BOARD OF SELECTMEN MINUTES MAY 14, 2012

Present: Thomas Creamer, Chairman

Priscilla Gimas Mary Blanchard Mary Dowling Mary Redetzke

Shaun Suhoski, Town Administrator

The Chairman called the meeting to order at 6:30 p.m. following the Pledge of Allegiance.

T. Creamer thanked the Tantasqua Regional High School students for their band event.

Department Head Reports

Police Chief Thomas Ford and Lt. Diogo appeared before the Board. Chief Ford reviewed his report, then he and Lt. Diogo discussed the implementation of TASERs into the approved arsenal and continuum of force. The Chief, and Lt. Diogo, have been working on developing the proper training, protocols and regulations for over eight months. S. Suhoski had met and discussed this program twice with the Chief and reviewed and offered comments during development of the regulations and supported the Chief's decision. T. Creamer noted that he had researched the issue and agreed with the facts as presented by Lt. Diogo. A lengthy discussion followed regarding the use of TASER and its limitations, as well as a demonstration.

M. Redetzke asked Chief Ford when details of school calls would be added to his monthly reports.

Fire Chief Leonard Senecal reviewed his report with the Board. He discussed the driver training class and auto extrication training. He also discussed forest fire preparedness.

David Lindberg, Building Inspector, reviewed his report with the Board. He noted that his report was not broken down by month. P. Gimas asked about temporary signs during the Brimfield flea market. D. Lindberg said that he was considering sending a letter to the local merchants before the July Brimfield show to reduce extra signage and sales. M. Blanchard asked whether he was keeping a tally of permits, and noted that the \$2 fee is sometimes waived. T. Creamer questioned D. Lindberg on his department's policy in terms of responding to resident complaints. D. Lindberg stated that he responded to all complaints within a reasonable period of time. T. Creamer asked if one year would be considered reasonable, and D. Lindberg said "no." T. Creamer then asked if three months would be considered reasonable, and D. Lindberg said "no" and that he would work to correct such. T. Creamer then asked D. Lindberg if

he had physically inspected every single "re-roof" and/or "roofing job" listed by permits, and D. Lindberg said yes, he inspects every one.

FY13 Budget Discussion

S. Suhoski provided the Board with a summary of FY13 revenue/expense, information regarding Proposition 2½ compliance, and an opinion on citizen petition and budget impacts. He included a fairly direct recitation of his opinion relative to the citizen petition and its deleterious impact upon local government if it is passed. He said that both the initial revenue and initial expense projections from late January 2012 have improved. Less than anticipated snow and ice deficits for FY12, plus a modest projected improvement in state aid and revenue offsets included in the House Ways & Means Cherry Sheet, combined with a recent \$100,000 budget reduction in education (SPED tuition savings) to further improve the Town's municipal budget position for FY13. Speaking only from a municipal finance perspective, the Town of Sturbridge is in a strong financial position for fiscal year 2013.

FY13 Budget Proposal – Article 3: \$26,750,919:

The Town Administrator's recommended FY13 budget is \$26,650,919 while the Finance Committee and Board of Selectmen both recommend \$26,750,919. The difference of \$100,000 is because the Town Administrator removed the SPED tuition savings referenced above from the budget while the Finance Committee voted to allocate those funds to the Reserve Fund in the event of unforeseen need (unspent reserve funds will close-out back to free cash in fiscal 2014).

The Board of Selectmen did not have the education reduction information prior to the April 30 deadline to close the Warrant, and, accordingly has deferred making any further recommendation until the meeting held prior to Annual Town Meeting on June 4. There has been much discussion and debate throughout public bodies and the general public, concerning municipal finances and the upcoming operating budget to be discussed at Annual Town Meeting.

The main budget motion on Town Meeting floor is that recommended by the Finance Committee, a nine-member advisory board appointed by a non-executive branch elected official. Voters will compare these recommendations to those of the Selectboard (fivemember elected executive board) and the Town Administrator (chief administrative officer appointed by the executive board).

In looking at the three budget recommendations developed independently by the Town Administrator, Board of Selectmen and Finance Committee, it is worth noting that all three budgets would continue to fund all existing services together with additional targeted areas of need.

