

Members Present: Jo Lown, Chair, Bill Linnane, Judy Lucas, Cliff Watts, Ian Johnson, John E. Arnold, Brigitte Casemyr, Michael Meachen. Absent: None.

At 7:00 p.m. Ms. Lown called the meeting to order in the Selectmen's Meeting Room.

Open Forum

Carolyn Spring spoke in support of the Cultural Council funding request, noting that while the budget is small it is used to provide significant funding for arts programs in town. This year, 15 programs were given funding to provide a wide variety of events in Westborough. Ms. Spring requests the AFC show support for the arts in town by voting to recommend this funding.

FY10 Article Review

Wastewater Treatment Plant

Thomas Burke, Steve Calabro (Stantec), Jack Goodhall, Treatment Plant Engineer, Christopher Pratt (Veolia Water), and Tom Parece (AECOM) presented ARTICLE 11. Improvements to Sewer Treatment Plant, requesting an additional \$56,000,000 be approved for the purpose of the construction costs and engineering services of the Wastewater Treatment Plant improvements. These funds will be combined with the monies approved for borrow under Article 21 (B) of the 2007 Annual Town Meeting.

The Treatment Plant Board has worked hard over the last year to make sure this plan is complete. While the need to decrease phosphorous levels in discharge is driving the upgrade, other issues are also occurring, due to the age of the plant. All alternates from last year's bid process are now included in the base bid. Solar panels are included as an alternate, but the hope is to get a grant from the federal American Recovery and Reinvestment Act (ARRA) stimulus funds to cover this cost. Between 120 and 125 sets of bid specifications have been provided to interested bidders.

After the last bid process, a value engineering study was done to ensure that all items in the specifications were necessary and cost effective. This resulted in the elimination of one generator and some smaller items. The Board has also determined that it will be best to do this upgrade as one job rather than break it up into multiple smaller jobs. Ms. Lown commended the Board on the amount of work and oversight they have given to this project.

The bid specifications ask for a base bid with alternates, in order to get bid numbers on the alternates individually. Mr. Parece noted that several federal requirements will pertain to this project. Legislation and regulations governing use of ARRA funding, which will affect this project, but have not been finalized, include a requirement that 20% of the construction employees be apprentices, and a requirement to "buy American". The apprenticeship rule includes possible waivers, such as if apprentices were unavailable, but because the 20% applies to the whole project, job not individual trades, they do not count on getting a waiver. This requirement may also add costs to the project. The Davis-Bacon prevailing wage laws will also apply to this project. The term "buy American" has not been fully defined in terms of all the purchases that will be required in the project. This project requires much specialized equipment, some of which is not made in the United States. The waiver process may be streamlined, but has not yet been determined. The Board would like to do a cost-effective analysis on all products included in bids. If equipment made in the United States is not of the same quality as foreign-made goods, they will apply for waivers.

The Massachusetts DEP has also not finalized the guidance for the State Revolving Fund (SRF) Loan Program for Clean Water Projects. In a worst case situation, Westborough would qualify for borrowing at 2% interest.

It is possible this project may qualify to borrow funds at 0% interest. 50% of ARRA funding must be distributed in the form of grants, but the exact amounts have not yet been finalized.

The Board is keeping all options open at this time. As of today, they have been told that the pending legislation will not jeopardize any possible funding if bids are opened. At this time \$56,000,000 in additional funding is requested for this project but the actual amount is not yet known. The Board has investigated the possibility of holding a Special Town Meeting within the Annual Town Meeting for this article. Then, if necessary, the Special Town Meeting could be recessed to a later date in June when the financial information is available. While it may not be needed, the Board would like to have the option available.

This may be a good time for the town to begin this project as many contractors are currently looking for work, which may drive the bids lower. The bid specifications include some preliminary definitions and rules, and if new information is decided the bid specifications can be amended by addendum.

Mr. Calabro reported that the town has so far been working effectively with the EPA. However, if the town does not approve funding at this Annual Town Meeting, the EPA may move ahead with penalties. Mr. Goodhall pointed out that the plant is aging, and that even without the phosphorous regulation it would need major renovations as it is currently beyond the 20-year expected life. Mr. Pratt noted that doing this upgrade as one project will require 2 years and an additional \$50,000,000. Breaking it up into smaller projects could require 8 years and an additional \$80,000,000. At the request of the presenters, AFC members made several suggestions on how to best present this article to ATM.

Town Moderator

Joe Harrington discussed several possible strategies for this ATM. Use of the Special Town Meeting is unusual, but has been discussed. Ms. Lown explained that timing would be the main reason for this action, as the deadline for a needed vote on the project is June 30th but financial information may not be fully available in time for ATM. Mr. Harrington will discuss this with Henry Danis and reassess available options.

