

Board of Selectmen Minutes 03/09/2015

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Board of Selectmen	March 9, 2015
Regular Meeting	Selectmen's Hearing Room, Town Hall

Present:	David Nelson, Chairman
	Philip Crawford, Selectman
	Thomas Terranova Jr., Selectman

Chairman Nelson called the meeting to order at 6:01 p.m. He announced that the meeting was being taped for cable television transmission and led those assembled in the Pledge of Allegiance.

Proclamations

Police Chief David Breen introduced Marblehead Police Detective Brendan Finnegan, and related the incident in which Det. Finnegan came to the assistance of Lynnfield Patrolman Jared Provost, who was choking at a recent event. Members of Det. Finnegan's family as well as Marblehead Police Chief Robert Picariello were also introduced.

Chairman Nelson thanked Det. Finnegan for his actions and service, as did Chief Breen and the other Board members. Chairman Nelson read and presented the following proclamation.

PROCLAMATION

WHEREAS:	Marblehead Police Detective Brendan Finnegan was off duty and in attendance at a retirement celebration for Lynnfield Police Patrolman Charles Peabody on February 19, 2015, and;
WHEREAS:	While attending this function Detective Finnegan observed a Lynnfield Police Officer exhibiting signs that led him to believe Patrolman Provost was choking; and
WHEREAS:	Det. Finnegan utilizing his training regarding choking emergencies, correctly identified that the officer was choking, followed him into the restroom, where his protective body armor vest was removed, and administered aid that dislodged the obstruction from which the officer was choking,
THEREFORE:	We, the Board of Selectmen of the Town of Lynnfield do hereby offer Detective Finnegan our deep gratitude, and convey to him the thanks of the citizens of Lynnfield, for the heroic actions described above.

Dated this 9th day of March, 2015

David M. Nelson Chairman	Philip B. Crawford Vice Chairman	Thomas D. Terranova, Jr. Clerk
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Chief Breen also introduced Charles Peabody, recently retired from the Lynnfield Police Department as a full-time officer and named by the Board as a special police officer. Chairman Nelson thanked Officer Peabody for his dedicated services and said many people in Town have a high degree of respect for him. He offered his congratulations and best wishes on his retirement. Chief Breen said that the choking incident for which Det. Finnegan was recognized occurred at Officer Peabody's retirement party. He said he is a compassionate person and excellent officer who was

practicing community policing before the term was invented. Board members congratulated Officer Peabody on his retirement and thanked him for his service.

Chairman Nelson read and presented the below proclamation:

PROCLAMATION

WHEREAS:	Charles Peabody recently retired as an officer of the Lynnfield Police Department after 40 years of distinguished service to the Town of Lynnfield; and
WHEREAS:	In the course of four decades as a member of the Lynnfield Police Department, Officer Charles Peabody served the department and his community with distinction, and always in a manner that has been a credit to himself, the Department, and the Town; and
WHEREAS:	During his service Officer Charles Peabody has earned the respect and affection of his fellow officers, town employees and residents through not only his honesty, efficiency, dedication, and expertise, but also through his compassion, humor and warmth.
THEREFORE:	We, the Board of Selectmen of the Town of Lynnfield do hereby offer our deep gratitude, and convey to him the thanks of the citizens of Lynnfield, for his years of dedicated service to the Lynnfield Police Department and the Town of Lynnfield.

Dated this 9th day of March, 2015

David M. Nelson Chairman	Philip B. Crawford Vice Chairman	Thomas D. Terranova, Jr. Clerk
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FY16 Budget Review: Recreation Commission

Chairman Matthew Monkiewicz presented the Recreation Commission operating budget request for Fiscal Year 2016.

Mr. Monkiewicz said that salaries were increasing for the directors at two percent, and that all other expenses were either level-funded or would be funded through the fees collected for program users in the revolving fund. He noted that during this fiscal year, increases in hours were granted to the program's co-directors, Joe Maney (to 19 hours per week) and Julie Mallett (to 35 hours per week). The Recreation Commission is offering several new programs, had implemented online registration and field management programs, which are still being optimized. New events this year included the concert series at Market Street, and the fireworks display. Goals for this year include increasing participation in events by 20 percent; this year, the increase was 189 percent. The commission enjoys a great relationship with the Lynnfield Community Schools program.

