

TOWN OF FOXBOROUGH
ADVISORY COMMITTEE
MINUTES
DATE 9/18/2013

Committee Members Present: Paul DeFazio, Lawrence Thomas, Jeffrey Anderson, Kevin Powers, Larry Stern, Howard Siegal, Tracey Metivier, Susan Dring, Heidi Krockta, Michael Haney

Members Absent: George Adler

Others Present: Lorraine Brue, Ginny Coppola, Randy Scollins, John Gray, Jr., Jim DeVellis, Pattiann Maylynn, Dick Heydecker, Lynda Walsh, Bill Casbarra

Notes taken by: Kristin Meehan Papianou

The meeting was brought to order at 7:00PM by Paul DeFazio, Chairman.

7:05PM – Shannon Sylvia, Proposal to Video Tape Meetings

She said that people often don't have a good understanding of the Articles, haven't seen the presenters when they come to Town Meeting. She's had people say that they don't think they should vote since they don't know the topics So she wants to make the important work that the Ad Comm is doing available to the public. The easiest way to do that is to video tape the meetings. But she had other suggestions including having the liaisons and the presenters in studio.

Discussion of the options with Ad Com and others present offering insights into pros and cons of each.

Ad Comm thanked Shannon and said they would vote on both options next week.

7:20PM Dick Heydecker, Ad Hoc Committee

Dick discussed the members of their committee and their qualifications. He said that they met with Jeff Anderson this week and referenced various handouts which included various versions of the Kaestle Boos and Ad Hoc Committee plans.

The Plan A – renovation and addition

The Plan B – is the tear down and build

The Plan A1 – single story addition

Dick advised that typically a new building is never the same price as an addition, unless the addition is so large that it overwhelms the original building. That's why they got involved. He said that the Inspection Department in Plan A is bigger than it is in the B building.

They looked at the Unit prices. The new building unit price is \$494 / sq. ft. KBA plan A is only \$414 / sq. ft. The plan A1 is \$330 / sq. ft.

Why are 4000 extra square feet being required in the renovation versus the new build? That extra space is causing the new building to cost the same as the renovation. Current building is 13,800 sq. ft. Additional discussion of the sq. foot requirements and plans. Dick said: The A building is oversized for the program we have.

Dick then walked through his handout demonstrating the differences in the plans. Ad Com asked questions including whether there would be a quality difference between a new and a rebuilt building. Dick said that their committee debates this as well. Dick said that there is nothing wrong with this building – the issues are maintenance related. He said that there is a masonry question that needs to be answered, but can't until it's opened up. Discussion about the low basement ceilings. Dick said that most of the basement is storage. The occupied space ceiling height is fine.

Dick said that there is no indication that this building is unsafe and needs to be torn down.

Ad Com discussed the differences in the plans and that they thought it would be helpful to have both the Building Committee and the Ad Hoc committee here to answer direct questions. Ad Com asked if the selectmen had the answers since they voted on it.

Discussion the water issues at Town Hall, temporary office space, the number of private offices that are needed and whether the program contemplated having the Water & Sewer staff stay at Town Hall. Larry Thomas said that Bob Garber said if the water and sewer article fails, then they plan to stay at Town Hall, so the articles definitely hinge on one another.

Tracey clarified how the vote would work: If Ad Com votes yes, it means that we support the destruction and rebuild. If we vote no, it means we support the leasing or renovation options.

Ad Comm thanked Dick for his presentation and all the work that went into it.

8:10PM Bill Yukna, Chairman, and Bill Cass, Vice Chairman of the Permanent Municipal Building Commission

Bill said that the Selectmen came to the Building Committee a few years ago and asked them to come up with some options. Engineers and Architects were hired to help them with the analysis. The first page of their report lists the participants to the analysis. We've used KBA for the public safety building and for the high school. Discussion of the qualifications of the participants.

Discussion of the process that they undertook from staff interviews to development of the plan. He reviewed issues that were considered including future growth of the town, placement of the elevator and the requirements of building to code. He has a lot of faith and trust in the engineers that we've used.

He said that new construction is much more controlled from a cost perspective than cutting into an existing building and not being able to anticipate everything you may find. He also talked about the need for meeting rooms. We always seem to need meeting space in Town.

Bill said that he doesn't have any interest in tearing apart the Ad Hoc Committee report, but he knows the Town only has one committee that was charged to do this work and they used the resources that they had available.