Ms. Lown asked Mr. Harrington to review the uses of Article 2 in the Warrant. Mr. Harrington has not heard anything about a Proposition 2½ override being considered, but agreed that the AFC is wise to be ready for all possibilities. The rule in Article 2 says that at the end of the meeting if ATM has appropriated more than Prop 2½ allows with nothing identified as pending override, then departments wouldn't know if they had funding. If certain areas are identified as funded pending override, then the town can still function until an override decision is made. Identified items can be both budget and/or Article. Mr. Harrington would prefer contingencies to be added during the meeting. The order of votes, for budgets only, is to vote the largest budget first. For Articles, amendments are voted first. AFC members agreed to provide graphic representation of possible choices during complicated votes. Ms. Lown updated the progress of the AFC, and stated the goal to try to have the Town Meeting Booklet with AFC recommendations ready to be posted on the town web site by 5/5, with printed copies available in Town Hall on 5/12.

Mr. Harrington announced a workshop on Annual Town Meeting to be held on May 13 at 7 p.m. in the Library Community Room. This workshop is to explain the process followed at the meeting, not to discuss specific budgets or Articles.

Mr. Harrington also encouraged town organizations to register for a table in the lobby outside the High School Auditorium to distribute information. Dan Hendricks, School Department, has registration forms. Please register early if possible.

Zoning Bylaw / Planning Board

Jim Robbins and Ed Newton presented Article 28 **Zoning Bylaw Amendment** to add a new use category "Senior Living Overlay". This will provide options for senior citizens to continue to live in town when a single-family house is no longer desirable for them. Three types of development will be included in this

Bylaw: Independent Senior Housing (independent dwelling units); Senior Living Facility (assisted living residence); and Continuing Care Retirement Community (full range of accommodations from independent living to nursing home). The Overlay District includes areas which are walking distance (5,000 feet) from the rotary. Only properties with frontage on main streets (West Main Street, East Main Street, Milk Street, South Street, and Brigham Street) would be eligible for this type of development. Design review will be required. Several properties have been identified as meeting all the requirements for this type of development, and one developer has expressed interest in pursuing this.

Chief Perron has determined that there is not a higher percentage of EMS calls for seniors than for any other group, so increasing senior housing in town should not increase Fire Dept. costs. Alma Demanche has also expressed support for this Article.

A public hearing on this Article will be held on April 21.

Mr. Johnson asked if the Planning Board had any comments on Article 33 Accept Gift of Land for the "Public Park Parcel" at Bay State Commons. Mr. Newton reported that the Town Council and the developer have resolved the remaining issues, and the Board of Selectmen has reviewed and accepted the agreement. A fountain will be built as planned, and the developer will contribute \$10,000 towards the cost.

Approval of minutes – Meeting No. 23, April 6, 2009.

Mr. Watts moved to approve the final draft of minutes of meeting No. 23, April 6, 2009. The vote to approve the minutes was 8 in favor, with 8 being present.

The committee discussed the draft minutes of Meeting No. 24 held April 9, 2009 and requested changes. Another draft will be prepared for approval at the next meeting.

Discussion and votes on various FY2009 budgets

A table of votes taken is attached to these minutes.

Work Session/Discussion

A new Revenue and Expenditures report provided to the Committee shows an excess levy of only \$361, down from \$121,756 in March. Committee consensus is that both state and local revenue estimates were still very fluid, and the Committee should be prepared to recommend additional cuts or delays in funding. Ms. Lown will request additional information.

Town Meeting Booklet

Committee discussed various sections of the Town Meeting Booklet.

Liaison Updates

Ms. Casemyr reported that the automatic public email notices from the town are now working. Please see the town web site for a subscription to this service.

Mr. Johnson distributed the fuel consumption by department report from the DPW, and a 5-year rolling average for Snow & Ice expenditures. 2007-08 was much more expensive than other years and increases the average amount considerable. Mr. Johnson is comfortable with the level-funded budget request. Overtime charges included in the DPW budget for lead men resulted from a decrease to staffing levels made in 1977, with the overtime included to pay the lead men for supervisory duties performed in addition to their lead position. This overtime of 1 hour/day is contractual. Town management and DPW employees are looking for another way to do this as it has negative consequences for each side, but so far they have not been able to resolve the issue. Other overtime in the budget is standard overtime budgeted using standard calculations.

Mr. Watts would like to tie major pieces of equipment to repair records in years going forward.

Mr. Linnane met with Alma Demanche, who is requesting \$5,319 in additional salaries in order to rearrange the busing costs for driver's schedules. The committee requested a written summary.

Mr. Linnane spoke with Mr. Walden about the DPW street sweeper purchase, and noted the 5½% finance charge is included in the leased price. Mr. Linnane spoke with the Treasurer and it costs around 3% to borrow. Mr. Linnane stated that the overall purchase process is reasonable, but he would recommend review in the future.

Comments and Concerns of Committee Members

None.

Adjournment

At 10:15 p.m. Ms. Lucas moved to adjourn the meeting. The vote to adjourn was unanimous, 8 in favor with 8 being present.

Votes taken at the Finance Committee meeting on April 16, 2009

1) Article votes

ARTICLE 1. Annual Town Election (Board of Selectmen)

Voted by Annual Election

ARTICLE 2. Rule of the Meeting (Town Manager)

Mr. Johnson moved to recommend the town vote to approve this article.