The Town Administrator and Finance Committee include resources for personnel in public safety, public works and administrative support as well as an increase to road

maintenance and construction. The Board of Selectmen allocated less funds for recurrent personnel costs, but, targeted more substantial increases towards the Town's road and infrastructure needs.

In S. Suhoski's opinion as the Chief Administrative Officer of the Town, any of the three budgets proposed above will retain current levels of service, and, serve to enhance other areas of service. Obviously, he supports his own recommendations as being the most balanced; but in the end, any of the three budgets proposals will serve the interests of the community.

Whereas the Finance Committee recommendation is the main motion for Town Meeting consideration, the following information shall be based upon their \$26.75 million proposal.

FY13 Budget as Relates to Proposition 2½:

Since the original budget proposal in January, projected increases in state aid and reduced deficit spending estimates have resulted in an additional budget "surplus" of \$112,375 under the FinCom proposal. When combined with the \$200,000 transfer of free cash towards "tax rate relief" under Article 19 of the Town Meeting Warrant, this results in \$312,375 that will not need to be raised in the tax levy ("excess levy capacity").

Under the FinCom's proposal, the Town's tax levy will increase by less than one percent (0.8%) and not the 2.5 percent allowed under Proposition 2½:

FY12 Levy Limit:	\$18,416,031
Add: Prop. 2½ (\$460,401 allowed, \$148,026 used):	\$ 148,026 (0.8038%)
Add: New Growth Estimate:	\$ 125,000
Add: Debt Exclusions Approved by Taxpayers	
- Tantasqua	\$ 245,457
- Town Hall	\$ 289,318
- Burgess School	\$ 1,313,958
Total Raised by Taxation:	\$20,537,790
Add: State aid:	\$ 3,553,288
Add: Local revenues:	\$ 3,182,836
Add: Free Cash to offset tax rate (Art. 19):	<u>\$ 200,000</u>

Total FY13 Revenues: \$27,473,914

The above revenue exercise conforms to the Finance Committee's summary on the back page of their report that will soon be released. Against the \$27,473,914 total revenues are the following expense categories:

General Fund (FinCom budget proposal): \$26,750,919

Add: Raise and Appropriate Articles:

- Ambulance Stabilization	\$ 30,000
- OPEB Funding	\$ 10,000
- Commercial Tourist Dist. (net)	\$ 60,000
- Stabilization Fund	\$ 150,000
- Capital Budget	\$ 169,022
Add: Additional Expenses (snow/ice; overlay; CS):	\$ 303,973

Total FY13 Expenses:

\$27,473,914

Attached to the copy of this memorandum were copies of the back page of the Finance Committee's report and the Finance Director's tie-in sheet for the final FinCom version of the budget. The above summary reconciles with these documents.

Excess Levy Capacity under Proposition 21/2:

- T. Creamer stated that in response to a Q&A with residents and his own questions about the budget process, he contacted the Department of Revenue on May 8, 2012 to ascertain the validity of statements used throughout the budget process that once a community fails to tax to the full 2.5 levy limit, they forfeit the ability to tax to the limit in the future. T. Creamer stated that DOR had informed him that such was not the case, and that communities regularly adjust their taxation to the levy limit, depending upon financial dictates. T. Creamer stated that he then contacted Finance Director Barbara Barry to confirm this, and she told him that she had just become aware of such on the previous Wednesday or Thursday (May 2nd or 3rd) and had herself become aware of the fact that Sturbridge had been operating under a false premise. T. Creamer further reported that the Finance Director stated that she had told the Town Administrator as soon as she had become aware, and that he was going to inform the Board.
- S. Suhoski stated that he knew from past experience that the process the Town had been operating under seemed incorrect, but simply didn't say anything about it, and should have challenged it earlier. T. Creamer stated that this was not simply an error on his part, but an error on Town Government on the whole, as it should have been vetted or confirmed earlier, and further stated that he himself was equally responsible for presuming that this was the correct process, as he had misgivings about it from the beginning and should have conducted more extensive review with DOR.
- S. Suhoski's report went on to say that the summary above illustrates that the Town only budgets what is required and does not automatically seek to max-out the limits of taxation. As noted, the FY13 budget proposal does not utilize an estimated \$312,375 in available taxing capacity which will become excess levy capacity after the tax rate is finalized.

