

**ADVISORY AND FINANCE COMMITTEE
MEETING MINUTES
February 4, 2015**

A meeting of the Advisory & Finance Committee was held on Wednesday, February 4, 2015. The meeting was called to order by Chairman John Moody at 7:00PM and was conducted in the Mayflower II Meeting Room at the Plymouth Town Hall, 11 Lincoln Street, Plymouth, Massachusetts.

PRESENT **Twelve members of the committee were present:**
Cornelius Bakker, Kevin Canty, Michael Hanlon, Harry Helm, Kevin Hennessey, Shelagh Joyce, Ethan Kusmin, Kevin Lynch, Christopher Merrill, John Moody, Marc Sirrico, Charles Stevens

ABSENT **Three members of the committee were absent:**
Richard Gladdys, Michael Hourahan, Harry Salerno

AGENDA ITEMS

ANNUAL TOWN MEETING ARTICLE PRESENTATIONS

Article 14: Transfer Parcel to Conservation – Peter Road

To see if the Town will vote to transfer the following parcels from the Town Treasurer to the Conservation Commission for the purpose of maintaining protected open space:

<u>Parcel ID</u>	<u>Road</u>	<u>Legal Reference</u>	<u>Tax Title</u>
108-000-010-023	Peter Road	Certificate: 56486	#5932
108-000-010-075		Document: 367535	
108-000-010-092		(Final Judgment)	

Or take any other action relative thereto.

OPEN SPACE COMMITTEE

Betsy Hall from the Open Space Committee presented. She said these parcels offer a great opportunity to preserve open space, protect wetlands, protect the headwaters of the Wewiantic River, provide passive recreation, reduce traffic and septic impacts, and help the long term goal of extending the bike path. The town already owns these parcels through tax title foreclosure and they would like to transfer them from the Treasurer to the Conservation Commission. These are located within the “David Estates” subdivision off Peter Road in West Plymouth. These parcels were in the subdivision plan as opens space or common area.

Questions: (Patrick Farah, Planning Technician, helped Betsy Hall answer some of the questions)

- Who will monitor the property? (S Joyce) Conservation Commission and Natural Resource Officers from the Marine & Environmental Department will check on and maintain the property.
- Are other town owned properties connected to these 3? (H Helm) Not yet, but the town is looking at various opportunities.
- What are the tax assessments of these parcels? (C Stevens) The town has owned them since 1994. The homeowners association was never created so the taxes on the properties were never paid.
- Was the builder held liable? (K Lynch) The Planning Board requires a developer to record association documents but the town can not require the developer to form a homeowners association.
- We need to look at promises made by builders and find out where the ball is being dropped? (K Lynch) It is the responsibility of the homeowners to form a homeowners association, not the developers.
- These lots are not buildable? (M Sirrico) Correct.

- Can we sell one of the 3 lots as buildable to bring income to the town? (E Kusmin) The town has a policy that tax title property sold can not be built upon.

Kevin Hennessey made a motion to recommend Article 14. Christopher Merrill, second.

Discussion:

- The ball is being dropped somewhere. It benefits the homeowners not to form associations and have the town pay to maintain their open property and common areas. (K Lynch)
- Agree this is a recurring problem. Can we not allow common areas? (K Hennessey)
- This discussion is beyond the scope of this committee. It is recommended that those who feel strongly about this topic, send letters to the Chair of the Planning Board explaining your stance. (J Moody)

The article carries (9-1-0). Kevin Lynch, opposed.

Article 12: Chapter 90 – State Funding

To see if the Town will vote to appropriate a sum of money from available funds as the State's share of the cost of work under G.L. c.90, §34 (2)(a) of the Massachusetts General Laws, or take any other action relative thereto.
BOARD OF SELECTMEN

Sid Kashi, Town Engineer, presented Article 12. This is an annual item involving accepting Chapter 90 funds which the state contributes to each municipality each year.

