr. Washko states the intent was the TA was supposed to handle the day to day operations.
- Chairman states this transfers all authority
- Creates strong TA for the BPW, not the rest of the town.
- Mr. Washko states the right TA will let the Superintendent run the BPW.
- Chairman states that is not how it is written.
- Scott questions bill disputes.
- Mr. Washko states bill disputes would go to the Selectmen.
- The Board of Selectmen would set the rates.
- Chairman states the ideal situation would have been to handle the change with 1 Article for everything.
- Ms. Pacella states that last year's Article was eliminating the Board completely.
- Chairman states this is just creating a neutered board.
- Mr. Washko states the TA is supervisor for every department.
- Chairman asks Mr. Furtado his opinion.
- Mr. Furtado concurs with the Chairman.
- Chairman states he wants the Selectmen out of the day to day operations of the Town.
Can't wait two weeks for a meeting.
- Kathi questions if we are considering 2 different options.
 - Chairman states the Selectmen are always on top.
 - Chairman wants TA to have day to day authority without being overruled.
- Mr. Washko states this is the 1st time they have heard the desire for a strong TA.
They heard reservations about having 1 appointing authority.
- Chairman states the TA Article doesn't change anything. The Selectmen can veto everything.
- Ms. Henebury asks if they need to define the day to day operations.
- Chairman states they should have found a community with a strong TA and tweaked that wording.
- Pat states the authority seems blurred.
States that in the business world the CEO was ultimate power but can be fired by the Board of Directors.

- Mr. Washko states that the TA has appointing authority, but not for the superintendents.
- Chairman states he feels this TA is on the weak side of the spectrum.
- Mr. Washko states he doesn't have a fear of the Selectmen overriding the TA.
- Chairman states he feels the priority should have been the TA Article.

- STM Article 12- Town Government Study Committee Continuation FY15
 - Chairman asks why the TGSC needs to continue for another year, if the TA Article passes.
 - Mr. Washko states they still have areas they want to work on.
They want to look at the budget process, finance committee make-up and appointment, town meeting size, quorum before and after lunch at TM.
 - Chairman states the TGSC was asked to seriously consider their budget last year. Committee stated they felt it was adequate.
 - Chairman feels this work should be done by a formal Charter Committee.
 - Mr. Washko states they are going to be talking about a Charter Committee after TM.
 - Chairman asks what the original \$ 5,000 was used for.
 - Mr. Washko states it was used for mailings, a survey, and Town Council.
Mr. Washko states the original Article was written that they would report at the next or subsequent TM.
 - Lisa asks if Town Council has reviewed the Articles they are submitting this Year.
 - Mr. Washko states yes.
 - Chairman states the Articles can pass Town Council and still not be well written.
 - Scott states that the TGSC could look at making reforms without an appropriation.
 - Mr. Washko states that Town Council is a valuable resource.
 - Scott states that Town Council has to review all Articles anyway.
 - Chairman states to study government correctly \$ 20,000 - \$ 30,000 is needed.

9:17 PM. Chairman calls recess. TGSC leaves meeting. Back in session @ 9:24 PM.

- Chairman presents a Reserve Fund Transfer request from Vincent Furtado- BPW Superintendent, in the amount of \$ 24,816.32, to cover the deficient spending for Snow & Ice Supplies.
 - Scott motions to transfer \$ 24,816.32 to Acct # 011-420-00-5533-00-272 Highway: Supplies-Snow & Ice. Seconded by Lisa. Vote: Unanimous

- Back to discussion and voting on the STM.
- Article 6- Community Preservation Committee Appropriations
 - #6a. Millicent Library-Exterior Restoration Project Phase 1
 - Scott motions for \$ 197,000. Seconded by Lisa. Vote: Unanimous