In Sturbridge and elsewhere, the phrase "use it or lose it" has been used to describe why a community would generally seek to tax to its levy limit under Proposition 2½. This is true only for the then current fiscal year in that once the tax rate is set the Town

can never recapture excess levy for that fiscal year. The excess levy capacity, however, remains in the basis of calculating future levy limits and, therefore, can be accessed in ensuing fiscal years. The concept may seem confusing.

The following language is taken directly from Mass. DOR's publication "Levy Limits: A Primer on Proposition 2½" (rev. 6/07). Even the DOR language can be challenging to reconcile.

Source: http://www.mass.gov/dor/docs/dls/publ/misc/levylimits.pdf

Because of the substantial cuts in state aid over the two prior fiscal years, the Town did not have the ability to allocate any free cash towards tax rate relief, and, barely able to cover expenses, there was no excess levy projected in either FY11 or FY12.

Ultimately, after the books were closed, the Town remained roughly \$3,000 and \$3,500 under the levy limit in each of those years. Following is a chart of excess levy capacity for Sturbridge dating back to FY02:

Fiscal	Maximum	Actual Levy	Excess Levy
Year	Allowable Levy	Raised	Capacity
2002	\$11,851,911.00	\$11,080,686.58	\$771,224.42
2003	\$12,774,706.00	\$12,219,999.88	\$554,706.12
2004	\$13,683,587.00	\$13,656,845.26	\$ 26,741.74
2005	\$14,437,584.00	\$14,074,509.40	\$363,074.60
2006	\$15,332,210.00	\$15,005,791.20	\$326,418.80
2007	\$15,730,323.00	\$15,559,618.18	\$170,704.82
2008	\$16,475,000.00	\$16,321,319.24	\$153,680.76
2009	\$17,146,738.00	\$17,144,601.37	\$ 2,136.63
2010	\$17,632,589.00	\$17,541,168.91	\$ 91,420.09
2011	\$18,812,764.00	\$18,809,679.61	\$ 3,084.39
2012	\$19,835,127.00	\$19,831,621.02	\$ 3,505.98

Source: MassDOR by Sturbridge Principal Assessor

Note that the excess levy capacity decreased following the deep cuts to state aid in FY09 and the subsequent inability to utilize free cash towards tax rate relief in FY11 or FY12.

Proposition 2½ Impact on Tax Levy:

Proposition 2½ limits a municipality's taxing authority in two primary ways as excerpted below from the MassDOR primer:

In summary, the budget recommendations of the Town Administrator, Board of Selectmen and Finance Committee each remain well-within the taxing authority granted under Proposition 2½.

T. Creamer questioned S. Suhoski as to whether his contention that we were taxing below the levy limit was based upon the fact that we are returning some of the money to residents by way of tax rate relief, to which S. Suhoski replied "yes." T. Creamer followed by saying that then, in effect, we were taxing to the full limit, but simply giving some of the money back, correct? S. Suhoski said "yes." T. Creamer said that many would argue that it is much better not to take the money in the first place, than to take it and give some of it back.

Article 4: Citizen Petition for Level Funded Budget: \$25,578,124:

This year, juxtaposed against the above budget recommendations that are based upon:

- Actual day-to-day management and direct operational knowledge by the Town Administrator,
- b) Months of research, meetings and discussion by the Finance Committee, or
- c) Substantial review and debate by a Board of Selectmen that routinely meets with the chief administrator and key department managers, is a citizen petition that would level-fund the budget to last year's figure.

This petition, in S. Suhoski's opinion, lacks any of the due diligence conducted in developing the official budget recommendations discussed above. Instead, it seeks to tap into general frustration over taxation, and perceived governmental largess, in hopes of gaining an emotional vote to level fund budgets with no workable or known alternative plan. He said that this "blunderbuss" approach lacks credibility and, if passed, will result in substantial personnel layoffs and deep cuts to existing services.

S. Suhoski said that one can only hope that the intent of the signatories to the petition was to generate valid and cogent debate over community priorities and not to dismantle local government through electioneering and ham-fisted politics.