Questions:

- Why wouldn't we accept it? (E Kusmin) It is just a formality that the town must vote to accept it.
- Where will the money be spent? (M Hanlon) There is a five year plan available for viewing in the Engineering Office. The plan lists \$10 million in projects. It shows the condition and cost of improvements for each road. The plan is an ongoing work in progress.
- Can the five year plan and pavement management report be put on the website? (J Moody) We are looking at doing that maybe in a couple more months.

Kevin Hennessey made a motion to recommend Article 12. Christopher Merrill, second. The motion carries unanimously (10-0-0).

Kevin Canty arrived to meeting

Article 15: Private Roads

To see if the Town will vote to raise and appropriate, transfer from available funds, borrow, or otherwise fund \$500,000 in improvements to Private Roads including all costs necessary and related thereto, consistent with the provisions of Chapter 112 of the Acts of 2012 as signed by the Governor on June 13, 2012, or take any other action relative thereto.
ROADS ADVISORY COMMITTEE

Sid Kashi, Town Engineer, presented Article 15. He said that Article 15, a request to fund \$500,000 in improvements to private roads, has been approved the last few years at Town Meeting. He provided a list of projects that have been completed with these funds:

- Crack Seal: Bruce Rd, Ashbury ST, Cox Lane, Donna Drive
- Overlay: Bruce Road
- Full Depth Re-Construction: Little Sand Pond Rd, George St (Spring 2015), Queen Dr (Spring 2015)
- Pavement Management Program: Inventory & development of long term maintenance program
- Spreading & Grading Recycled Asphalt (material) for improving gravel roads

- Field Survey & Design: George St, Queen Dr, Birch St.

Plymouth has 500 miles of roads, 150 miles of which are unaccepted roads (57% paved, 43% unpaved).

Questions:

- What is the difference between “unaccepted” and “private” roads? (K Hennessey) Unaccepted roads are subdivision roads, roads in the public domain. Private roads have their own infrastructure of support like those in Colony Place or the Pinehills, roads in the private domain.
- What is the cost to borrow for roads? (C Stevens) Approximately 4% for 5 year loan
- Do we anticipate borrowing for this article? (J Moody) Normally we raise and appropriate for roads.
- Is there a plan regarding which unaccepted roads receive improvement? (H Helm) The Pavement Management Report includes unaccepted roads. The Roads Advisory Committee studies the report, makes recommendations, the recommendations then go to the Board of Selectmen for approval.
- Do we plow unaccepted roads? Yes the town plows public roads and unaccepted roads. It does not plow private roads.
- Is anyone from the Roads Advisory Committee in attendance tonight? (J Moody) No.
- Why are we deferring maintenance on some unaccepted roads? Does that mean they are in such great shape they do not need work? Yes they are in very good shape right now.
- Why not accept them immediately so we receive Chapter 90 funding for them? There is a process involved with accepting roads and Town Counsel advises us. All property owners must sign a form, and then it has to go through the Registry of deeds. It is complicated and takes time. For example, there are more than 240 owners on Lunn’s Way and that is a process we are going through right now.
- I have questions for the Roads Advisory Committee about what their strategy is for accepting roads. I would like to invite a member of the Roads Advisory Committee to attend a meeting to answer questions if they would be up for that? (J Moody) He will pass along the request.

Charles Stevens made a motion to postpone Article 15 until the February 11, 2015 meeting so that questions may be answered. Kevin Hennessey, second.

Charles Stevens said that he is frustrated that the same questions have been asked for 5 years without an answer. He hopes that someone from the Roads Advisory Committee will be able to attend the February 11th meeting to provide some answers.

The motion to postpone Article 15 to February 11, 2015 carries (8-2-1). Cornelius Bakker and Ethan Kusmin, opposed. Kevin Canty, abstained.