Vote to approve the article recommendation is unanimous, 8 in favor 8 being present.

ARTICLE 3. Town Reports (Advisory Finance Committee)

Mr. Johnson moved to recommend the town vote to receive the reports of the various officers and committees and that the report of the Advisory Finance Committee be acted upon item by item under the various articles of the warrant.

Vote to approve the article recommendation is unanimous, 8 in favor 8 being present.

ARTICLE 5. Amend Salary Administration Plan (Personnel Board)

Ms. Lown moved to recommend the town vote to approve this article.

Vote to approve the article recommendation is unanimous, 8 in favor 8 being present.

ARTICLE 9. Nathan Fisher House Property Release of Preservation Restriction (Board of Selectmen)

Ms. Lown moved to recommend the town vote to approve this article.

Vote to approve the article recommendation is unanimous, 8 in favor 8 being present.

ARTICLE 10. Demolition By-Law (Historical Commission)

Ms. Lown moved to recommend the town vote to approve this article.

Vote to approve the article recommendation is unanimous, 8 in favor 8 being present.

ARTICLE 12. Meadow Road Parcels (Town Counsel)

Ms. Lown moved to recommend the town vote to approve this article.

Vote to approve the article recommendation is unanimous, 8 in favor 8 being present.

ARTICLE 13. Meadow Road Taking (Town Counsel)

Ms. Lown moved to recommend the town vote to approve this article.

Vote to approve the article recommendation is unanimous, 8 in favor 8 being present.

ARTICLE 14. Valley View Estates Easement Release (Town Counsel)

Mr. Watts moved to recommend the town vote to approve this article.

Vote to approve the article recommendation is 7 in favor and 1 recusal (Lown), with 8 being present.

ARTICLE 19. Increase in Demand Fees (Treasurer/Collector)

Mr. Johnson moved to recommend the town vote to approve this article.

Vote to approve the article recommendation is unanimous, 8 in favor 8 being present.

ARTICLE 27. Zoning Bylaws and Zoning Map Amendment (Planning Board)

Mr. Johnson moved to recommend the town vote to approve this article.

Vote to approve the article recommendation is unanimous, 8 in favor 8 being present.

ARTICLE: 30. Request for an Additional License for the sale of All Alcoholic Beverages To Be Drunk on The Premises (Citizens' Petition)

Mr. Johnson moved to recommend the town vote to approve this article.
Vote to approve the article recommendation is unanimous, 8 in favor 8 being present.

Article 32. Accept Cordials and Liqueurs License Provisions (Board of Selectmen)

Ms. Lown moved to recommend the town vote to approve this article.
Vote to approve the article recommendation is unanimous, 8 in favor 8 being present.

1) Budget votes

Budgets are voted on using figures current as of 4/16/09.

Treasurer/Collector, Dept. No. 11381, 11383 Salary \$211,260, Expenses \$53,925, Total \$265,185

Mr. Johnson moved to accept the \$211,260 salary and \$53,925 expenses.
Vote to approve the budget recommendation is unanimous, 8 in favor with 8 being present.
Mr. Watts would like to continue the discussion of the weekly vs. bi-weekly payroll issue. Mr. Johnson suggested the new Town Manager be included in any discussion on this issue.

Accountant, Dept. No. 11341, 11343 Salary \$138,530, Expenses \$545, Total \$139,075

Mr. Johnson moved to accept the \$138,530 salary and \$545 expenses.
Vote to approve the budget recommendation is unanimous, 8 in favor with 8 being present.
Ms. Lown noted that training funds in this budget are necessary to keep current on legal requirements of the department.

Recreation, Dept. No. 16201/16202, 16203 Salary \$183,808, Expenses \$0, Total \$183,808

Mr. Johnson moved to accept the \$183,808 salary.
Vote to approve the budget recommendation is unanimous, 8 in favor with 8 being present.
Mr. Linnane noted the reduction was achieved by having PT seasonal staff paid out of Program fees.

Country Club Enterprise Fund, Dept. No. 60200 Salary \$7,310, Expenses \$466,300, Total \$473,610

Mr. Johnson moved to accept the \$7,310 salary and \$466,300 expenses.
Vote to approve the budget recommendation is unanimous, 8 in favor with 8 being present.

Veterans Services, Dept. No. 15431, 15433 Salary \$16,680, Expenses \$50,844, Total \$67,524

Mr. Johnson moved to accept the \$16,680 salary and \$50,844 expenses.
Vote to approve the budget recommendation is unanimous, 8 in favor with 8 being present.

Trustees of Soldiers Memorials, Dept. No. 15483

Salary \$0, Expenses \$2,800, Total \$2,800
Mr. Johnson moved to accept the \$2,800 expenses.
Vote to approve the budget recommendation is unanimous, 8 in favor with 8 being present.
Ms. Casemyr noted the \$1,000 increase from FY09.

Cultural Council, Dept. No. 16303 Salary \$0, Expenses \$2,000, Total \$2,000

Ms. Lucas moved to accept the \$2,000 expenses.
Vote to approve the budget recommendation is unanimous, 8 in favor with 8 being present.