During the past months, S. Suhoski resisted the urging of the Finance Committee to develop a so-called "Plan B" budget. However, the Board of Selectmen directed him to provide an order-of-magnitude impact that passage of Article 4 would have upon the budget so the voters are aware of the substantial impact to local services. Towards that end, he offered the following overview of cuts that would need to result if Article 4 were to pass. The following is illustrative in that additional public meetings, and another Town Meeting, would ultimately decide where to chop the \$1,172,795 that would need to be eliminated from the Finance Committee budget proposal.

S. Suhoski did not list specific personnel or positions to be eliminated as he believes it unfair to the loyal employees of the Town; however, certain departments will lose positions and that all departments and department heads will face reduced workweek or furloughs in an effort to shave five percent in those personnel costs. M. Redetzke asked why no funds were taken from capital planning vs. personnel to balance the budget.

Illustrative Budget Reductions to Level-fund to FY12:

These figures are illustrative and the Town Administrator reserves the right to reallocate hours to reach the general targets below.

Category/ <u>Department</u>	FY13 Propos	-	Y13 arget Cut	Balance to Level Fund
				-\$1,172,795
Education/Burgess (likely staff or program reductions				
eg. full-day K or other per School Cmte.)	\$9,095,7	56 \$3	399,194	-773,601
Town Road Maintenance (greatly reduced roadwork)	Ф 400 O	.O.7 (*)	000 007	F0F F04
December Fried	\$ 463,0 \$ 225.0		208,007	-565,594
Reserve Fund	+,-		150,000	-415,594
Police Department (no SRO pos.; 1 pos. cut)	\$2,073,2		110,000 60,000	-305,594
Unclassified – cut Health Ins.; incr. Unempl. Assmnt.	\$3,090,7 \$ 850,0		55,000	-245,594 -190,594
Fire Department (1 position cut) Reduce All Dept. Head Salaries (5 percent cut via	φ 650,0	113 ş	55,000	-190,594
furlough or reduced workweek)				
,	n/a	\$	47,000	-143,594
DPW (no landfill ops; no added staff)	\$ 816,3	17 \$	40,000	-103,594
Conservation Commission (no added staff hrs)	\$ 84,4	59 \$	13,500	-90,094
Building Inspector (no incr. to 4-day wk)	\$ 66,1		11,600	-78,494
Joshua Hyde Library (p/t position)	\$ 371,8		9,000	-69,494
Planning (eliminate RF study proposal)	\$ 130,9		8,500	-60,494
Board of Health (elim add'l staff hours)	\$ 82,5		4,500	-56,494
Town Counsel	\$ 80,0	00 \$	2,500	-53,494
Balance to Close: Shut-down Town Hall, Center				
Office Building and Council on Aging by one-day per				
week; associated hourly staff reductions in workweek				
or through furloughs; reduction in operating costs of				
buildings closed additional day-per-week; and or		o/o	E2 404	0
miscellaneous adjustments.	r	n/a \$	53,494	0

Without question, the above reductions will have long-lasting negative impacts upon Town services including:

- Substantive cuts to education, public safety and infrastructure maintenance
- Reduced operating hours for general government, Library and Senior Center
- Longer waits for citizens at most municipal offices
- Loss of qualified department heads and reduced retention of skilled employees

Summary

It is S. Suhoski's ongoing belief that the silent majority of the residents of Sturbridge realize that local government provides the most transparency while delivering the most essential services to its citizens. Local tax dollars are expended in a cost-efficient manner that is continually monitored by the Town Administration, the Board of Selectmen, the Finance Committee and, most importantly, the taxpayers of Sturbridge through Town Meeting.

Town Administrator's Goals

The Board reviewed and modified aspects of the proposed Town Administrator's goals. During the discussion on goal #7, T. Creamer stated that he believed that particular goal was the responsibility of the duly elected Recreation Committee, and that although he supported some level of technical guidance by the Town Administrator, he believed it more a function of the Recreation Committee than the Town Administrator. Additionally, T. Creamer stated that he would be unable to support this goal unless a private/public funding component as well as a fundraising element was a significant aspect of the goal. He also stated that although he is a strong believer in providing recreational opportunities for the community, he could not support a goal that had the effect of directing the Town Administrator to come forward with a major recreational spending proposal for the very next Annual Town Meeting or Special Town Meeting that placed the financial burden on taxpayers, considering the significant burden currently shouldered by residents. He further requested a Board vote on this specific goal, stating that whatever the outcome of the vote, he would support the will of the Board and work to ensure that the goal is accomplished as accepted by the Board, but wanted his concerns to be on record.

