

Westborough Advisory Finance Committee
Minutes of Meeting No. 35, FY2011
May 14, 2011

Approved
June 27, 2011

Members Present: John E. Arnold, Chair, Brigitte Casemyr, Peter Allen, Bill Linnane, Jo Lown, Jim Tepper, Kathy Rosenblum Senie. Absent: Mr. Behn. (There is currently one opening on the Committee)

At 12:00 noon Mr. Arnold called the meeting to order in the Westborough High School auditorium.

Call to Order/Open Forum

There were no requests to address the Committee.

Approval of Minutes

Meeting No. 26, April 14, 2011 – no action taken.

Meeting No. 30, April 28, 2011

Mr. Allen had requested some revisions. Mr. Allen moved to accept the minutes as amended. The vote to approve the minutes is unanimous, 7 in favor with 7 being present.

Meeting No. 31, May 2, 2011

Ms. Casemyr had emailed corrections to these minutes. Ms. Casemyr moved to accept the minutes as amended. The vote to approve the minutes is 6 in favor and 1 abstention (Lown), with 7 being present.

Meeting No. 32, May 4, 2011

Mr. Allen had emailed a correction to these minutes. Ms. Casemyr moved to accept the minutes as amended. The vote to approve the minutes is 6 in favor and 1 abstention (Lown), with 7 being present.

Meeting No. 33, May 5, 2011

Ms. Casemyr moved to accept the minutes. The vote to approve the minutes is 6 in favor and 1 abstention (Lown), with 7 being present.

AFC Preparations for Annual Town Meeting

Discussion/deliberation/voting of any recommendations

Ms. Rosenblum Senie explained that with the help of her husband (an attorney specializing in real estate and land use) she had drafted language for an amendment to the VFW deed restriction article. If one party owns land in which another party has an interest, that other party can subordinate their interest in said property. In this case, if voters approve, the Board of Selectmen could sign an agreement whereby the town's interest in the VFW property is subordinated to that of the lender, to enable the VFW to obtain their mortgage and thus begin their improvements. If the VFW could not repay the mortgage, the town could pay it; if the property were sold, the lender's interest would come first, and any additional value would come back to the town.

Town Manager Jim Malloy appeared to present new information regarding the Energy Audit. He explained that the \$5,000 per building figure had been arrived at using an average of what other towns had paid to do their audits. His intention had been to put together an RFP which would enable the town to choose which buildings to audit based on this recommendation. He added that the bid document was good for 30 days; for the next set of buildings the price may be different. As to the Committee's question about whether one audit could be completed for Fall Town Meeting, Mr. Malloy felt that it might be possible. He also noted that the question about Gibbons Middle School and Fisher Junior High being the same building was correct—he had consolidated the data on the two and this had pushed them up to #4 on

the list. He added that given more time he could provide the Committee with information on the construction date of each town building.

Regarding those other towns which had carried out energy audits, Mr. Malloy noted that they were pleased with their audits, and already implementing the recommendations from those audits. He pointed out the footnote in the Committee's booklet, where there is mention of DPW heating costs which are showing a savings resulting from an energy audit. He noted that in addition to the capital costs of making improvements, there are also behavioral costs, such as having a policy of turning computers off overnight, or installing motion sensors so lights are not left on; these costs also can add up to a substantial number. Mr. Malloy noted that of the town buildings which had participated in National Grid energy audits during 2008-10, all but two had had a decrease in energy use. Regarding the possibility of performance-based audits, Mr. Malloy noted that some companies have offered to install solar panels, providing energy to the town, but the town has a prior agreement which prevents this arrangement.

On another note, Mr. Malloy noted that the CEO and sole owner of eClinicalWorks was present at town meeting in order to address the town regarding Article 14. Due to a time conflict the Board of Selectmen would be making a motion to take this article out of order.

George Barrette of the Council on Aging came before the Committee to discuss Article 6. He explained that because of the confusion with the Personnel Board, and the Outreach Worker position going from non-union to union, the Council had decided to postpone their request for the increase in hours until Fall Town Meeting. However, the Council would still like to restore the 18 hours for the Homemaker position, an increase of \$2,704. The Council sees no reason to delay this, as it is not a Salaries/Wages issue. Mr. Barrette explained that 3-4 years ago the position had been 18 hours but was reduced to 14.

Regarding the Outreach Worker request, Mr. Barrette admitted that the Council had not been aware of the other 19 hrs/wk position which was available to them. Mr. Arnold noted that the Committee was generally supportive of the Council on Aging's request but felt there was a need to find the best way to increase services using the amount provided for in the budget. Ms. Casemyr added that as of April 3rd, the Professional Services Line still had \$2,400 left in it, which Mr. Barrette conceded weakened the Council's argument that more funds are needed. Mr. Barrette will seek better information over the summer, and come back in the fall seeking to increase the expense line. Mr. Arnold noted that the amount left in the budget should serve to meet the Council's needs for the time being. Mr. Barrette thanked the Committee for its support on the parking lot article.

Ms. Rosenblum Senie continued her discussion of the VFW article. She had spoken with Town Counsel Greg Franks who was very supportive of her amendment. She had also spoken with Town Moderator Joe Harrington about presenting the amendment. John Matson of the VFW had also been informed but had been less than enthusiastic. The Committee discussed the portion of the amendment which sets a specific value on the property. Mr. Tepper felt it added additional constraints unnecessarily. Ms. Rosenblum Senie is in favor of preserving the present arrangement and the town's interests—if the objective is to enable the VFW to obtain a loan to make their improvements, this amendment is a way to accomplish that. Mr. Allen noted the lack of a time limitation, and Ms. Rosenblum Senie agreed to talk with Mr. Franks about adding a time constraint to the amendment.

