

BILLERICA FINANCE COMMITTEE MINUTES

April 18, 2023

A meeting of the Billerica Finance Committee was held on Tuesday April 18, 2023, at 7:00 p.m. in Room 210 in the Town Hall.

Present: David Gagliardi, Chairman; John Mulloy, Vice Chairman; Mary McBride, Secretary; Donald Damon, Member; Douglas Fogerty, Member; Sharon Healey, Member; Patrick Logue, Member; Philip Newfell, Member; Larry Norman, Member; Darlene Torre, Member; Paul Watson, Ex-Officio Town Accountant; and Joyce MacMillan, Recording Clerk.

Excused: Doug Meagher, Member; and Brian Dorrington, 2nd Associate.

CALL TO ORDER:

Chairman Dave Gagliardi called the meeting to order at 7:00 p.m.

PUBLIC COMMENT:

None

WARRANT ARTICLES:

Article 33 – To Authorize the Select Board to Accept Roads as Public Ways – Kelly Conway and Fred Russell, Rino Moriconi

To see if the Town will vote to accept the following listed roads as public ways in accordance with the layouts adopted by the Select Board and on file with the Town Clerk; and to authorize the Select Board to acquire by gift, purchase, or eminent domain, such interests in land as are necessary to provide for the use and maintenance of said ways for all purposes for which public ways are used in the Town of Billerica; and further, to authorize the Select Board to execute any documents or instruments necessary to effectuate the purpose of this article. See list in Warrant Article.

Mr. Russell went over the article and the listing of the streets.

Chairman Gagliardi opened the floor to the committee for questions or concerns. How is a small portion of a road not accepted but the rest of it is? Not sure, it's possible the homeowners at the time did not agree to be part of the accepted roadway. The two citizen petitions, pros & cons? It was explained that to repair these roads using Chapter 90 funds, the roads had to be accepted. If not accepted, the citizens that live on the unaccepted roads must pay for repairs themselves. What is the condition of these roads? Most of these roads are being sewered shortly, and in the process we will be destroying the roads so it makes sense to accept the roads as they are being repaved.

John Mulloy, seconded by Larry Norman, made a motion to recommend Article 33 as printed in the preliminary warrant.

It was voted:

10 – In favor

0 – Opposed

Article 37 – To Amend a General By-Law – Discharges to the Municipal Storm Sewer System – Kelly Conway and Fred Russell

To see if the Town will vote to amend General By-Law Article XXI – By Law Governing Discharges to the Municipal Storm Sewer System as follows, with struck-through language

deleted and underlined language inserted therein. See Warrant Article for the Updated By-Law.

Mr. Russell stated that Articles 37 and 38 are related but separate articles. This article (37) is just changing authority from Board of Health to the DPW. The reason for this is many of the applications for permits are done by professional engineers, and the DPW has a professional Storm Water Engineer (Christina Papdopolous) who is better suited to review these applications.

Chairman Gagliardi opened the floor to the committee for questions or concerns. Currently these applications are approved by the BOH, what brought about this change? We feel the DPW Storm Water Engineer is better suited for reviewing these applications. In most towns, it is handled through the DPW. BOH is okay with this? The BOH did not have any objections to this. Who would have the duty of enforcing this? Christina Papadopoulos, the town's Storm Water Engineer. In the Preliminary Warrant with the Legal Opinions, it looks like there are other changes, what are they? There are some minor term and definition changes. Will there be a budget shift from BOH to DPW? It is already funded under DPW (Engineering).

John Mulloy, seconded by Don Damon, made a motion to recommend Article 37 as amended by Town Counsel in the preliminary warrant.

It was voted:

10 – In favor
0 – Opposed

Article 38 – To Amend a General By-Law – Stormwater Management By-Law - Kelly Conway and Fred Russell

To see if the Town will vote to amend General By-Law Article XXV – Stormwater Management By-Law - as follows, with struck-through language deleted and underlined language inserted therein. See Warrant Article for the Updated By-Law.

Mr. Russell explained this article is to transfer stormwater management to the DPW from BOH to help streamline permitting. The main difference between this version of the By-Law and the prior version is that the Stormwater Authority will be changed from BOH to DPW, and certain smaller scale land disturbance activities will be subject to an Administrative Stormwater Approval rather than a Stormwater Management Permit. This will put us more in compliance with the EPA.

