

**MINUTES OF THE
BUDGET MANAGEMENT COMMITTEE
JULY 28, 2004**

PRESENT: Ken DiFazio (Chairman), Colin McPherson, Sue Kay, Paul Leary, Mike Molisse

OTHERS: Richard Swanson, Jane Hackett, James Wilson, Barbara Costa, Joseph Davis,
Marsha Silva, Bob O'Connor, Dan Anacone and James Clarke

Chairman DiFazio called the meeting to order at 6:30 PM.

Approval of prior minutes: 6/17/04

Councilor Kay MOTIONED to approve the minutes of their meeting of June 17, 2004. Councilor Molisse seconded.

Councilor Leary asked that the minutes reflect that Councilor Molisse was absent. Councilor Kay MOVED THE MOTION to approve the minutes as amended. Councilor Molisse seconded. UNANIMOUSLY VOTED

Measures for consideration:

04 161 – Acceptance of Legislation RE: laid off Police & Fire (Chapter 360 & 235)

04 162 – Acceptance of Home Rule Petition

Ms. Marsha Silva, Retirement Administrator, came forward to discuss the measure. She stated that approval of the measure will allow certain personnel who have been laid off and who return to work to buy back time during which they were laid off. She said there are a total of twelve police officers and firefighters who are eligible. They will be restricted to their previous spot on the seniority listing. This would only be available to those hired before July 1, 1993. Chapter 235 allows anyone who is terminated to resume to their old position. The acceptance of this and the home rule petition would have a cost of something less than \$20,000 over twenty-five years. There is no immediate cost to the Town as the Town already lost the services. Regular interest varies from year to year set by the legislature. The employee would repay the interest in effect at the time they were out.

Councilor Kay questioned if there would be an impact to the Town in regards to seniority and promotional examinations.

Mrs. Hackett replied that Labor Counsel would be contacted to review such.

Chairman DiFazio asked if the police who are rehired will receive the pay increase since such time they were laid off.

Mr. Davis replied they would be eligible for raises within the collective bargaining agreement, but would be rehired at their former step level.

Councilor Leary asked how the Committee would vote on the measure tonight as it hadn't been submitted in regular format.

Mrs. Hackett explained the Mayor couldn't be involved with the request as it would create a conflict of interest.

Chairman DiFazio noted he didn't foresee a decision of the Committee this evening. He would like to have Solicitor Lane review the request.

Mrs. Costa stated the Solicitor Lane had already reviewed the request.

Councilor McPherson asked for clarification as to what they were actually approving.

Mr. Wilson stated measure 04 161 requires for Town acceptance of the provisions of Chapter 360 and 235 with regard to the home rule petition. Solicitor Lane will provide the necessary language.

Councilor McPherson questioned if the measure is considered an ordinance and if public advertisement is required. They need clarification from Solicitor Lane.

Councilor Kay requested documentation of the cost involved.

Mr. Wilson stated an actuarial study is being done.

Councilor Kay MOTIONED to table measures 04 161 and 04 162 until review of Solicitor Lane. Councilor Leary seconded. UNANIMOUSLY VOTED

Chairman DiFazio informed Mrs. Silva, Mrs. Costa and Mr. Davis that he would like for the Committee to meet with them again prior to the request being submitted to the full Council.

04 163 – Acceptance of MGL Chapter 32 Section 20A

Mrs. Silva stated the law speaks to the indemnity of public employees, specifically as it relates to the Retirement Board. Most communities have adopted the legislature. This would protect each individual member of the Retirement Board. Currently, the members are responsible for themselves legally. There is no cost to the Town. Any payment of legal fees would come from the retirement assets. They have a fiduciary insurance policy in addition to the bond.

Councilor Leary MOTIONED to forward measure 04 163 to full Council with a favorable report. Councilor Kay seconded.

Councilor McPherson stated Solicitor Lane needs to draft specific language for the acceptance.

Councilor Leary MOTIONED to table measure 04 163 until Solicitor Lane reviews the request and drafts language for the approval of the Council. Councilor Kay seconded. UNANIMOUSLY VOTED

04 164 – Performance guarantee for Holly Estate subdivision

Mr. Clarke stated the guarantee was requested for two portions of Holly Estates and Chelsey Way. Cherry Lane was approved in 1985 and most of the work has been completed through the years. Although some of the work is pending such as installing a stop sign, resetting the curb, cleaning the catch basins, painting of the fire hydrant and other general clean up. They have talked to the developer to do the work and this is the last resort.

