

Finance Committee Meeting

October 6, 2021 7:00 PM EST
Veterans Memorial Building – Room #229
Millis, MA 02054

Zoom Remote Platform

In Attendance:

Pete Berube, Chair
Jodie Garzon, Vice Chair – Remote
Doug Riley, Clerk - Remote
Joyce Boiardi
Jim Borgman – Remote
Cathy MacInnes
Sara Reyes
John Steadman
Peter Underhill – Remote

Invited Guest:

Michael Guzinski, Town Administrator – Remote
Carol Johnston, Finance Director
Peter Jurmain, Select Board Chair – Remote
Chief Barrett – Remote
Chief Soffayer
John McVeigh, Board of Health Director – Remote
John and Susan McAvoy – Remote
Steve MacInnes – Remote
Robert Mullaney – Remote
Terry Wiggin – Remote
Robyn Briggs – Remote
Jay Talerman – Remote

Pete Berube called the Finance Committee Meeting to order at 7:02 PM.

Fire and Rescue Capital Item Requests:

Chief Barrett outlined the Fire and Rescue's Capital Item Requests:

In 2017, an additional ambulance was purchased and therefore allowed the department to operate with two ambulances to respond to medical emergencies. Historically, the department has replaced ambulances every ten years. Their second responding ambulance's useful life will be fifteen years, it's a 2007 with 140,000 miles and the last two State Inspections reflected body and frame rot potentially failing inspection next time. The lead time for replacing the ambulance is 285 days. If approved at the November Town Meeting, delivery of a new ambulance would not be until August or September 2022. Due to increased costs in materials, the cost for replacement is \$370,000.00.

The department has requested the replacement of Engine 1; it is 34 years old and no longer meets State, Federal and Safety Regulations. It is their third piece of apparatus and has proven useful when Engine 2 required \$16,000.00 in repairs and was out of service for a month. The lead time for replacement is 485 days and will cost \$750,000.00.

Replacement of Fire Alarm Master Box Systems at the Library and High School will cost \$15,000.00. The department has secured a number of grants to purchase other necessary equipment. It was noted an Ambulance Revolving Fund was established several years ago; it's intention was to offset the cost to replace the department's ambulances. However, it has been used to fund Fire and Rescue Personnel.

Police Capital Item Request:

Chief Soffayer provided the committee with the department's Capital Item Replacement Schedule. The department has secured grants for: Tasers, Portable Radios, Cruiser Laptops, Handguns, Rifle Optics, Ballistic Shields, Helmets and Patrol Rifles. The grants total \$261,931.68. The single Capital Item the department requests are the replacement of Cruisers. The cost is \$51,444.00. The Lease Agreement is for three years with the option to purchase for \$1.00 at the end of the lease.

Board of Health Stormwater Warrant Article:

Following a number of questions and concerns the committee had on the Stormwater ByLaw Regulation Amendment, John McVeigh reached out to Melissa Recos, Engineer with Beta Group Inc., who provided answers through an email. The Stormwater ByLaw Regulation Amendment would apply to developments with an acre or more of land disturbance; an average single-family home would most likely not meet the criteria. At the Regency at Glen Ellen, the 324 units have foundation drains, not sump pumps. The Acorn Place development's 22 units have crawl spaces with sump pumps. Emerson Place, 43 single-family homes, have 4 homes that will require sump pumps, the others may have foundation drains. Apartment and Commercial Buildings with slab foundations do not require sump pumps or foundation drains.

John McVeigh noted that 1/3rd of Millis is wetlands and is prone to high water conditions. Pete Berube inquired why there is a need to change the ByLaw now; it's common building practice to ensure developments are built responsibly to control groundwater. John McVeigh followed up, Beta Group Inc. would be better suited to answer the question of the different variables that prompted the need for the amendment. John Steadman, a resident at the Regency at Glen Ellen, has a sump pump in his unit and agreed with the concern Pete Berube has with the need for the amendment. Cathy MacInnes is in support of the amendment; it is against the law to discharge water from a property and several developments were required to have retention ponds in order to adhere to the Stormwater ByLaw. The Board of Health must see a need for this amendment to address failed sump pumps; when a sump pump fails, the Fire Department is called to remove the water from the residence. Joyce Boiardi agreed with Cathy MacInnes for the implementation of this amendment.

