

Members Present: Jo Lown, Chair, Bill Linnane, Christine Hirsch, 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**

There were no requests to address the Committee.

### **Discussion of Warrant Articles**

**ARTICLE 15. Fund Contract Settlements (School Committee).** Ms. Lucas and Mr. Watts reported that they have spoken with the School Committee about the funding amount and were satisfied with the explanation.

Craig Harris, Chair, School Committee, Dan Hendricks, School Department Director of Business and Administration, and Karen Henderson, School Committee Member, presented the request for funding to maintain the current level of service in light of the recent contract settlement with the Westborough Teachers Association. Mr. Hendricks outlined the contract settlement:

- 3 year contract retroactive to July 1, 2007
- 1% retroactive increase for the 2007-2008 school year
- 0.5% increase beginning June 30, 2008
- 3% increase for the 2008-2009 school year
- 3% increase for the 2009-2010 school year

Retroactive 1% increase will add \$210,000 to FY2008 School Department budget. FY2009 increases of 0.5% and 3.0% will add \$1,300,000 to FY2009 School Department budget. The negotiated contract also increases the portion teachers will pay for Fallon Community Health Plan insurance to 25% beginning 7/1/2008, resulting in a savings to the town of \$315,000 from the insurance budget. The contract provides mitigation payments to teachers, which is included in the increased funding request.

Ms. Casemyr asked if there was a portion of the increase that would be absorbed by the School Department budget, as they had indicated at the May 2008 Annual Town Meeting. Mr. Hendricks answered that the increases for several contract settlements (paraprofessionals, custodians) had been absorbed by the School Department, but that the budget cannot cover this increase.

Mr. Arnold questioned the wording of the article and the motion to accept it, since transferring money to a specific account in the School Department budget is not allowed. Town Meeting votes to authorize a total amount of funding for the School Department but is legally prohibited from voting on each line item. Mr. Hendricks will consult Greg Franks on this issue.

Mr. Arnold pointed out that the increased funding will result in an overall increase in the School Department budget of 6% over FY2008. Mr. Hendricks noted that the salary increase is 3%, and that utilities and operating costs have also increased, and that decreases were made to the FY2008-2009 budget before ATM.

Mr. Arnold noted that this funding will not require an override vote due to the one-time release from Overlay Funds, and questioned the wisdom of spending all of the Overlay funds at once. Mr. Arnold also questioned

the legal meaning and interpretation of the clause reportedly in the contract that sends the contract back for re-negotiation if funding is not approved at the Fall Special Town Meeting.

Mr. Johnson agreed that funding levels and level of service is a conversation that needs to begin now, and that the discussion is about all town departments not just the School Department or the Fire Department or the Police Department. Mr. Johnson requested the exact wording of the clause concerning re-negotiating the contract.

Mr. Hendricks reiterated that the contract agreement is contingent on town approval. Mr. Harris outlined options if funding is not approved, which are that negotiations could continue or the School Department will absorb contract increases in the current funding resulting in decreased services (possibly including lay-offs) in mid-year.

Mr. Arnold questioned whether the Town Meeting can vote on this article as worded because the Town Meeting cannot direct the School Committee to spend money on a particular item in the School Department's line item budget. Ms. Lown agreed that this is not the normal course for contract settlements in Westborough.

Mr. Hendricks noted that the School Department was specifically told not to add funding to their FY2009 budget request to fund a potential contract settlement.

#### **ARTICLE 10. Parcel "C" Gift (Town Counsel)**

Greg Franks, Town Counsel, presented Article 10, which is a "housekeeping" issue regarding a parcel of land at the Ridings at Quick Farm development. The parcel includes a pump station that is tied into the town sewer system. The owner would like to give it to the town, and the town would like to own it.

Mr. Franks was also asked to comment on several other Articles being put forward by others.

- ARTICLE 8. Primrose Lane (DPW Manager), is another "housekeeping" issue. The roads were accepted at town meeting several years ago, but the deed was not filed within 120 days as required so the acceptance must be done again. While the Article does say the road will be taken by eminent domain, the town does not expect to pay compensation, and no homeowners have approached the town seeking compensation.
- ARTICLE 11. Accept Gift of Land (Board of Selectmen), has been added to the Warrant but the Board of Selectmen will not vote to decide whether to support it until October 14. The draft deed includes restrictions on use – the developer does not want anything to occur on the property that might have a negative impact on the commercial aspect of the development. The Town does not want any restrictions on the property as they will own and maintain the land. Mr. Franks will meet with the developer about this tomorrow. The park is also not complete which may delay the acceptance. The developer would like this taken care of before ATM next spring.
- Mr. Franks was asked about the motion to be made to accept the School Department article. He has not seen the contract and did not participate in negotiations, but his understanding is that Town Meeting cannot approve funding for specific line items. He will research Massachusetts laws concerning this issue.

#### **ARTICLE 3. Amend Town Bylaws (Historical Commission)**

Paula Skog, Co-Chair of the Historical Commission, presented Article 3. Ms. Skog noted that this article is also a "housekeeping" issue to bring Section 5 of Article 28 of the Town Bylaws in line with Section 3 which was changed at the 2004 ATM. This Bylaw concerns recovering resources, and allows the Commission to

make recommendations to a building owner who is demolishing a building to sell portions of the building to historical salvage companies.

