

Westborough Advisory Finance Committee

Minutes of Meeting No. 34, FY2012

March 17, 2012 (continued on March 19, 2012 and further continued on March 20, 2012)

Approved

April 2, 2012

Members Present: John E. Arnold, Chair, Ed Behn, Bill Linnane, Jim Tepper, Kathy Rosenblum Senie, J. J. Malone, Lisa Blazejewski. Absent: Peter Allen, Jo Lown.

At 12:10 p.m. 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. 29, March 3, 2012**

Ms. Blazejewski requested a correction. Mr. Tepper moved to accept the minutes as amended. The vote to approve the minutes is 7 in favor with 7 being present.

#### **Meeting No. 32, March 12, 2012**

Mr. Linnane moved to accept the minutes. The vote to approve the minutes is 7 in favor with 7 being present.

Mr. Arnold moved to go into recess at 12:15 p.m.

The Committee reconvened at 1:00 p.m. for the beginning of the Annual Town Meeting (ATM).

During the afternoon session, Mr. Arnold made the AFC motions for ATM Articles 2 and 6. On behalf of the Committee, Mr. Arnold summarized the role of the AFC for the voters and asked them to read and consider the AFC's message to voters and recommendations as they considered the ATM and Special Town Meeting (STM) articles.

As appropriate, Mr. Arnold and other Committee members answered questions and/or made statements related to the Committee's deliberations and recommendations.

The Committee recessed at 5:15 p.m. when the ATM adjourned for the afternoon.

The Committee re-convened at 7:00 p.m. and remained in session for the duration of the Special Town Meeting. As appropriate, Mr. Arnold and other Committee members answered questions and/or made statements related to the Committee's deliberations and recommendations.

The Committee remained in session as the STM dissolved at 10:21 p.m. and the ATM was called back into session.

After the Special Town Meeting dissolved, George Barrette informed the AFC that the Municipal Building Committee is planning to make a recommendation for ATM Article 12 for \$1,404,000. This would cover design and cost estimates for Town Hall (\$449,000), Forbes Building (\$725,000), and Recreation Center (\$230,000). Mr. Arnold asked Mr. Barrette to find out if there is a preferred funding mechanism by either the Committee, the Selectmen, or the Town Manager. With this information, the Committee can consider specific funding proposal(s) before Article 12 comes before the Annual Town Meeting. Mr. Barrette will try to get that information to the AFC before Monday's meeting.

After this discussion, Mr. Behn took a look at the numbers he had previously calculated and informed the Committee that, if that entire amount was a raise and appropriate, it would add ~\$179.85 to the average single family tax bill in FY2013. If this amount were borrowed, it would add ~\$15.29 to the single family tax bill but noted this was based on a 20-year borrowing and was uncertain whether they would borrow a 'design' portion for a shorter amount of time - if there is a preference to borrow.

The Committee remained in session for the evening portion of the ATM. As appropriate, Mr. Arnold and other Committee members answered questions and/or made statements related to the Committee's deliberations and recommendations.

The evening session of the ATM adjourned at approximately 11:15 p.m.

Mr. Arnold reminded the Committee that we are planning to get some specific proposals regarding Article 12 before the Monday evening session of the ATM. He called a recess to the meeting until 6:45 p.m. on Monday at which time the Committee will reconvene to deliberate the proposals received for Article 12 or other business as may come before the Committee.

Mr. Arnold re-convened the meeting on Monday, March 19 at 6:45 p.m. in the High School Auditorium with 5 members present. (Ms. Blazejewski arrived at 6:48 p.m. and Ms. Rosenblum Senie arrived at 6:50 p.m.)

Members of the Municipal Building Committee and the Board of Selectmen as well as the Town Manager appeared at the meeting to discuss the Building Committee's intentions for Article 12. Mr. George Barrette advised the AFC that the Building Committee has discussed with the Selectmen and Town Manager its intent to move forward on Article 12 with a motion to borrow \$1,404,000 as discussed during Saturday's session. If that motion is approved and the full project moves forward before any permanent borrowing, this borrowing can be included in the longer-term (ex. 20 year) borrowing for the full project. If that motion is approved and the full project does not move forward before any permanent borrowing, the maximum length of the borrowing is 5 years.

The Board of Selectmen had voted to support the intended motion by a vote of 4-0-0.

Mr. Behn asked about whether, under the motion, the Building Committee would consider other options for the Recreation Center such as those mentioned Saturday night. This includes a possible change of location, size of the building, planning for ability to expand, etc. Mr. Barrette indicated that the Committee would consider the options that would fit into the scope of the expected project. That is, they would look at options for what could be accommodated with approximately the amount planned to spend as proposed in STM Article 1 but would not consider options that would cost more than that. They would consider options that could lower the cost.