The reason they finally came to the new building versus the renovation, they thought the cost was very close. To have a full useable, code compliant basement is a better long term fit for the building rather than trying to make something fit. He said that the plan for an \$8.6M spend is very rough and has a 10% contingency. It will probably drop to 5% or lower when it goes out to bid. Discussion of the proposal, fees and bid process.

Paul Defazio said that people want to jump in with questions and this is really just a first meeting but there will be others. He asked if they would be willing to come back in two weeks from now with the Ad Hoc to field questions. He said they would have no problem with that as this is a community project. He said KBA would come in as well.

Additional discussion about the water department location and the impact to citizens as well as the building plan.

Paul said we'll have them back on October 2nd to continue the discussion. No further questions. Ad Comm thanked both committees and the work they still did.

9:00PM Jim DeVellis, Lorraine Brue and Randy Scollins; Reserve Fund Transfers

Tracey asked them to start with the \$18,000 for the retro pay for Bob Cutler. Randy explained that we now have an acting Town Manager and the Board has voted that he should receive an increment in his pay for the work he's doing in the interim.

Tracey asked for the by-law definition of a Reserve Fund Transfer. Randy said it's anything that is "extraordinary" or "unforeseen", and this was not foreseen at budget time. Larry Thomas said that the Board didn't see that he was going to leave, but they knew what the budget was and they negotiated beyond that amount. They should go to Town Meeting to get that money. Tracey said asked: If this wasn't unforeseen, does it still qualify as extraordinary? Howard Siegal asked what is extraordinary about it when they and go to Town Meeting in a few weeks to get a vote on it. Howard said that with what we voted last week, the additional expense we're being asked to vote tonight and this amount, we'll be using most of the \$75K reserve fund.

Randy said that he did check with the Department of Revenue and they did say that this meets the criteria for Reserve Fund transfer. He said it could also be done at Town Meeting. The third mechanism

could be with year-end transfers in the municipal budgets. The Town Manager could also approve emergency expenditures if something else comes up.

Lorraine Brue asked that Ad Comm consider the request for Bob's salary putting downward pressure on the budget. By taking it out of the reserve fund, there's less money available to everyone else in managing their budgets. If it goes to Town Meeting then the money is still in the reserve amount. Larry Thomas said that groups that are negotiating would feel more pressure knowing that there isn't a reserve fund transfer at the end of the day. They would use it as leverage during their negotiation. But if Town Boards feel that the reserve fund transfer is always available, they won't feel the pressure to adhere to the budget that the Town's people gave us.

Heidi said that she does think it's imminent and it's the responsibility of the Town to pay someone who is working hard for us. Larry Stern asked if Bob is getting paid every week. Randy Scollins said that he is getting paid his Town Clerk salary. Larry Stern asked where the money would come from if it goes to Town Meeting. Randy Scollins said it would probably come from unallocated State Aid.

Sue asked if it gets voted down at Town Meeting: How would he get paid? Randy said he wouldn't have a funding vehicle to do it. Larry Thomas said that many Towns have criteria for what it takes to pass a Reserve Fund Transfer: (1) Most members have to believe that it would pass at Town Meeting and (2) no money can be spent at the time that you come to request the transfer. In this instance, we've incurred the dept. Randy said it is "subject to appropriation". Larry Thomas said that virtually every other contract that we have goes to Town Meeting but Kevin's didn't. He suggested that we think about putting criteria in place.

Ginny Coppola said that the reserve fund is part of the budget. They aren't asking for money outside of the budget. Larry Thomas said that typically we talk amongst ourselves before we vote. He thinks that is a good thing to do.

9:17PM Jeff Anderson made a motion to affirm to move forward with the Reserve Fund Transfer of \$18,975 for Bob Cutler's stipend as interim Town Manager. Seconded by Mike Haney.

VOTE: 8-2-0

Larry Thomas and Howard Siegal voting "no".

Randy Scollins handed out an additional reserve fund transfer request to cover the cost of a search committee for a Town Manager replacement. The request is for \$14,000. Jeff Anderson asked what the balance is that this leaves us with. Howard Siegal said this will leave us with \$16,000 in the Reserve Fund. Larry Stern asked what we paid when we did the search for Kevin Paicos. Randy Scollins said that it was \$10,000.