MOTION: That the Board approve goal #7, by M. Blanchard.

2nd: P. Gimas

Vote: Four in favor; T. Creamer opposed.

After reviewing the remaining goals, T. Creamer requested a vote of ratification.

MOTION: That the Board approve the goals for the Town Administrator, by M.

Blanchard.

2nd: P. Gimas Vote: All in favor.

Staff Reappointments

MOTION: That the Board of Selectmen ratify the Town Administrator's reappointment of the following personnel, by M. Blanchard

<u>Name</u>	<u>Position</u>	Term Exp.
Jean Joel	Town Accountant	2015
Thomas Chamberland	Tree Warden	2015
Thomas Ford III	Chief of Police	2015
Christine Brunelle	Full-time Dispatcher	2015
Scott Belanger	Part-time Dispatcher	2015
Leonard Senecal	Fire Chief	2015
John Marinelli	Fire Captain	2015
Mary Lou Volpe	Firefighter/EMT	2015

2nd: P. Gimas Vote: All in favor.

Board and Committee Appointments / Reappointments

For boards and committees S. Suhoski had Judy Knowles issue letters to all persons whose terms are expiring in 2012 to gauge their interest in reappointment. They also advertised all known vacancies with letters of interest due on May 18. This would include a joint vote for the vacancy on the Recreation Committee which could be held on May 21 when that committee is already slated to appear before the Board.

Conservation Agent

Postings for the vacant Conservation Agent position have been made in regional newspapers and through several professional organizations. S. Suhoski received at least 15 resumes and letters-of-interest as of Friday. The Conservation Commission chairman and S. Suhoski met to outline the selection process that will occur promptly

BOS Public Hearing to Lay Out Public Ways

The public hearing to lay out the following public ways is scheduled for May 21 at 8:00 p.m.

- Regep Lane (Article 27 ATM)
- Hunter Lane (Article 28 ATM)
- Evergreen Lane (Article 28 ATM)
- Highlands Lane (Article 29 ATM)
- Meadow View Lane (Article 29 ATM)

The DPW Director will be present at this meeting to advise of any remaining concerns.

Miscellaneous Items

Following are updates on other ongoing matters provided in the Town Administrator's report, some of which may have been publicly discussed during the meeting.

- Firefighter Negotiations: This is for Executive Session on May 14
- Town Hall / Center Office Building Project: Further to the information shared with the Board concerning the extensive repairs and reconditioning of the HVAC systems, the Town has received invoices from the vendor and, just yesterday, transcribed work items per S. Suhoski's request. From these, the Town will develop its position on cost allocation and then seek to mediate with the general contractor in hopes of avoiding litigation. S. Suhoski received all of the billings and will provide the Board with the gross accounting and preliminary allocation estimate.
- Solar Power Project Status: Town staff and the developer are gathering information on a promising alternative site (balance is no change from prior). The solar negotiating committee has been meeting almost weekly to further vet the solar proposal for the landfill and to review any and all other available options to consider to develop a long-term, beneficial rate to obtain municipal power from this renewable resource. A

productive meeting was held on Wednesday with BlueWave Capital and additional public and private sites will be reviewed for the most beneficial outcome. S. Suhoski anticipates that the Energy Advisory Committee may come before the Board of Selectmen with some options in June.