Mrs. Hackett stated the request was sent directly to the Town Council. She will work with the Town Council's Office to put together appropriate language for approval at Monday night's meeting.

Councilor McPherson asked if the Town is accepting the work.

Mr. Clarke replied they are requesting permission to use bond money to complete the subdivision. They are requesting \$79,500 for Holly Estates and \$32,500 for Chelsey Way. They intend to complete all of the work to the satisfaction of the Town.

Councilor Kay MOTIONED to table measure 04 164 until the next meeting. Councilor Leary seconded. UNANIMOUSLY VOTED

04 169 – Appropriate \$1.1 Million for Lower Central/Old Swamp River I/I

04 170 – Appropriate \$1.6 Million for Southeast Landing I/I Construction

Mr. Wilson stated the Council has received correspondence on measures 04 169 and 04 170; they are asking for bond authorizations for over \$2 million. If passed the will go out to bond immediately to have work done immediately. There is currently no appropriation associated with the two projects.

Mr. O'Connor stated the two projects have already gone before the Council for the design stage which is complete. They are currently looking for approval of the construction cost phase of the project. The project entails the repair of manholes and existing leaking pipes.

Mrs. Hackett stated both projects include a 10% contingency fee.

Councilor Kay asked Mr. O'Connor if he was confident with the numbers.

Mr. O'Connor replied that time would tell.

Mrs. Hackett noted that the projects are somewhat complex; therefore, the costs submitted have been estimated.

Chairman DiFazio questioned where the funding was coming from.

Mr. Wilson replied through the revolving fund sewer account.

Councilor McPherson stated the projects were to comply with the DEP's consent order.

Mrs. Hackett replied yes. They are asking for funding on the construction period only, estimated at four to five years. The work is just beginning; kick off date is scheduled for September 30, 2004.

Councilor Kay asked if the Town has paid the associated fine.

Mrs. Hackett replied no, they are still in negotiations.

Councilor Leary MOTIONED to refer measure 04 169 to the full Council with favorable report. Councilor Kay seconded. UNANIMOUSLY VOTED

Councilor Leary MOTIONED to refer measure 04 0170 to the full Council with a favorable report. Councilor Kay seconded. UNANIMOUSLY VOTED

04 171 – Conservation Fund Authorization for expenditure

Mr. Wilson stated the measure asks for permission to expend from the Conservation Fund for purposes of employing a Conservation Agent and clerk (\$25,000) within the Department of Planning and Community Development.

Councilor Kay MOTIONED to send measure 04 171 with favorable action to the full Council. Councilor Molisse seconded. UNANIMOUSLY VOTED

04 168 – Easement Request at 417 Front Street

Chairman DiFazio stated measure 04 168 was referred to the Committee by the Town Council at their meeting of July 26, 2004 after the agenda was published. They all have the documentation. The Town Council queried with the Town Solicitor as to whether the approval required a public hearing and public notice. After Solicitor Lane's review, he determined it did indeed require a public hearing, which has been scheduled for August 9, 2004.

Councilor Leary noted that the request needed immediate attention as it was to provide electricity for the handicap elevator at the Murphy School.

Councilor Leary MOTIONED to refer measure 04 168 to the full Council with a favorable action following a public hearing. Councilor Molisse seconded.

Councilor Kay said the request is an easement conveyance.

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Chairman DiFazio stated it is not a conveyance according to the ordinance of the Code section 2.206 and MGL Chapter 166A.

Mrs. Hackett stated Mass Electric and Mr. Slattery would be available for the public hearing to answer any questions the Council may have.

Councilor Leary questioned if any new poles were to be installed.

Councilor Molisse replied he reviewed the request. It involves two poles, one will be removed and the 2nd pole will remain. When the school was built in 1976 there was never an easement.

Chairman DiFazio stated he would like to move the request to the next level. The Council will receive necessary information prior to the full Council meeting.

Councilor Leary MOTIONED to forward measure 04 168 back to the full Council to be heard at a public hearing with Mass Electric present to explain the application. Councilor Kay seconded.
UNANIMOUSLY VOTED

Adjournment

Councilor Leary MOTIONED to adjourn the meeting at 7:50 PM. Councilor Kay seconded.
UNANIMOUSLY VOTED

Respectfully submitted by Lisa VanWinkle, Recording Secretary