Mr. Monkiewicz said that additional goals for the coming year include increasing participation by 20 percent, improving the annual tree lighting ceremony, and introducing one new major event. The commission is working with sports leagues on management of the concessions stand and is drafting a policy on field usage and fees. The commission is also working on field maintenance requirements with the Department of Public Works and the sports leagues, and plans to conduct and publish a recreational assessment and needs study.

The proposed budget is \$48,752, an increase of 1.84 percent.

Chairman Nelson said that the commission has a small budget and does a great job, and is still looking to improve after a phenomenal increase in programs. Selectman Crawford said that the budget presentation was very clean, that the commission makes good use of the revolving fund, and that its programs are very well received. Selectman Terranova said that the commission has taken the program to the next level and commended Mr. Monkiewicz and the entire board. He said the budget presentation was informative and well thought out. He said the program is close to being self-funded. He said people are asking about the fee structure and noted the Memorandum of Understanding between the Board of Selectmen and School Committee on the fields includes a schedule of fees.

Mr. Monkiewicz said the fees in the MOU were set arbitrarily, and when they were discussed further, it became clear that the fees should be based on annual maintenance and long-term capital costs. The commission is working with the DPW on estimates of these costs, and it will take about 30 to 60 days to resolve. There will be no fees charged for field use this spring. In response to a question from Mr. Terranova, Mr. Monkiewicz said

that fees could be higher than those listed in the MOU. Joe Maney is researching the costs, including lighting and usage by private and Town groups. Selectman Crawford provided data on what other communities are charging. He confirmed that there is several hundred thousand dollars in the fields budget for maintenance, and the fees would supplement those funds.

Locations for posting of warrant

Town Clerk Trudy Reid appeared before the Board to present an alternative list of posting locations for town meeting warrants. She said after posting the attorney general's approvals of bylaw changes passed by town meeting, she looked at the locations at which the warrants are traditionally posted. State law does not dictate locations of warrant postings, but only addresses when warrants must be posted. The Town's charter and bylaws state the warrants must be posted in six places chosen by the Board of Selectmen. Current posting locations are the center post office, the center market, the south fire station, Town Hall, the senior center, the south post office and Pump'n'Pantry.

Ms. Reid said she is looking to have the warrant posted in at least one location in each precinct, and is proposing that the posting places be south post office, Lynnfield Water District office, senior center, the center post office, the library, Town Hall and Pump'n'Pantry, which would accomplish this goal. The warrant would also be posted to the website. This would cover all four precincts, and would eliminate locations at south fire station, which is on an outside bulletin board that is hard to access during inclement weather, and the Center Market in the center.

Selectman Crawford said he would like to retain the center market location, to which the other selectmen and Ms., Reid agreed.

On the motion of Selectman Crawford, duly seconded by Selectman Terranova, the Board voted unanimously to approve the following locations for posting of warrants: south fire station, south post office, Lynnfield Water District office, senior center, center post office, library, Pump'n'Pantry, Center Market.

Proposed change to dog licensing fees

Ms. Reid said she is submitting for the Board's consideration a warrant article that would allow the Town to adopt a local option state law that would allow the waiving of dog licensing fees for all owners aged 70 years or older. She said it is not a large fee, but it is something nice the Town can do for its senior population. The same state law waives licensing fees for service dogs. Owners cannot recoup a portion of the license fee if they move out of Town under state law.

Chairman Nelson said this is a nice gesture for the Town to offers seniors. Selectman Crawford agreed and said it should be implemented. He asked that it be forwarded to town counsel for review. Selectman Terranova aid that if the state offers the option, the Town should exercise it, as it is for a good cause.

Fiscal Year 2016 budget presentation

Town Administrator James Boudreau presented his Fiscal Year 2016 budget recommendations to the Board. He said that former administrator William Gustus had this budget 95 percent ready before his departure in January. He said the budget is balanced and makes a substantial investment in capital equipment and maintenance. There is no use of non-recurring revenue, including free cash, in this budget.

The increase in funding for employee and retiree health insurance costs is six percent, based on reports form the state about the Group Insurance Commission (GIC).