Discussion of the qualifications of this group. Lorraine Brue said she examined the process of the prior group. She thinks the position is very attractive to the Town Manager population and she thinks that this group will interview a lot of people, develop a profile for the Town and that profile will go on our

website. They may even look outside the Town Manager community for this position. They will do a nationwide search. They are committed to stay with us until we get someone in the seat.

Larry Stern asked if there is any harm done if we don't vote on this tonight. Jim DeVellis said that they approved the contract last night contingent on Ad Com approval. Lorraine Brue asked if they would consider voting on this tonight. Discussion about the rule that we don't vote on the same night and the validity of that rule.

Tracey asked if someone wants to make a motion to vote tonight. Larry Stern declined to do so. Jeff Anderson said that if we're going to bend the rule, we should all be unanimous on it. If one member wants to take more time to research and think about an issue, then they should have more time.

9:35PM Randy Scollins, Warrant Articles 1 & 2

Article 1 is a budget adjustments article. He said it's a fairly common thing.

The first one is the County Tax Assessment. Norfolk County gets State Aid and then gets assessed, among other things, a County Tax which includes the Norfolk County Agricultural School. He discussed the history of the assessment and how the current figure was arrived at. This is a legal bill that needs to be paid. It is a greatly compromised amount. Tracey asked if they are sure that they won't come back at us for the prior years. Randy said that prior years would require a 9/10th vote.

The second one is related to the Town Manager transition. In order to sign a contract with a new Town Manager, we need money in the budget to sign that contract. This amount (\$84K) is approximately a half year salary at the top end. Any unused money will go into free cash.

The third item is the health insurance, life insurance and retirement costs associated with a new employee.

Larry Stern asked if we expect any kind of inquiry at Town Meeting to discuss how we ended up in this situation. Jim DeVellis said that they've been specifically quiet on it but the meeting minutes will be out soon. He does expect it will be asked and they will have someone appointed to discuss it.

Paul suggested that we not bring anything to a vote until the Article liaison is ready for a vote.

9:45PM Randy Scollins, Article 2 Unpaid bills from prior year (assigned to Tracey and Heidi)

Randy said we cannot pay a bill from a prior year with current year appropriated funds, so any bills that come in after that have to go through Town Meeting and require a 9/10th vote to pass.

The first item \$1126.40 is also related to the acting Town Manager's pay increase to the last week of June. The books were closed, so it has to go to Town Meeting.

The second item is a bill from CDM Smith – they do state required monitoring of our capped landfill. The funding source would be the Public Works expense budget. The DPW will have to absorb this. Jeff Anderson asked why this wasn't paid at the end of last fiscal year. Lorraine said she thinks we were in transition at the time.

There were no further questions. Ad Com thanked Randy, Lorraine, Ginny and Jim.

Tracey said that she needs to amend the liaison list. If anyone needs more changes they should let her know. Then she'll share them with Randy and he'll put them on the website.

Lorraine asked whether the Ad Com minutes will be posted on the website. Randy said that if they are forwarded to him, he will put them up.

Discussion about the interaction between the Building Committee and the Ad Hoc Committee. Larry Thomas said, in the end, they may both be right. Jeff said that the Town isn't going to support the Article if we don't give them answers. Randy said that he thinks the Ad Com is over reaching getting involved to this level. Paul said that if we don't get to this level, it will decrease credibility at Town Meeting. Lorraine said that the Permanent Municipal Building Committee has reviewed the A1 plan, and so have their consultants. Additional discussion of the plans and the Ad Com's responsibility to get answers before Town Meeting.

Kevin Powers asked if there are any Ad Com issues, concerns or questions on the first Article. He wants to follow up within the next week. There were no questions from Ad Com on that article.

Additional discussion about the Town Hall proposals, timing, rental. Ad Comm members questions why we can't move the staff out of Town Hall now and take our time to get the questions answered and make the right decision.

10:15PM Paul handed out the minutes from June 19, 2013.

10:20PM Tracey Metivier made a motion to accept minutes from June 19, 2013 as amended. Larry Stern seconded.

VOTE: 10-0-0

10:25PM Motion to Adjourn by Larry Thomas. Seconded by Tracey Metivier.

Vote: 10-0-0

Minutes approved by Vote of the Advisory Committee.

Date of Meeting: 10/9/13

Vote: 8-0-0

*Signed original on file with office of the Town Manager

Signature of Chairperson

Signature of Secretary