Article 27: Accept Public Way – Lunn’s Way

To see if the Town will vote to authorize the Board of Selectmen to accept and allow as a public way the following street or portions thereof as laid out by the Board of Selectmen and reported to the Town, and as shown on plans on file with the Town Clerk; to authorize the Board of Selectmen to acquire by gift, or eminent domain an easement or easements to use said ways for all purposes for which public ways are used in the Town of Plymouth, and all associated easements; and further, accept gifts for this purpose and any expenses related thereto; and authorize the Board of Selectmen to enter into all agreements and take all related actions necessary or appropriate to carry out said acquisition(s), or take any other action relative thereto..

* Lunn’s Way

DEPARTMENT OF PUBLIC WORKS

Sid Kashi, Town Engineer, presented Article 27. This Article involves accepting Lunn’s Way as a public way at the recommendation of the Roads Advisory Committee. Lunn’s Way is a major East – West corridor

connecting Long Pond Road to Bourne Road. Documents have been sent to the 240 plus homeowners/abutters to sign.

Questions:

- The town is not acquiring title to the road? (M Hanlon) Homeowners own to the center of the road. The town is looking for an easement on the road itself.
- Will that constitute “acceptance”? (M Hanlon) Yes.
- How many of the 240 signatures do you have now? Aren’t you jumping the gun? (M Hanlon) We just started the process. All of the signatures are not needed by Town Meeting, it is just needed to give the Board of Selectmen authority to accept the easement after Town Meeting. We need Town Meeting to vote otherwise we can’t do anything.
- What is driving the process now all of a sudden? (M Hanlon) This was petitioned by the residents. The Roads Advisory Committee sees it as a major East – West corridor where lots of residents of Plymouth benefit from this road.
- Will the town’s liability increase by accepting this road? (K Hennessey) The town will have the same responsibilities as with any other public road.
- How many roads are there in the Ponds and how many are accepted? (S Joyce) There are 12 miles of roads in the Ponds, none are accepted.
- Does anyone on the Roads Advisory Committee live in the Ponds? (S Joyce) I don’t think so, not positive.
- I live on Lunn’s Way and heard the developers owned the road. Tonight I learned that homeowners own to the center of the road. Where is the taking exactly, where is the line? (C Bakker) The easement would be for the existing roadway itself and the exact road plans are on file at the Registry of Deeds. This is for the existing roadway itself, not an inch more of anyone’s property, nothing more and nothing less.
- What is the exact taking? What is the width of the road? (C Bakker) The town wants to have an easement for the road as it is now, they are not going to widen it. Intentions are good. If anyone has questions, please refer them to Sid Kashi, Town Engineer, he is happy to answer questions.
- If we do acquire the road, what will the cost be to bring it up to specs? (K Lynch) The Pavement Management Report indicates \$1.2 million.

Public Comment:

Jim Macomber, Lunn’s Way resident, said he has not received notice in the mail. He would be happy to sign it. It is a win-win situation. Some do not understand why the town needs to receive the approved form from 100% of the residents. Sid Kashi explained that is the opinion of Town Counsel based on statutory law. Kevin Canty explained that if the town is required to obtain 100% of the signatures otherwise it may proceed as a taking under the 5th amendment and Mass Declaration, which requires compensation. Kevin Canty also pointed out that another benefit of becoming a public way is that moving violations, like OUIs and speeding, can only be enforced on public ways.

Ethan Kusmin made a motion to recommend Article 27. Charles Stevens, second.

Comments:

- Curious if the public will be able to know which residents do not sign in favor. (K Hennessey)
- \$1.2 million is expensive. Homeowners knew the road was not public. (S Joyce)
- If we accept this road it will kick in to Chapter 90 funding. (C Stevens)
- This process is archaic and cumbersome. (M Hanlon)
- Accepting Lunn’s Way needs to happen as it is a major connector, a lot of people use it, and it is the right thing to do. (M Hanlon)

The motion carries (8-2-1). Kevin Lynch and Shelagh Joyce, opposed. Cornelius Bakker, abstained.