- Mountain Brook Private Road Association: The road association will meet and advise of their next steps.
- Riverlands Environmental: All testing has been completed. The project engineer returned to the office last week after his honeymoon, and indicates that the testing results will be analyzed this coming week. Depending upon the outcome of concentrations, he expects to issue a final report within two weeks. It is hoped that large portions of the site will be deemed "clear" and that any mitigation will be focused to specific areas.
- Insurance Advisory Committee: S. Suhoski intends to request a follow-up meeting on either May 21 or June 11 (depending upon staff availability) to further discussion of reform. This was identified by the Board as a potential goal for his performance review.
- Walker Road Improvements: The DPW Director advised S. Suhoski prior to his vacation that the plans for this construction project are now in a form ready for review. S. Suhoski has not yet seen the plans, but both he and Greg intend to meet with the residents upon Greg's return and then provide a report and feedback to your Board. S. Suhoski met with a resident of the road at their request last week, and had staff contact Mr. Langevin by telephone to advise that another group meeting to review the actual plan will be scheduled in Town Hall upon the DPW Director's return.
- Walker Pond Drainage: Following discussion with the DPW Director and Dave Prickett of Tighe & Bond, a phased approach and recommendation for improvements will be presented to the Board on May 21. The president of the Walker Pond Association will also notify his membership of this meeting date.
- Route 15 Wastewater/Water: The report was emailed to the Board. Tighe & Bond can undertake additional work seeking USDA or other grants at a separate cost. As Dave Prickett was the primary author, any further questions could be posed on May 21.
- Other Meetings / Miscellaneous: S. Suhoski met with Brad King at OSV regarding final details of easement for handicapped parking and improved trail access to Leadmine Mountain; several meetings and discussions with Conservation Agent and Chairman regarding transition issues and exit interview conducted; attended legislative affairs committee meeting at CMRPC to make final plans for Legislative Breakfast scheduled for Friday, May 18; met with DPW operations manager; met with several citizen walk-ins; extensive meeting with Fire Chief regarding collective bargaining; conducted initial "Finance Team" meeting with Finance Director, Principal Assessor and Town Accountant focused upon FY13 budget and tax impact analysis; met with fencing vendor on site regarding screening/security for HVAC equipment at Town Hall.

Correspondence

M. Blanchard read the correspondence list into the record.

Old Business

- P. Gimas advised the Board that secret ballots are allowed at Town Meetings, and that the Moderator and Town Clerk are aware of the process and requirements.
- M. Blanchard asked about the status of the Chapter 90 report, sidewalk repairs and information from Hampshire COG relative to electricity costs. S. Suhoski stated that he had the raw data from the DPW Director and needed to compile same.
- M. Dowling swapped seats with P. Gimas, as she is no longer Vice-Chairman.
- T. Creamer said that he had received a complaint about construction activity at Burgess School on a Sunday. S. Suhoski will contact the project managers and advise.
- T. Creamer said that he had sent a packet of information to the Board and the Town Administrator concerning the definition of compensatory and flex time for discussion at another time. He questioned the Town Administrator's policy of allowing any accrual of flex time, and stated that the Town Administrator did not have the authority to determine policy, and that only the Board could do so. He then read a section from the Personnel Policy Handbook affirming such. T. Creamer then requested that S. Suhoski refrain from any further directives to employees about flex time until the Board determined its policy on such.
- T. Creamer asked about the status of Blackboard Connect. S. Suhoski responded that the Town Planner and Assessor had provided the required GIS mapping to coordinate the initial database, and that S. Suhoski and Chief Ford would initiate the next steps in the near term for expected public unveiling by the June 1, 2012 anniversary of the tornado.

New Business

- M. Dowling extended words of sympathy to the family of Carl Beane. She shared a story about how Carl Beane would pass his World Series ring around to the local ballplayers. T. Creamer requested that M. Dowling restate her kind words at the beginning of the next meeting so that more people could hear them.
- M. Dowling noted that there is a youth triathlon on May 20th to benefit the Tantasqua music department.
- M. Redetzke gave an overview of the first "Meet the Selectmen" event at the Sturbridgte Coffee House with herself, T. Creamer and five residents in attendance. She thanked

Pia Rogers for hosting the event. She noted the following concerns stated by residents: town office hours of operation are not convenient for working people; question regarding accountability of departments; customer service provided by departments; and the budget.

Ask the Selectmen/Citizens' Forum

Carol Childress appeared before the Board to discuss conservation restrictions and to request background information regarding the use of the Wetlands Protection Act fund under the Conservation Commission. S. Suhoski will request and distribute an accounting to the Board.

MOTION: To convene in executive session under MGL Ch. 30A, Section 21, Paragraph #2: To conduct strategy sessions in preparation for Firefighter/Teamster contract negotiations; not to reconvene in open session, by M. Blanchard.

2nd: P. Gimas

Roll call vote: M. Blanchard in favor; M. Dowling in favor; M. Redetzke in favor; T. Creamer in favor; P. Gimas in favor.

The Board convened in executive session at 11:05 p.m.

Respectfully submitted,

Judy Knowles

BOS Clerk

Date