Ms. Rosenblum Senie asked if the projects would expect to be brought back to Town Meeting 'bundled' (a package of Town Hall, Forbes, and Recreation Center) if the motion passes. Mr. Barrette indicated that the Building Committee had not decided that yet.

Mr. Malone asked if the Committee has plans for its response if a request is made at Town Meeting to divide the question. For example, separate out the various projects in some combination. Mr. Robert Brown of the Municipal Building Committee indicated that the current plans for Town Hall and Forbes do not include space for the Recreation Department offices nor for the current space they use in the current Forbes Gymnasium. He feels that not arriving at a solution to address their space would be a disservice to the Recreation Department and subject it to treatment subservient to other Town departments and felt this was not fair.

Mr. Behn moved that the Advisory Finance Committee recommend that the Town vote to support the motion the Building Committee has stated it will make for Article 12 (borrowing of \$1,404,000 with the approximate cost breakdown among the projects as given to the Committee at Saturday's session). The Committee voted in favor of this motion by a vote of 7-0-0, with 7 members present.

Mr. Tepper asked if the Committee would like to have a recommendation ready in case there is a motion to divide the question. Mr. Tepper moved that the Advisory Finance Committee recommend against any motions that would remove the Recreation Center from the motion and against any motion that would divide the question. The Committee voted in favor of this motion by a vote of 7-0-0, with 7 members present.

Mr. Arnold noted that, via email, the Town Counsel had provided more information regarding Article 25 (the non-criminal disposition for all Zoning Bylaws). The Town Counsel advised the Committee that his opinion is that any appeal of a zoning violation under the proposed new enforcement mechanism would go before District Court and not a Town Hearing Officer. He also indicated that, in his opinion, this new mechanism does not result in any shift of the burden of proof since an appeal to the District Court would result in both sides presenting their case and Court making a decision. Mr. Arnold asked the members of the Committee if, based on this information, anyone wanted to move to change the Committee's current recommendation (which is to recommend defeat of the Article by a previous 4-3-0 vote). Mr. Tepper indicated that he still feels that the issues raised have not been fully addressed. Mr. Behn and Ms. Blazejewski indicated that they did not intend to change their votes. Mr. Arnold indicated that this information from the Town Counsel offers some useful information into how the Town would intend to handle violations. However, without the 2 members who originally didn't vote being able to add their votes, he was not ready to recommend a change in recommendation either. Therefore, no action was taken to change the Committee's recommendation as printed in the Report.

The Committee concluded this aspect of its business as the Annual Town Meeting was called back to order at 7:04 p.m. The Committee remained in session for the evening portion of the ATM. As appropriate, Mr. Arnold and other Committee members answered questions and/or made statements related to the Committee's deliberations and recommendations.

The Committee recessed at 11:15 p.m. when the Annual Town Meeting adjourned. Mr. Arnold advised the Committee that the meeting would reconvene when the Town Meeting reconvenes on Tuesday, March 20 at 7:00 p.m.

Mr. Arnold re-convened the meeting on Tuesday, March 20 at 7:00 p.m. in the High School Auditorium with 6 members present. (Mr. Malone arrived at 7:03 p.m.) The Committee remained in session for the evening portion of the ATM. As appropriate, Mr. Arnold and other Committee members answered questions and/or made statements related to the Committee's deliberations and recommendations.

During the discussion of Article 26, an amendment was proposed to reduce the fee during the grace period from \$5,000 to \$3,000. Mr. Tepper made a motion to support the amendment reducing the grace period fee from \$5,000 to \$3,000. The motion was defeated by a vote of 3-4-0 with 7 members in attendance. (Behn, Blazejewski, Linnane, Malone opposed.)

### **Adjournment**

The Annual Town Meeting dissolved at 9:03 p.m. With no other business coming before the Committee, Mr. Behn moved to adjourn the Committee meeting. The vote to adjourn was 7-0-0 with 7 members present.

**Document List**

ATM 2012 AFC Report and Recommendations Addendum.

Proposal for Westborough AFC Recommendation regarding Municipal Building Projects, prepared by Ed Behn

FY2012-13 Teachers' Salary Schedule received from the School Department.

Financial Statement FY10 Yr End received from the School Department.

Presentation and proposed motions for Article 12 received from the Town Manager/Municipal Building Committee.

Town Manager presentation of Article 12: Borrowing vs. Raise and Appropriate

Draft motions for ATM Article 12 received from Town Manager