While Governor Charles Baker has announced his budget recommendation that would increase local aid by 3.6 percent in general aid and 2.4 percent in Chapter 70 aid to schools, a level-funded state aid figure is carried in the town administrator's budget due to a state budget deficit and uncertainty about the legislature's view on the governor's recommendation. Total revenue is made up of 81 percent property tax revenue, with the remainder from local receipts, state aid and miscellaneous sources. He noted that Town's state aid figure still remains below the 2009 amount. He also said that the history of Lynnfield's revenue totals indicates that when in the past state aid and local receipts (excise taxes, fines and fees) drop, the Town has had a Proposition 2-1/2 override. He also noted that while in the past the Town counted investment premiums and coupons on bond issuance as local receipts, the state now requires that these amounts be returned to taxpayers by using them to pay down the borrowing. The largest increase in local receipts is due to the meals tax, which is expected to grow further with the building out of Market Street.

Available funds from real estate taxation includes the Fiscal Year 2015 tax levy, plus the 2.5 percent increase allowed under Proposition 2-1/2, plus new growth estimated at \$820,000.. In Fiscal Year 2015 new growth was \$2.5 million. Assessing Director Richard Simmons believes the amount will be less because the second phase of Market Street will be smaller than the first and may not be completed at the cutoff date for the establishment of valuation. New growth is expected to drop further once Market Street is completed, and has traditionally been under \$500,000 when Market Street is not included.

The Town's reserves currently stand at \$1,347,372 in free cash, \$1,132,914 in the Stabilization Fund, and \$730,929 in the Capital Facilities Maintenance Funds. No funds from these sources will be used in the FY 2016 budget. The levy limit is \$40,622,442. In addition, \$150,000 from funds placed in the overlay reserve but determined no longer necessary for use for tax abatements will be used in the funding of the capital budget. Mr. Gustus estimated \$1.2 million would be needed for the capital budget; this amount did not include funding for drainage projects. The Department of Public Works increased funding for drainage work in its operating budget request.

The total proposed spending plan is \$50,213,155, which is a 6.35 percent increase over the prior fiscal year. This includes an additional \$657,310 in capital spending above the current fiscal year amount. In addition to a six-percent increase in health insurance costs, pension costs are carried at a 10 percent increase. The GIC is working to reduce premium increases by making changes to employee health plans, including moving from preferred provider (PPO) plans to point of service (POS) plans that require patients to utilize a primary care physician, and higher co-pays and deductibles.

Other significant additions to the budget are an additional \$130,000 for paving projects, for a total of \$250,000 in Town funding to be added to \$600,000 in state Chapter 90 funding for roadways. Mr. Boudreau commented that this winter has been a difficult one in terms of potholes. The operating budget includes two new police officer positions, and a new technology integration specialist and additional part-time tutors in the School Department budget.

Mr. Boudreau said that the proposed budget provides a significant increase in funds for capital equipment and infrastructure, and builds reserves, which is a trend that bond rating agencies consider. The Town could see an increase in its bond rating to AAA, the highest rating, which could save the Town significant money in lower interest rates on borrowing should interest rates rise.

Mr. Boudreau said that the budget is still being refined and is a working document.

Selectman Crawford asked how much new growth is expected to be captured at Market Street in the next two years. Mr. Boudreau said that Mr. Simmons has reviewed the current estimate of \$820,000 and is comfortable with it. He said that making predictions about future years will require looking at what future development is allowed under the development agreement, and when the office space is expected to be completed. Chairman Nelson pointed out that once Market Street is completed, the Town's annual new growth will return to historical norms.

In response to a question from Selectman Terranova, Mr. Boudreau said that the overlay surplus is funding set aside for tax abatements. When the assessors complete all abatement matters from a previous fiscal year, unused funds from that year's overlay are declared surplus and are available for appropriation. Mr. Boudreau agreed to provide an aging analysis on the Town's debt.

Selectman Terranova said that military veterans in Town have inquired about having a meeting place, and find the small meeting room in Town Hall that the American Legion uses for meetings too cramped. He asked if a facility could be found for this purpose. Mr. Boudreau said that he would look for an existing underutilized Town facility. Selectman Crawford said that the former South Branch Library building on Salem Street had been considered and not found suitable.