- #6b. Town Hall Table Restoration Project
 - Discussion of the table.
 - Chairman states that CPC requires the money be used to restore a historically significant item for reuse.
 - Chairman will get the committee pictures of the table.
 - Scott motions to Recommend At Town Meeting. Seconded by John M. Vote: Unanimous.
- #6c. Academy Building Roof Project
 - Scott motions for \$ 17,000. Seconded by Lisa. Vote: Unanimous
- Article 7- Flood Plan Bylaw Amendment
 - Chairman states that if this doesn't pass, many people will not be able to obtain flood insurance.
 - Scott motions to Yield To Petitioner. Seconded by Lisa. Vote: Unanimous
- Article 8- Adams Street Easement Petition
 - Scott motions to Yield To Petitioner. Seconded by Lisa. Vote: Unanimous
- Article 9- Rogers and Oxford Schools- Asset Evaluation
 - Lisa asks if this is more than an appraisal of the building.
 - Chairman states yes.
 - Chairman states this is to hire someone to determine the best options for disposing of the buildings.
 - Pat states the he is concerned there may be money needed to dispose of the buildings, and doesn't want to see the process held up for another TM.
 - Chairman states unless there is a specific Article for it, we cannot provide funding.
 - Pat states he feels a decision needs to be made about what will happen to buildings before any more money is provided.
 - Mr. Osuch states this is for a gentleman who read about the buildings in the newspaper and came forward to offer his services to the Selectmen.
 - Pat states if the buildings are auctioned this money will not be needed.
 - Chairman states if the buildings are disposed of there needs to be an appraisal.
 - Kathi states any restrictions or conditions need to be put forth first.
 - Scott motions to recommend Indefinite Postponement. Seconded by Lisa. Vote: Unanimous
- Article 10- Medical Marijuana Sales Tax (5%)

- Lisa motions Recommend Adoption. Seconded by Pat. Vote: Motion passes- 5 to 2 with Scott and Kathi opposed.
- Article 11- Aquaculture License Fees Petition
 - Scott motions Recommend Adoption. Seconded by Lisa. Vote: Unanimous
- Article 12- Town Government Study Committee Continuation FY15
 - Scott motions Recommend At Town Meeting. Seconded by Kathi. Vote: Unanimous
- Article 13- West Island Defibrillator
 - Scott motions to Recommend At Town Meeting. Seconded by John M. Vote: Unanimous
- Article 14- Fire Alarm System At EMA Headquarters
 - Discussion of the need for the alarm.
 - Fire Chief stated it wasn't required unless regular meetings of 35 or more people are held at the building.
 - Scott motions for Indefinite Postponement. Seconded by Lisa. Vote: Unanimous
- Article 16- Union Wharf Land Exchange
 - Scott motions to Recommend At Town Meeting. Seconded by Lisa. Vote: Unanimous
- Article 17- Demolition Of School Portables And 89 Main Street
 - Mr. Osuch states that the auctioneer recommended removing the portables from the school buildings.
 - The 89 Main Street building is condemned and part of it is collapsing.
 - Pat asks if the portable buildings are salvageable.
 - Mr. Osuch states no.
 - The portables have been offered for free and no one has come forward.
 - Lisa asks if the schools may be demolished, why demo the portables now.
 - Mr. Osuch states that the Rogers School portables are sitting on a street and utility easement.
 - Scott motions for \$ 20,000. Seconded by Pat. Vote: Unanimous
- Article 18- Non-union Personnel Review

- Mr. Osuch states this would be to hire a consultant to review, rewrite job descriptions, and compensation levels for 32 non-union positions.
- Mr. Osuch states the positions need to be evaluated.
- Chairman states he doesn't see the rational. This is supposed to be part of the TA job description.
 - John M. motions to Indefinitely Postpone. Seconded by Scott. Vote: Unanimous
- Mr. Osuch states that the Recycle and Trash Collection contracts have been signed.
 - Scott motions to rescind the prior vote and amend to the new amount in the following categories, in Article 4:
 - #35i. Recycling rescind \$ 175,300 and adopt \$ 180,000
 - #38d.2. Rubbish Collection rescind \$ 487,000 and adopt \$ 488,000
 - All amounts seconded by Pat. Vote: Unanimous

- Lisa motions to adjourn @ 10:03 PM. Seconded by Pat. Vote: Unanimous

Respectfully submitted by:

Robert A. Furtado
Finance Committee Secretary

(accepted 4-17-2014)