Oak Grove Farm Commission Capital Item Request:

John and Susan McAvoy were representing the Oak Grove Farm Commission. Over the past three years, the commission has tried to address the issues with the fall zone areas and drainage at the Oak Grove Farm Playground. The materials in the fall zone areas are very low, 10-12 inches below the standard, posing significant safety risks. The timbers surrounding the playground are deteriorating; pictures were provided to the Finance Committee. The cost for the improvements is approximately \$127,000.00. The commission considered alternatives to the timber replacement, plastic timbers are a significantly higher cost. It was determined it was best to replace with wooden timbers. There has never been a maintenance budget for the playground; the playground was installed in 1991. Due to the cost of the project, the commission did address this with the Community Preservation Committee. The Community Preservation Committee promoted handicap access to the playground; currently it is not handicap accessible. The commission has discussed possible State Funding with the DPW Director and Representative Linsky. A fundraising effort would take a number of years and the playground could possibly be closed due to safety concerns during that time. The playground structures are in good shape; the commission periodically replaces swings, bolts, etc. with the current budget. Pete Berube offered to send information to the commission with alternatives materials for the fall zone areas. Joyce Boiardi thanked the McAvoy's for keeping Oak Grove Farm maintained on a voluntary basis. Mike Guzinski made the committee aware that State Funding for the project, if and when granted, would not be available until next summer. The soccer fields generate revenues which are used to maintain the fields. However, in the past few years that revenue has declined.

School Department Capital Item Requests:

Terry Wiggin outlined the School Committee's three proposals in order of priority:

- Middle/High School Elevator Repairs to the Main Elevator and the Athletic Elevator - \$80,000.00
 - The elevators are used for students in wheelchairs due to injury, etc.
 - State requirements mandate functioning elevators in multi-level School Buildings
 - Contracted Services for Elevator Maintenance is \$56,000.00 annually
- Middle/High School Walk-In Refrigerator and Freezer - \$45,000.00
 - In the last year, while repairs to the unit were being performed, the Middle/High School used the Clyde Brown School refrigerator and freezer. While not ideal, the Middle/High School Kitchen could potentially be closed if not replaced.
- Middle/High School Steamer/Convection Cooker Replacement - \$50,000.00
 - The unit has been repaired, there have been several leaks, and is still functioning. The School Committee has considered purchasing a second-hand unit.
 - Outsourcing Food Services is not a viable option in a small district.
 - The Cafeteria Manager is shared with the Town of Medway.

Pete Berube inquired which of the School Committee's Capital Requests, if not funded, would have a detrimental effect on the Middle/High School's functionality. There are several other Capital Items the School has requested through the Capital Planning Committee; some can be funded through the existing School Department Operating Budget. However, items such as the replacement of the John Deere Tractor which is 28 years old, in the amount of \$45,000.00, cannot be absorbed in the budget. The School Department rents a skid steer for \$6,000.00 annually to assist in snow removal; to purchase one is \$55,000.00. The new Clyde Brown School has more sidewalks and areas that require snow removal. The skid steer is a multi-season piece of equipment with numerous attachments.

Certified Free Cash Update:

Carol Johnson made the committee aware that the Town's Balance Sheet was submitted to the DOR (Department of Revenue) last week and is pending certification. Efforts have been made to contact the town's DOR Representative on the status of certification; information will be disclosed as soon as the Finance Director is notified.