Chairman Gagliardi opened the floor to the committee for questions or concerns. The runoff would already have been subjected to the Planning Board and/or Building Dept. to get their permits necessary for the construction. Yes, for larger projects. This would be for anyone adding 500 sq ft or more of impervious foundation, such as a garage or driveway expansion. We want to be able to verify there will not be any adverse effect on the water. Does this have fees? Yes. Does this apply to driveway repairs? Not repairs, but if the driveway or impervious foundation is extended by 500 sq ft or more. What was the outcome of the public meeting? Currently, any submission under the current By-Law requires a permit and a public hearing with the BOH. They typically require a Planning Board hearing and in some cases a conservation commission hearing. The project could potentially have three public hearings. This article is saying we would do in-house reviewing which is typically what we do for

Planning and Conservation anyway. This would eliminate requiring three public hearings for the one project.

John Mulloy, seconded by Larry Norman, made a motion to recommend Article 38 as amended by Town Counsel in the preliminary warrant.

It was voted:

10 – In favor
0 – Opposed

FY24 BUDGET:

Billerica Public Schools Budget – Tim Piwower, Superintendent and Dr. Jill Geiser, Asst Superintendent

Mr. Piwower handed out copies of his PowerPoint to the committee prior to the meeting, after distributing electronic and printed copies of the School Budget earlier. We are bringing forth the budget and three of our four contract articles tonight. The fourth one is expected to be ratified by the School Budget Sub-Committee this coming Tuesday (April 25, 2023) night, and if it does FinCom will hear it on April 27, 2023. The Superintendent went over the budget, the contracts, the formulas used and the challenges they had. Also went over the biggest budget changes, projections, and challenges.

Chairman Gagliardi opened the floor to the committee for questions or concerns. Sharon Healey stated that she, as a School employee, sent the proper disclosure/documentation to the Town Moderator; she can vote the bottom line but not some of the contracts. She is concerned about increasing some classroom sizes slightly, but totally understands why it was done.

Also, there are concerns about all the employees that are leaving the School Dept. There was an almost 12% jump in the Operation Services, did they give any explanation or justification? It was done back in the fall; it was dropped on the school districts without any advance warning or notification. The justification was it is incredibly difficult to find staff. The private special education schools had to add to wages, offer signing bonuses, etc. The bottom-line number, is that something you and the Town Manager negotiate? Yes, we've always met starting in December to over what the budget pressures are and try to work on coming up with a number that we can work with. The 14% you were talking about; did you say the private tuition bill is sent with that built in? Yes, the private education tuition school's tuition is set by OSD (Office for Students with Disabilities). It's set at state level and there are some schools that do not think this is enough and are petitioning for higher than the 14 percent. Has there been any pushback on having to add one student to the classroom size? We have not yet, but not sure people are fully aware of it yet. What was the School Committee vote on the budget? They voted unanimously in favor. When was the last time the school department had a reduction in staff due to layoffs/budget cuts? Around 2013/14, the enrollment went down to about 1500.

There are a few Paraprofessionas making in the \$40's and a couple in the \$50's, is that due to the new contract where they must qualify? The Paraprofessionals has four groups. Group 1 through 3 are relatively similar, they don't need a specialized license, but there could be specialized work in those groups. Group 4 has two categories, one is a Registered Behavior Technician, the other is an LPN. How many students are in kindergarten? 379 are projected for next year. What is the difference between SPED and IEP? An IEP (Individual Education Plan) is a unique educational plan required for a student who is classified as a member of the

Special Education population. The Mass state level used to be 16.8%, what is it now? It's gone up with the state and us. Currently, Billerica is at 23.2% and the state average is 19.4%. Why the difference between us and the state? There are a lot of factors, we have people moving to Billerica for the services we offer, the number of kids diagnosed on the Autism Spectrum is very high, and our response and intervention.