Selectman Terranova asked about funding for the Historical Commission's cemetery preservation project. Mr. Boudreau said he instructed the Historical Commission to file a capital budget request for this project, and said \$5,000 to \$6,000 could be made available for this purpose.

Selectman Terranova asked about the increase in the town counsel budget. Mr. Boudreau said that this line has been underfunded in the past and that the current year appropriation is nearly exhausted. Mr. Gustus had indicated that with past usage, the transition in town administrators and contract bargaining year approaching, this budget should be increased. Selectman Terranova asked if there is a need for the Town to hire labor counsel. Mr. Boudreau said such hiring would require Board approval, and that he does not tend to use specialized counsel for employee contract negotiations.

Selectman Terranova asked if the Town should start carrying a separate line item to help fund Other Post-Employment Benefits (OPEB) liabilities. Mr. Boudreau said that if there is money available in the fall, the Town could consider placing it in an OPEB trust, and an OPEB line item could be placed in the Fiscal Year 2017 budget next spring. Selectman Crawford asked if this would help the Town's bond-rating position; Mr. Boudreau said it would.

Selectman Terranova asked about \$774,000 decrease in long-term principal payments for Town debt. Mr. Boudreau said he would look at this issue, and said it might be related to the repayment of debt on the recap sheet.

Selectman Terranova said Mr. Boudreau had done an excellent job in his budget preparation over the short period of his employment.

Resident Katy Shea asked about a discrepancy of \$1,127,000 between the Fiscal Year 2015 figures in the Fiscal Year 2016 budget document with a Fiscal Year 2015 operating budget version dated March 12, 2014. Mr. Boudreau said he would look into it. Ms. Shea asked about an increase in the town administrator's salary line last year, which was due to the overlap in service of Mr. Gustus and Mr. Boudreau.

Chairman Nelson said the Board should be ready to vote a budget at its next meeting. Mr. Boudreau said he has completed his capital budget recommendation but is awaiting feedback from department heads. He will have it ready by the end of the week.

Resident Patricia Campbell asked about the proposed move of school administrative offices from Town Hall to the Senior Center building. She said that space has been renovated when the SEEM collaborative moved out and was replaced by the preschool, and now would be renovated again. She said the Senior Center could use some of the space being allotted to school offices, and asked if Summer Street will be overcrowded with preschool classes moving there. Chairman Nelson suggested she discuss school-related concerns with the School Committee. Mr. Boudreau said that the budget provides \$75,000 for renovations for the School Department as well as \$50,000 for installation of a moveable wall and removal of a permanent wall at the Senior Center building.

Ms. Campbell asked about the handling of the snow and ice budget. Mr. Boudreau said snow and ice will be level funded, and noted that this line item and the veterans benefits line item are the only two that can be overspent under state law. The Town will try to address the overage in the snow and ice account within the current year budget by transferring from line items where expenditures are expected to be below the appropriated amounts. The governor has announced plans to allow municipalities to spread out the costs of overages over two subsequent fiscal years due to the large snowfall this winter, but this could lead to problems in future budgets if there are successive high-snowfall winters.

Ms. Campbell asked about the six-percent increase in the proposed Department of Public Works budget. Mr. Boudreau said that there is a \$130,000 increase in paving and significant increases for maintenance and energy costs for Town buildings and facilities. Ms. Campbell also mentioned paving left in poor condition after a water main replacement on Summer Street and potholes on Salem Street. Mr. Boudreau said these items will be addressed in the spring.

Ms. She asked about a 17.2 percent increase in the salary line item in the treasurer's department. Mr. Boudreau noted that this merely a change the attribution of the salary for a position from one line to another.

Policy on use of Al Merritt Media and Cultural Center

Eric Hamlin, director of Lynnfield Studios, said that the Town is very excited about the new Merritt Center facility and its use, and that the number and variety of requests for use of that space illustrate the need to have some policies and procedures in place. In drafting the proposed police and procedures document, he reviewed similar documents from cable television operations of 10 to 12 other communities. The document before the Board this evening deals solely with use of the meeting space; use of the studio and its equipment will be addressed in another documents.