Review Draft Capital Planning Committee Report:

Pete Berube, Finance Committee Liaison to the Capital Planning Committee, made the committee aware that there are twenty-nine Capital Item Requests being considered. The Capital Planning Committee is in the process of prioritizing the requests and hopes to have their report finalized early next week. Their preliminary priority list includes:

- PFAS Drinking Water Treatment Plant
- Fire and Rescue Apparatus - Ambulance, Master Box Replacements and Engine Replacement.
- Middle/High School Elevator Repairs to the Main Elevator and the Athletic Elevator
- Police Cruiser
- DPW Snow Plow and Excavator
- Middle/High School Walk-In Refrigerator and Freezer

There are several other Capital Item Requests that are being considered and prioritized. Discussion is underway with regards to differentiating between Capital Items and items that should be included in Department Operating Budgets. The Capital Planning Committee's Final Report will be published in the Finance Committee's Report which is distributed to all residents prior to the November Town Meeting. Pete Berube asked the Select Board to consider a sidewalk project; the Tree Warden, Brutus Cantoreggi, advocates for funding Tree Trimming/Removal, however, consideration should be given to funding sidewalks.

Review Draft November Town Meeting Warrant Articles:

Pete Berube participated in the Select Board's Meeting earlier today and the board discussed in great detail the Finance Committee's recommendations with regards to Article #9: Request Special Act – Town Charter Changes. Town Counsel, Jay Talerman, was present at the Select Board's Meeting and will be joining this evening's meeting.

Mike Guzinski provided a revised Draft Warrant and a summary of the Select Board's changes/deletions from Article #9. He updated the committee on the Warrant Articles:

Article #1 Unpaid Bills – the amount is exceptionally high this time due to Eversource's failure to provide invoices to the town for processing. The General Fund amount of \$13,167.05 will be funded by Free Cash.

Article #2 FY22 Operating Budget Adjustments includes:

- Fire Repair Fund - \$50,000.00
- Water Tank Maintenance - \$214,000.00
- SEIU Collective Bargaining Agreement - \$15,000.00

The Water Tank Maintenance will be funded by Water Enterprise Fund Receipts, Fire Repair Fund and SEIU CBA will be funded with Free Cash. The Fire Repair Fund amount will be included in their Operating Budget for FY23. SEIU employees include Town Hall and Library staff. Free Cash is comprised of remaining funds from the Prior Fiscal Year's Operating Budget, Marijuana HCA Funds and New Growth.

The following will be funded by HCA Marijuana Impact Funds:

- HCA Administrative Support - \$9,200.00
- Board of Health – Cannabis Use in E-Cigarettes/Vaping - \$4,000.00
- Extended Library Hours: Thursday and Friday evenings - \$22,776.00
- Police School Resource Officer Salary - \$26,300.00
- Police – Marijuana Training - \$45,000.00
- Recreation Teen Program Coordinator - \$9,200.00
- School Adjustment Counselor - \$40,637.00
- School Bridge Therapeutic Counselor Grade 8 - \$12,365.00
- School Afterschool Activities/Extended Day Program - \$10,000.00
- School Mental Health Programs/Substance Abuse - \$5,000.00
- School Town-wide Social Worker - \$60,000.00

Marijuana Host Community Agreements expire after five years. However, the 3% Sales Tax Revenues are perpetual. Marijuana Impact Fees for FY21 are approximately \$488,000.00. Free Cash will have to be certified by the November Town Meeting in order to fund the above items.

Article #9 Request Special Act – Town Charter Changes

Jay Talerman, Town Counsel, summarized the changes the Select Board considered. Specifically, Section III-4 Town Administrator Subsection 1 Powers and Duties. The changes were prompted to better clarify and refine the powers and duties that encompass the Town Administrator's role. The Charter is a Statute and is passed by the Legislature. Unlike a ByLaw, that does not provide authority, a Charter Change becomes law. The proposed outlines the Town Administrator's role in Town Government. Some sections could potentially be a ByLaw as opposed to a Charter change. However, some authority cannot be allowed under a ByLaw. The items highlighted in yellow are recommended as a ByLaw as opposed to a Charter change, the items in red were eliminated. Please click on the link for further review
https://www.millisma.gov/sites/g/files/vyhliif901/f/uploads/article_9_-_select_board_changes.pdf

Counsel Talerman summarized the changes and the responsibility of the Town Administrator, Finance Director, Select Board and Finance Committee in preparing upcoming Fiscal Year Operating Budgets. It was noted that Section F does not eliminate the Finance Committee's role in recommending to Town Meeting the upcoming Fiscal Year Operating Budget. However, it does make the Town Administrator the gate keeper of where funds are appropriated. Section Q gives the Town Administrator authority to approve all payroll and expenses. Currently, the Select Board approves all payroll and expenses. The Select Board has the right to question any payments.