Article 28: Accept Easement – Russell Street

To see if the Town will vote to authorize the Board of Selectmen to accept perpetual easement for public way purposes over the property located on Russell Street, Plymouth, MA and shown as Plymouth Assessor's Parcels No. 017-000-065-000 on file with the Town Clerk; to authorize the Board of Selectmen to acquire by gift, purchase or eminent domain an easement to use said way for all purposes for which public ways are used in the Town of Plymouth; and further, to raise and appropriate, transfer from available funds, accept gifts or borrow a sum of money for this purpose and any expenses related thereto; and to authorize the Board of Selectmen to enter into all agreements and take all related actions necessary or appropriate to carry out this acquisition, or take any other action relative thereto. DEPARTMENT OF PUBLIC WORKS

Sid Kashi, Town Engineer, presented Article 28. This is basically a housekeeping article that needs Town Meeting action to accept a sidewalk easement. This is a result of the Zoning Board of Appeals, when approving a condominium complex, as a condition that the complex provide a sidewalk easement to the town.

Question: This has property had been the Registry of Deeds since 1904 why was there no easement before? (M Hanlon) It was county property before so it was public.

Christopher Merrill made a motion to recommend Article 28. Michael Hanlon, second. The motion carries unanimously (10-0-1). Harry Helm, abstained.

Article 10: Increase Demand Fee

To see if the Town will vote to authorize the charge for each written demand issued by the collector a fee of \$30.00 to be added to and collected as part of the tax, as authorized by Massachusetts General Laws Chapter 60, Section 15, effective as of July 1, 2015. BOARD OF SELECTMEN

Pamela Borgatti, Treasurer/Collector, presented Article 10. The demand fee for delinquent taxes is currently \$5 and has been from the start. She is requesting that the demand fee increase to \$30 which is the maximum allowed by State statute. She explained that with staff time, printing and mailing costs, the town is not even breaking even with the demand fee being charged currently.

Questions:

- By increasing the fee you will potentially be adding \$500,000 to revenues? (M Hanlon) Yes. Revenue from the demand fee could potentially be \$658,000.
- Do these revenues go to the General Fund (C Merrill) Yes.
- Is it \$30 per delinquency? (E Kusmin) Excise tax is handled differently since Real Estate taxes are paid quarterly. This would be a \$30 demand fee charged once per delinquent property at the end of the fiscal year plus interest, not quarterly.
- Do we charge the maximum interest allowed? Yes, we charge the maximum 14% for real estate tax and 6% for excise tax

Michael Hanlon made a motion to recommend Article 10. Cornelius Bakker, second.

Christopher Merrill applauded Pamela Borgatti's efforts and said this is a great idea to increase revenue.

The motion carries unanimously (11-0-0).

Article 3: Revolving Funds

To see what action the Town will take under the provisions of G.L. c.44, §53E 1/2 regarding the establishment, annual re-authorization or renewal as the case may be of revolving funds, or take any other action relative thereto. BOARD OF SELECTMEN

Lynne Barrett, Finance Director, presented Article 3. This is an annual article reauthorizing revolving funds. There are no new accounts requested this year. All revolving funds meet parameters of the state statute:

- The aggregate limit of all revolving funds may not exceed 10% of the tax levy
- No one department may spend more than 1% of the tax levy

She said that the Advisory & Finance subcommittees have been asking division heads about their revolving accounts and that they have hopefully gathered all the information they need.

Cornelius Bakker made a motion to recommend Article 3. Kevin Hennessey, second. The motion carries unanimously (10-0-1). Kevin Lynch, abstained.