How much is the School Dept. receiving in grant money this year? Typically, the grants we receive each year are Titles 1, 2A and 4A with 1 hovering around \$250,000 a year. In the past, it was over \$500,000 but as the lower income population drops down so does the amount we receive. 2A is about \$90,000 and \$100,000 and usually goes to professional development and 4A is usually \$15,000, 16,000 or 30,000 depending on the year. Over the past couple years, we have also received Esser 1, 2, and 3 Grants but they will end as of next year. Esser 3 the original allocation was \$1.8 million, Esser 2 original allocation was about \$796,000 and not sure what Esser 1 was. We spent \$145,000 on homeless transportation, how many homeless children do we have? Currently, there are 17. What is the longest ride? They are all in the Merrimack Valley, a couple coming in from the North Shore.

John Mulloy, seconded by Mary McBride made a motion to recommend the Billerica Public Education Budget in the amount of \$76,326,794.

It was voted:

9 – In favor
1 – Opposed - Torre

School Contracts – Tim Piwowar, Superintendent and Dr. Jill Geiser, Asst Superintendent

Mr. Piwowar gave a handout of his Power Point presentation for these three articles prior to the meeting.

Article 14 – To Fund Collective Bargaining Agreement – School Custodial

Mr. Piwowar went over the contract numbers for this article in the Power Point presentation.

Chairman Gagliardi opened the floor to the committee for questions or concerns. Retired custodians in good standing can be called to be used for OT. If we have gone through the list of active custodians and no one wants the OT, we have the option to call a retiree. Does that happen a lot? Not sure, it has not been enacted yet, but we have had to force OT in a couple of instances. What is the definition of good standing? They did not retire under duress. We are only using raise and appropriate (R & A) for FY24 and 25? Correct. How many holidays did they get prior to Juneteenth? Currently there are 13 now with this one there will be 14.

Jon Mulloy, seconded by Larry Norman, made a motion to recommend Article 14 in the amount of \$132,432.

It was voted:

8 – In favor
2 – Opposed – Logue & Damon

Article 15 - To Fund Collective Bargaining Agreement – School Clerical

Mr. Piowar stated FY23 is covered within FY22, FY23 retro is covered in the existing year, the rest is raise and appropriate (R & A) in FY23 and 24.

Chairman Gagliardi stated his daughter is covered under this article, he has a disclosure on file in the clerk's office, he is recusing himself from this article and Vice Chair Mulloy will step in.

Chairman Gagliardi opened the floor to the committee for questions or concerns.

Mary McBride, seconded by Patrick Logue, made a motion to recommend Article 15 in the amount of \$61,487.

It was voted:

9 – In favor
0 – Opposed

Article 16 – To Fund Collective Bargaining Agreement – School Cafeteria

This is a raise and appropriate (R & A) contract, zero dollars because the cafeteria contract is from the revolving account. The COLAs are front loaded, \$125 added for longevity each year, effective next year the \$300 annual uniform allowance will be changed to an extra \$0.50 an hour in their pay.

Chairman Gagliardi opened the floor to the committee for questions or concerns. If the Commonwealth moves forward with the free lunch program, will it impact you? It could cause a little bit of a strain on the kitchens with the level of volume, but the revolving account is in good shape because we get reimbursed for each meal. What is the source of funding for the revolving account? State and federal reimbursement for lunches. We are paying the cafeteria workers and feeding the kids from the revolving account? Yes, the cafeteria revolving account can only be spent on cafeteria purposes such as wages for cafeteria workers, food and equipment for the cafeterias and we are looking into whether we can offset some of the utility expenses through it. Will you make a factor sheet of the costs for electricity and gas that the cafeterias use? We have not done that yet, but it is something I will encourage the next Superintendent to do. How would you fund it if the free lunch program goes away? The revolving account can carry significant balances for periods of time. We have been purchasing new cafeteria equipment, we don't need to do this every year so there will be some level of balance in the account that can be sustained. Have any of the other unions said anything about the 4.25% in this contract and the others are only 2.75%? These three contracts all have the same union president, the same negotiator and this contract settled first. Plus, we were very clear that the funding sources are very different. The clothing allowance, how was that paid out in the past? It was paid through our Accounts Payable office as reimbursement. To prove it was cafeteria related expenses, everyone had to submit a receipt. The receipts were processed as they came in, and it was a nightmare of bookkeeping.

Jon Mulloy, seconded by Larry Norman, made a motion to recommend Article 16 in the amount of zero dollars.