Amending the Town Administrator ByLaw is an easier process than amending the Town Charter. The possibility of having a new Select Board Member every year, could potentially change the Town Administrator's duties dependent on what each Select Board Member's agenda is. Including certain Town Administrator duties and responsibilities in the Charter eliminates any potential politics in changing the role of the Town Administrator; it's a delicate balance in determining what should be in the Charter as opposed to a ByLaw.

The Finance Committee's concern was the Charter Change could potentially tie the hands of the Select Board whom the Town Administrator reports to. It is the Select Board's authority to craft the Warrant that is presented to Town Meeting. It is the Finance Committee's responsibility to make a recommendation of approval or dismissal on each Warrant Item; not necessarily edit the Select Board's Warrant.

Through a Special Act Warrant Article and a Ballot Vote, the Charter can be changed annually should the need arise. Typically, through a Formal Charter Commission, the Charter is reviewed every seven to ten years.

Article #3 Capital Items – The Select Board will further discuss this article at their meeting next Tuesday and determine what items are affordable and necessary.

Article #4 PFAS Water Treatment Plant – The Select Board has had no formal discussion regarding this article. The American Rescue Plan Act, funded by the Federal Government, should offset the cost of the article by \$2.4 million; the rest will be funded through borrowing. The town will optimize on grants to defray the cost of the treatment facility.

The Capital Item Request for the replacement of Ambulance 1 may require a separate article if it requires borrowing.

Article #7 Sewer ByLaw Amendment – The Select Board will have further discussion on this article at their meeting next week.

Article #10 – 15 are unchanged. The amount requested for Article #12 Unemployment Account is \$25,000.00

Vote November Town Meeting Warrant Articles:

Article #6 Senior Work Program Tax Abatement Adjustment

Joyce Boiardi made a motion to recommend approval of Article #6; Cathy MacInnes seconded. Roll Call Vote: Joyce Boiardi – aye, Sara Reyes – aye, Pete Berube – aye, John Steadman – aye, Cathy MacInnes – aye, Peter Underhill – aye, Doug Riley – aye, Jim Borgman – aye, Jodie Garzon – aye. Vote: 9/0 motion carries unanimously.

Article #10 Tree Pruning/Removal

Joyce Boiardi made a motion to recommend approval of Article #10; Cathy MacInnes seconded.

Further discussion: Pete Berube recommended deferring the committee's recommendation until funding for sidewalks is considered by the Select Board and Free Cash is certified. Roll Call Vote: Pete Berube – nah, Joyce Boiardi – aye, Cathy MacInnes – aye, Sara Reyes – aye, Peter Underhill – aye, Doug Riley – aye, Jim Borgman – aye, John Steadman – nah, Jodie Garzon – aye. Vote: 7/2 motion carries.

Article #11 FY21 Snow and Ice Deficit Funding

Sara Reyes made a motion to recommend approval of Article #11; John Steadman seconded. Roll Call Vote: Joyce Boiardi – aye, Sara Reyes – aye, Pete Berube – aye, Cathy MacInnes – aye, John Steadman – aye, Peter Underhill – aye, Doug Riley – aye, Jodie Garzon – aye, Jim Borgman – aye. Vote: 9/0 motion carries unanimously.

Article #12 Unemployment Account

John Steadman made a motion to recommend approval of Article #12; Cathy MacInnes seconded. Roll Call Vote: Joyce Boiardi – aye, Sara Reyes – aye, Pete Berube – aye, Cathy MacInnes – aye, John Steadman – aye, Doug Riley – aye, Jim Borgman – aye, Cathy MacInnes – aye, Peter Underhill – aye. Vote: 9/0 motion carries unanimously.