Since its opening last year, the meeting space has been used 68 times by Town boards, committees, departments and community groups. The space is in an area that has shared hallways and restrooms with other tenants, who expect the building to be secured. There have been problems with users proposing the building's external door open, which has caused security concerns.

Mr. Hamlin said he hoped to have a completed and approved document by the end of April. Chairman Nelson asked if the fee schedule is comparable to those charged in other communities. Mr. Hamlin said it is; there would be no charge for Town Boards, committee and departments, but a fee to cover costs charged for residents of \$150 for four hours. There have also been inquiries by Market Street tenants about using the space, funds from which could help supplement the amounts paid by Verizon and Comcast to support the public, education and government access cable operations. Mr. Hamlin said he is spending about 20 percent of his time on issues related to meeting room use.

Asked about cable services and costs, Mr. Hamlin said he is trying to expand offerings from the schools, including sporting events and special programming. He said that with electronics equipment, compatibility issues require the replacement of equipment about every four years. Additional equipment will be needed.

Mr. Boudreau said all cable expenditures and revenues are handled through the cable account. Mr. Hamlin said many communities have converted their cable operations to non-profit entities governed by a Board of Directors. Chairman Nelson said this option should be studied. Selectman Terranova asked how that transition would be made. Mr. Boudreau said he would start exploring that issue after town meeting. Ms. Campbell said in a 501(c) (3) corporation, policy would be set by the directors, not by Town government. Selectman Terranova said he would be glad to assist in the formation of such an entity.

The Board took the matter under advisement. Mr. Boudreau said that policies for the use of equipment and the programming for the cable operation have not been drafted yet.

Update on Perley Burrill matter

Selectman Terranova recused himself from this discussion due to a prior business relationship with the owner of the property, saying he wished to err on the side of extreme caution and left the room during it.

Mr. Boudreau said that the asbestos has been found in roofing tiles in the building, and that an asbestos abatement plan must be field by the owner with the building inspector and Board of Health before a demolition permit can be granted.

Selectman Terranova rejoined the meeting.

Announcements

Selectman Crawford congratulated the Lynnfield High School winter sports teams on a fine season.

Selectman Terranova said that the Board should have a quarterly review of the Town's financials, which would take about 10 to 15 minutes at a Board meeting. He said he would like to see this added to future agendas. He would also like to see the plans to resolve the snow and ice deficit when they are completed, and he would like to have the Town's independent audit firm come before the Board to review the findings of the recent audit.

Selectman Terranova also asked about flooding in the Perry Avenue areas and what measures would be taken to address this issue in next year's budget. Mr. Boudreau said that this is a complicated issue because some of the drainage issues are on land not owned by the Town, but owned by the Massachusetts Bay Transportation Authority (MBTA). The Reedy Meadow area also feeds the City of Lynn water supply. He recently met with a local resident who has been involved in these drainage issues and the town engineer to review the matter.

Resident Phillip McQueen of Ford Avenue asked why Town leaders were not moving forward with seeking lease of the MBTA property for the proposed rail trail this spring. Mr. Boudreau said that the Recreational Path Committee decided not to bring the article forward that would authorize the entering into a 99-year lease on the land because the engineering study has not been completed and funding for the project is not yet in place. The Town does not wish to accept any liability for the land until the project is ready to move forward. The contract with the engineering firm expires at the end of this fiscal year and a report is expected before this time. He has discussed the matter with the Wakefield town administrator.

Use of Town facilities

On the motion of Selectman Terranova, duly seconded by Selectman Crawford, the Board voted unanimously to allow the use of Town streets for the Lynnfield Athletic Association (LAA) road race on July 4, 2015. Board members praised this event and the LAA.

The Board held off on an application by Centre Congregational Church to use a Town park for an Easter sunrise service in order to clarify the requested location.

In other business

Chairman Nelson read letters of commendation prepared for the Board for Eagle Scouts Brandon Troisi, Kyle Flannery, James Meagher, Andrew Moorman, Ethan Forrest and Samuel Forrest. Board members congratulated these young men and their troop leaders for this accomplishment.

On the motion of Selectman Crawford, duly seconded by Selectman Terranova, the Board voted unanimously to adjourn at 8:44 p.m.