It was voted:

10 – In favor
0 – Opposed

Tim thanked the finance committee. He always enjoyed coming before them, there were always meaningful and insightful conversations. Jill added that the level of collaboration in this room and across departments is incredibly important and something I will bring with me going forward to my new position (Superintendent for Belmont Public Schools). The committee wished them well in their new jobs and asked them to forward well wishes to Robin as well.

WARRANT ARTICLES:

Article 36 – To Amend Article 1 Section 6 of the General By-Law School Budget

This Article moved to the next meeting.

Article 32 – To Fund Recodification of the Zoning By-Law – Erika Jerram

To see if the Town will vote to raise and appropriate or transfer from other available funds the amount of \$65,000 to fund the recodification of the Zoning By-Law.

Ms. Jerram handed out a copy of her presentation to the committee. She went over the article with a Power Point presentation. She reiterated there are no zoning amendments being proposed by the Planning Board at the Town Meeting this year. This is just an ask for money to do the work for recodification. We would go through a Chapter 30B procurement process. Billerica adopted the Zoning Code back in 1945, over the decades it has been amended many times. The Zoning Code is used by many, and the Building Commissioner is the Zoning Enforcement Officer. If a project does not meet the zoning codes, they are allowed to apply to the ZBA (Zoning Board of Appeal). We have commissioned a Zoning Diagnostic Report, what we are calling a Zoning Audit. It is not a solution or recommendation; we are not going to the Town Meeting saying here's how we need to fix zoning. It just says here's the problem, now we must go and fix it. You received a copy of the Technical Review and Policy Considerations in your packets. There is a new proposed organization of how we would view documents, it is only a recommendation. The recodification is only dealing with the technical review. The recodification is only reorganizing, clarifying, simplifying the language where we can, making it easier to read and finding all the inconsistencies and we will need to make some policy decisions. Fundamentally there will be no policy changes.

Chairman Gagliardi opened the floor to the committee for questions or concerns. You're not changing the content, you're basically just cleaning up items like page numbers, scrivener errors, inconsistencies to make the document easier to read, is that right? Barret Planning did the diagnostic, will they be doing the Recodification? It must go out to bid, I would assume they will be bidding on it. They are well suited to this work. Why isn't the Planning staff doing this? It would take years to complete, the Planning staff has other work to stay on top of. Having a third party take it on will bring in a new perspective and stay objective. The \$65,000 is that what you anticipate paying for this job or will it include outreach and other items? We would tell the bidders this is what we have, and this is what we want it to go towards. The companies submitting a proposal would have to tell us how they are going to get there. It would have to include the outreach. There's a lot of concern here, one word can change the entire meaning. Words can be watered down, changed, deleted, or added and can change meanings. Words matter, it is a big concern. Who is submitting this article? It was submitted by the Town Manager.

John Mulloy, seconded by Larry Norman, made a motion to see if the Town will vote to raise and appropriate or transfer from other available funds the amount of \$65,000 to fund the recodification of the Zoning By-Law.

It was voted:

9 – In favor
1 – Opposed - Logue

Article 34 – To Dispose of Town-Owned Land for the Purpose of Affordable Housing on Wildcrest Avenue

This Article will be heard at the next meeting.

Article 41 – Recording of Public Meeting Policy – John Burrows

To see if the Town will vote to amend the Town’s General By-Laws, XV, procedures, by inserting therein the new subsection 6, “Recording of Public Meetings”, as follows: See Revised Warrant Article and Town Counsel’s new legal opinion (distributed) for wording.

This Article will be heard at the next meeting.

MINUTES: April 4, 2023

On page 2, CF2 needs to be changed to SEER 2 (Seasonal Energy Efficiency Rating).

John Mulloy, seconded by Patrick Logue, made a motion to accept the minutes of April 4, 2023, as amended.

It was voted:

10 – In favor
0 – Opposed

Miscellaneous Correspondence:

Next Finance Committee Meeting is April 27, 2023 at 6:00 PM.

ADJOURNMENT:

John Mulloy, seconded by Phil Newfell, made a motion to adjourn.

It was voted:

10 – In favor
0 – Opposed

Chairman David Gagliardi adjourned the meeting at 9:30 pm.

Joyce MacMillan, Recording Clerk