Article #13 OPEB (Other Post-Employment Benefits) Actuarial Study

Peter Underhill made a motion to recommend approval of Article #13; Doug Riley seconded. Roll Call Vote: Joyce Boiardi – aye, Sara Reyes – aye, Pete Berube – aye, Cathy MacInnes – aye, John Steadman – aye, Jim Borgman – aye, Doug Riley – aye, Jodie Garzon – aye, Peter Underhill – aye. Vote: 9/0 motion carries unanimously.

Article #15 Rescind Balance of Unneeded Borrowing Authorizations

Cathy MacInnes made a motion to recommend approval of Article #15; Doug Riley seconded. Roll Call Vote: Joyce Boiardi – aye, Sara Reyes – aye, Cathy MacInnes – aye, Pete Berube – aye, Peter Underhill – aye, Jodie Garzon – aye, Doug Riley – aye, John Steadman – aye, Jim Borgman – aye. Vote: 9/0 motion carries unanimously.

Article #9 Request Special Act – Town Charter Changes

Pete Berube made the committee aware that the Select Board discussed how the board would proceed with Article #9 at Town Meeting; one vote or section by section. After extensive discussion with Council Talerma it was determined the decision is at the discretion of the Town Moderator.

Cathy MacInnes made a motion to reconsider Article #9 Section III-1 Select Board Composition; Pete Berube seconded. Roll Call Vote: Joyce Boiardi – aye, Sara Reyes – aye, Pete Berube – aye, Cathy MacInnes – aye, John Steadman – aye, Peter Underhill – aye, Jodie Garzon – nay, Doug Riley – nay, Jim Borgman – aye. Vote: 7/2 motion carries to reconsider Article #9 Section III-1.

Cathy MacInnes, a one-time Select Board Member, does not believe increasing the number of Select Board Members will improve the results from the Select Board. Serving as Chair to the Enterprise Fund Advisory Committee, instituting a Water, Sewer and Stormwater Commission will alleviate the Board's time as Commissioners of the Enterprise Funds and better serve the town. In addition, shifting the duties of the Select Board to the Town Administrator will result in the need for an Assistant Town Administrator. Pete Berube supports changing the number of Select Board Members from three to five. The benefit in doing so will allow the members to discuss critical items and sharing ideas without holding a Public Meeting. With three members, two meets a quorum and cannot have a discussion without breaking Open Meeting Law. He does agree with Cathy MacInnes' point of appointing Enterprise Fund Commissioners. There is a compelling benefit having the duties of the Select Board distributed amongst five members.

Cathy MacInnes made a motion to dismiss Article #9 Section III-1, the motion was not seconded.

Joyce Boiardi made a motion to recommend approval of Article #9 Section III-1; John Steadman seconded. Roll Call Vote: Joyce Boiardi – aye, Sara Reyes – aye, Pete Berube – aye, Cathy MacInnes – nah, John Steadman – aye, Jodie Garzon – aye, Doug Riley – aye, Jim Borgman – nay, Peter Underhill – aye. Vote: 7/2 motion carries.

November Town Meeting Warrant Article Assignments - Postponed

Discussion of Finance Committee Liaisons to Boards and Committees - Postponed

Bills Payable Approval:

Cathy MacInnes made a motion to recommend approval of payment to Millis Postmaster in the amount of \$719.20 for postage to mail the Finance Committee Report; Joyce Boiardi seconded. Vote: 9/0 motion carries unanimously.

Finance Committee Meeting Minutes Approval:

Jodie Garzon made a motion to accept the September 29, 2021 Finance Committee Meeting Minutes as written; Sara Reyes seconded. Vote: 8/0 1 abstained, motion carries.

Adjourn Meeting:

Cathy MacInnes made a motion to adjourn the Finance Committee Meeting at 10:25 PM; Joyce Boiardi seconded. Vote: 9/0 motion carries unanimously.

Respectfully submitted, Deirdre Gilmore