The Committee reviewed the remaining articles which were in question:

Article 6. Mr. Allen noted that he would not seek a re-vote on Article 6. No action taken.

Article 8E. Deferred.

Article 12 (Energy Audit). Mr. Arnold noted that the vote was a close vote, 4-3 to defeat the article. Now the Committee has new information and may want to consider re-voting.

Mr. Malloy dropped in again to disagree with the Finance Committee's including the Enterprise Fund reserves in the reserve fund totals on page 6 of the booklet. He notified the Committee that during Town Meeting, he will maintain that only 4.1% reserves (free cash) are remaining to the town.

Article 12 discussion continued. Mr. Allen moves to recommend the town so vote (Free Cash in the sum of \$15,000 for Energy Audit). The vote to approve the article recommendation is 5 in favor, 2 opposed (Lown, Tepper), with 7 being present.

Article 25. Town Counsel Greg Franks appeared to discuss Article 25. Mr. Franks prefers Ms. Rosenblum Senie's amendment to the "right of first refusal" plan; however, he recommended removing the 70% assessed value constraint portion of the amendment. He felt that those financial details, along with any time limitations, were best left to be negotiated by himself and the Board of Selectmen at a later time. Ms. Rosenblum Senie moves that the Advisory Finance Committee's recommendation for Article 25 read:

The Advisory Finance Committee recommends that the Town vote to authorize the Board of Selectmen to execute and record at the Worcester County Registry of Deeds a subordination agreement on terms considered by the Board of Selectmen to be in the best interests of the Town relative to a restriction which runs in favor of the Town adopted under Article 24 of the 1954 Annual Town Meeting; which restriction was incorporated into the 1955 deed from the Town to VFW Post 9013. The restriction states "in the event said Post shall ever liquidate or disband or move to another location so that said Post does not require said premises, the same will automatically revert back to the Town of Westborough."

The vote to approve this recommendation is unanimous, 7 in favor with 7 being present. Mr. Arnold noted that Mr. Matson and the Selectmen should be notified of the Committee's vote and that he would inform them during the Committee's recess before the start of the Annual Town Meeting.

Prior to the 1 p.m. start of the Annual Town Meeting, the Committee meeting was recessed briefly. Mr. Arnold noted that the Advisory Finance Committee meeting will continue for each session of the Annual Town Meeting and will adjourn at the conclusion of the Annual Town Meeting.

At 1 p.m., the meeting was called back into session. The Committee participated in the Annual Town Meeting. During the course of the Annual Town Meeting, the following actions were discussed and voted by the Committee:

Article 8D. During the discussion of the amount to be transferred from Free Cash for the purchase of police cruisers and related equipment, Ms. Casemyr moved that the Committee recommend the higher amount requested by the Police Chief (\$87, 730). The Committee voted in favor of this motion with a vote of 5-2 (Lown, Tepper opposed) with 7 being present.

Article 8E. During the discussion of the Building Department's request for funding of permit tracking software, Ms. Casemyr moved that the Committee recommend to defeat this article. The Committee voted in favor of this recommendation with a vote of 6-1 (Linnane opposed) with 7 being present.

Article 8F. During the Town Meeting discussion of the funding request for repairs to the roof of Forbes Municipal Building, a voter moved to amend the article to change the funding mechanism from a borrowing to a transfer from Free Cash. Ms. Casemyr moved that the Committee recommend that the Town vote to accept the amendment. The Committee voted in favor of this recommendation with a vote of 6-1 (Senie opposed) with 7 being present.

The Annual Town Meeting and the Committee meeting went into recess at 5 p.m. and reconvened at 7:00 p.m.

Article 25. The Committee discussed its recommendation related to the VFW deed restriction voted on earlier at the meeting. After more thought about the recommendation, Mr. Tepper now feels that the right of first refusal option adequately protects the Town's needs with regard to the VFW Post property. Therefore, a new vote was taken and Ms. Senie moved the recommendation made earlier in the meeting so the Committee could re-vote. (Note that the wording is the same.) Ms. Senie moved that the Advisory Finance Committee's recommendation for Article 25 read:

The Advisory Finance Committee recommends that the Town vote to authorize the Board of Selectmen to execute and record at the Worcester County Registry of Deeds a subordination agreement on terms considered by the Board of Selectmen to be in the best interests of the Town relative to a restriction which runs in favor of the Town adopted under Article 24 of the 1954 Annual Town Meeting; which restriction was incorporated into the 1955 deed from the Town to VFW Post 9013. The restriction states "in the event said Post shall ever liquidate or disband or move to another location so that said Post does not require said premises, the same will automatically revert back to the Town of Westborough."

The vote to approve this recommendation was 6-1 (Tepper opposed) with 7 being present.

Adjournment

At the conclusion of the Annual Town Meeting, Ms. Casemyr moved to adjourn the meeting at 9:43 p.m. Vote to adjourn was 7 in favor, with 7 being present.

Document List

Motion to amend the main motion of the VFW Warrant Article, prepared by Ms. Rosenblum Senie.
Article 12 PowerPoint document, prepared by Jim Malloy.
Massachusetts Municipal Association forms of government charts.