#### **ARTICLE 12. Non-Zoning Wetlands Protection Bylaw (Conservation Commission)**

Derek Saari, Assistant Town Planner/Assistant Conservation Commission Officer, explained the need for Article 12. He is very familiar with the town's wetlands, and in the past several years there have been increasing issues. Mr. Saari showed representative photographic evidence of many of the problems in town. The Commonwealth's Wetlands Protection Act is good, but many things were not defined. This bylaw will allow the Commission to adopt regulations that will complement the state laws but add more definition. The template for this bylaw comes from Massachusetts Conservation Commission and has been reviewed by the Attorney General. Many other Massachusetts towns and cities have adopted their own bylaws, including Northborough, Southborough, Hopkinton, and Milford.

This Bylaw will not change any boundary delineations of the state law (100 feet wetland, 200 feet riparian.) It will add a set-back regulation to prevent houses from being built where flooding may occur. The bylaw will include the right to grant a waiver. It will allow watershed-based planning rather than building-lot only. The bylaw would allow the commission to require developers to study downstream culverts for capacity.

The Conservation Commission has argued many points with the Department of Environmental Protection over the last 20 months, winning 90% of them. There is, however, a high cost in resources to pursue these arguments. The bylaw would the town to make regulations that the town could enforce without having to argue each case to the DEP.

Mr. Linnane voiced satisfaction with the bylaw, and Ms. Lown stated she is firmly in favor of the bylaw. Mr. Linnane noted that current problems requiring the Drainage Study requested in Article 14 could have been avoided if the bylaw had been adopted ten years ago.

Ms. Lown asked about filing fees. Mr. Saari confirmed that there will be no new filing fees included in this Article. Consulting fees are charged to the developer. The fees are the same as those charged by the Planning Commission.

Mr. Johnson asked if this bylaw would have made the EMC development request easier, and Mr. Saari confirmed that the bylaw would have helped tremendously and saved him (and the Town) many months of work and resources.

Ms. Lown asked if the Conservation Commission had any resources available to help pay for the drainage study. Mr. Saari replied they did not.

Mr. Watts asked for a graphic to show all the town's watersheds to be presented at Town Meeting.

Ms. Casemyr noted that many homeowners are unknowingly dumping into culverts and disrupting drainage systems. She asked why the town is paying for clean-up, and if there was any homeowner education being done. Mr. Saari replied that most of the time the homeowner would do the clean-up after being contacted, and that often the culverts and drainage areas were difficult for laymen to determine. When the homeowner does not clean up the area, however, the town does go in and do it since the consequences of not fixing the problem are more costly.

AFC members thanked Mr. Saari for his excellent presentation.

#### **Town Moderator**

Joe Harrington, Town Moderator, welcomed the three new members of the Advisory Finance Committee. Mr. Harrington will discuss motions to be made on town meeting floor with Henry Danis and Greg Franks prior to town meeting. He also noted the need for town committees to comply with Open Meeting Laws concerning email communications.

Ms. Lown asked Mr. Harrington about the Personnel Board article. Mr. Meachen explained that the town would like to pay less for substitute bus drivers, but it is a question of pay grade.

Mr. Johnson asked about the need for including Article 1. Mr. Harrington prefers having it in the Warrant to lay out the process, although it would not be absolutely needed for the Special Town Meeting.

#### **Approval of minutes – Meeting No. 4, September 22, 2008.**

Mr. Arnold requested adding middle initials to his name and to John R. Arnold of the Municipal Building Committee, to avoid confusion. Mr. Watts moved to approve the minutes of meeting No. 4, September 22, 2008, as amended. The vote to approve the minutes was 8 in favor and 1 abstention, with 9 being present.

#### **Liaison Updates**

Mr. Meachen met with Nancy Yendriga, who mentioned that she will need to purchase five new ballot scanners in FY10. She will add this cost to her next budget.

Mr. Arnold reported that the Government Study Committee 2 will meet Wednesday in the Board of Selectmen's office, and that the Article to change the timing of town meeting and town elections which was removed from the Warrant will be discussed at future meetings.

Mr. Watts informed the committee that the Massachusetts Cultural Council has made available \$200 per school to help pay for transportation of school children to cultural events.

#### **Comments and Concerns of Committee Members**

Mr. Johnson asked about Gene Carlo's retirement. Ms. Lucas and Mr. Watts have sent a note congratulating Ms. Mary Jo Nawrocki on her promotion, and they think she is a good choice as Mr. Carlo's replacement.

Ms. Lown distributed a draft of the letter to townspeople to be included in the AFC booklet for members to consider. Ms. Lown also noted that the Massachusetts Municipal Association is sending information about training offered to their email list. Please let her know if you would like to be included on the list.

Mr. Arnold will attend the Association of Town Finance Committees Annual Meeting. He would also like to discuss at a future meeting why it is in the best interest of the town to spend all of the overlay funds released this year, rather than spend some this year and save some for next year.

#### **Adjournment**

At 9:10 p.m. Ms. Lucas moved to adjourn the meeting. The vote to adjourn was unanimous, 9 in favor and 9 present.