Article 8: Departmental Equipment

To see if the Town will vote to raise and appropriate, transfer from available funds or borrow a sum of money for the repair and/or purchase and/or lease and/or replacement of departmental equipment for the various departments substantially as follows – *see warrant for list of items* or take any other action relative thereto. BOARD OF SELECTMEN

Lynne Barrett, Finance Director, presented Article 8. Article 8 is made up of the equipment requests from the various departments that are not required annually and cost less than \$15,000. The list is reviewed by the Finance Director and Town Manager with each department. This year requests totaled \$715,000. The Town Manager is recommending \$678,693 of the requests. The funding source recommendations are:

- \$14,592 from Sewer Enterprise Retained Earnings
- \$43,750 from Waterways Fund
- \$14,950 from Cemetery Perpetual Care
- \$4,000 from Grants
- \$601,401 from General Fund free cash

Questions:

- DPW has 10-15 items on the list. These are all new, never been done before? (S Joyce) Correct, they have added staff to Fleet Maintenance so a lot of the items are needed for that department.
- Is the infectious disease equipment request in response to the recent Ebola scare? (S Joyce) Yes, to meet a larger scale threat, both the Fire Chief and Emergency Management Director agree that the town needs additional equipment.
- Does that price include training as well or just the equipment? Not sure.
- How old are the current cold water rescue survival suits that the Fire Department has? Not sure.
- Work needed at fire stations is on both the Article 8 and the Article 9 lists? (M Hanlon) Yes, the 8s are requests of the Fire Chief, the 9s are a result of the study done of all town buildings
- Regarding Police vehicles, we purchase and not lease? Purchase only. These will replace last remaining gas guzzlers in fleet
- The Town Manager is not recommending the police officer scheduling system. How is it done now? (S Joyce) Manually. We ran out of time to do the research so it may be addressed in a future Town Meeting.
- Would the police scheduling system be a MUNIS module or integrate with MUNIS? (K Hennessey) Looking for one tailored to Public Safety that will integrate with MUNIS

- The Harbor Master is looking for \$36,000 to repower a boat, how old is the boat or engine now? (S Joyce) Not sure.
- \$8,500 for a flag pole seems expensive, where did that price come from? (S Joyce) Not sure.
- Where are we in the \$100,000 building survey process? (C Stevens) Survey is complete, rollout of software happened in September, training in it now.
- Funding from White Shark Conservancy? (M Hanlon) Yes, Marine & Environmental is working closely with them regarding the acoustic buoys.
- Do the acoustic buoys detect shark presence? (H Helm) They detect tagged sharks only.

Christopher Merrill made a motion to recommend Article 8. Charles Stevens, second.

Shelagh Joyce made a motion to postpone to February 25, 2015 so that questions can be answered. Harry Helm, second.

Questions/Comments/Discussion:

- Will department heads be in attendance at the February 25th meeting? (K Hennessey) Yes.
- Is the article voted on as a whole or can specific line items be removed? (E Kusmin) A motion can be made to fund all or to remove certain items.

Motion to postpone to February 25, 2015 carries (10-1-0). Ethan Kusmin, opposed.

Article 9: Capital

Presentation and discussion of Article 9 has been deferred to the February 25, 2015 meeting since material was not received in time to properly be reviewed.

PUBLIC COMMENT: None

OLD/NEW/OTHER BUSINESS

- Shelagh Joyce reported that Sub-Committee A met yesterday and it went well and she appreciates all who attended.
- Michael Hanlon reported that Subcommittee D is meeting Friday at 8AM in the Plantation Room.
- John Moody reported that the Revenue Ideas Taskforce is still working on its 5 recommendations and will meet at 6PM Monday in the lower level of Town Hall.
- Christopher Merrill reported that Sub-Committee E met 2 weeks ago and that all showed up and thanked members for their attendance.
- Kevin Lynch reported that Harry Salerno's OPEB presentation confirmed his concerns. The January 2015 actuary report is not complete yet but he would like to see it once it is complete.
- Charles Stevens asked who the Chair is for the Rules Committee. John Moody is the Chair.

MINUTES

Christopher Merrill made a motion to approve minutes of the January 14, 2015 meeting. Kevin Canty, second. The motion carries unanimously (10-0-1). Harry Helm, abstained.

ADJOURNMENT

Ethan Kusmin moved for adjournment. Christopher Merrill, second. The motion for adjournment carries unanimously (11-0-0). The meeting adjourned at 9:05PM.

Respectfully submitted,

Kere Gillette