

## **BILLERICA FINANCE COMMITTEE MINUTES**

**April 27, 2023**

A meeting of the Billerica Finance Committee was held on Thursday April 27, 2023, at 6:00 p.m. in Room 210 in the Town Hall.

Present: David Gagliardi, Chairman; John Mulloy, Vice Chairman; 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: Mary McBride, Secretary, Doug Meagher, Member; and Brian Dorrington, 2<sup>nd</sup> Associate.

### **CALL TO ORDER:**

Chairman Dave Gagliardi called the meeting to order at 6:00 p.m.

### **PUBLIC COMMENT:**

Doreen Healy, Billerica resident – Concerned with how high the Shawsheen Tech budget is. Stated we hold our public school to certain standards and feels the same should stand for the Shawsheen Tech.

Carol Reardon, Billerica resident – Has two children at Shawsheen and is here to support their budget. Carol went over all the reasons for supporting this budget.

### **WARRANT ARTICLES:**

#### **Article 13 – To Fund Collective Bargaining Agreement – School Administrators – Tim Piwowar**

To see if the Town will raise and appropriate the sum of \$158,283 to fund the first- and second-year cost items contained in the successor Collective Bargaining Agreement between the Town of Billerica School Committee and the Billerica Administrators Group affiliated with the Massachusetts Association of Professional School Administrators for a term of July 1, 2022, to June 30, 2025.

Mr. Piwowar went over the article and the Memorandum of Understanding (MOU) that was provided to the committee prior to the meeting.

Chairman Gagliardi opened the floor to the committee for questions or concerns. Is the \$158000 cover FY 24 and 25? The increase covers June 30, 2022, to the start of July 1, 2023. The 2.5, 2.5 and 2.5 are across the board, covering step increases and pay raises? Yes, no extra step or bump in the steps. Anything else that is there is a one off, a stipend that was changed, and other changes made to the degree differentials was in exchange for the longer days. What is the amount of longevity? It is based on years of service within the school department and ranges from 5 years / \$1500 up to 25+ years / \$4500. What is the 3.50% listed for FY24 COLA on the handout? It is the COLA and revised differences between degrees. A masters used to be 2.99%, it is now 3.50% and the full list is there with the new percentages for master's on up to PHD.

John Mulloy, seconded by Don Damon, made a motion to recommend Article 13 as printed in the final warrant.

It was voted:

10 – In favor

0 – Opposed

**Article 36 – To Amend Article 1, Section 6.1 and 6.2 of Proposed Budget: Submission to the Finance Committee – Clancy Main, Asst. Town Manager**

To see if the Town will vote to amend General By-Law Article 1, Section 6, Proposed Budget – See Warrant for changes.

Mr. Main stated this Article does two things, it memorializes what the town side does with our process and puts the school department on a level playing field with the town. It also gives the town a better idea of how the school came up with their numbers. The select Board voted for this unanimously.

Chairman Gagliardi opened the floor to the committee for questions or concerns. Is this what we do already, it's just now being put in writing? It is what the Town side currently does. Currently, the school does not give it to us 65 days before. They give it to the Finance Committee about 30 days before, but Tim and John work out a number beforehand. So, this will be a new timeline for the new superintendent? Correct. Question to Mr. Piowar, are the numbers workable? The School Committee voted unanimously not to recommend this article; they have concerns. The School's Legal Counsel says it is a valid By-Law. However, it is an unenforceable By-Law, you cannot hold money from the School Department by state law. Working with an accelerated timeline can create an inflated budget or maybe programs get cut to leave contingencies. Currently, do we have a timeline, or can the budget get dropped on us at any time? Is this a General By-Laws change? Yes. Did it go before the By-Laws Committee? Yes. What was the vote? 4 to 3 in favor. Is there any other similar language in other communities? There may be but not sure.

John Mulloy, seconded by Patrick Logue, made a motion to recommend Article 36 as written in the final warrant.

It was voted:

6 – In favor  
4 – Opposed – Healey,  
Newfell, Norman and  
Gagliardi

**Article 41 – Recording of Public Meeting Policy – John Burrows**

To see if the Town will vote to amend the Town's General By-Laws, Article XV, procedures, by inserting therein the new subsection 6 "Recording of Public Meetings". As follows. See Warrant for wording.

Mr. Burrows explained this article is to help provide better access to public meetings, more resident participation, transparency and allow a greater portion of the community to get involved. Would also be less use of fossil fuels, overcrowded meeting rooms, less utility costs for the building and less facilities costs. People with disabilities or home bound will have greater access, better participation, virtual meetings would also free up the meeting rooms, people wouldn't have to worry about getting a babysitter, or rushing home after work to get ready to go to a meeting, they could just do the meeting from home. This Article also states that all meetings should be recorded and available to the public.

Chairman Gagliardi opened the floor to the committee for questions or concerns. Did you consult with any other legal counsel? It went before Town Counsel. What happens if there are two meetings on the same night? Everyone one of our Department Heads has a laptop Chromebook assigned to them from the town. At every meeting you must have recorded minutes submitted to the Town. Chairman Gagliardi stated that the remote participation is for the members of the committee, this article is a much broader application. Do we know how much this would cost? It's already being paid for. The Town already pays for Zoom, we already have record retention, already have fiber-optics, there's a building across the street, and we have an IT guy. How many Zoom meetings can the Town have at the same time? Currently, two. The Town has two licenses. We could buy more licenses; it is \$100 a month per license. This is a change to the General By-Law; did you go to the By-Laws Committee? This is out of the purview of the By-Law Committee. The language app is a good thing, is it available for live stream? We don't own BATV so we cannot force them to have it. But this could be a good opportunity to have the kids from Shawsheen video the meetings. They have great stuff like this app available. What other community in the area have tried this? Tewksbury, however; they did not get the results they were hoping for. Once it's done, who owns it? Who will make sure the meetings are online for public viewing? Whoever oversees taking care of the record retention. Do we now possess all the equipment needed to host the committees listed in the article? The Town can do Zoom meetings in Room 210, the Select Board room, the Howe Building and the Buck Auditorium. We only have two licenses for Zoom meetings. We get 10 gigabytes of cloud storage with Zoom. How much would the storage we need cost? We don't know. How long do we store the recordings for? For however long MGL says. MGL does not cover it, they only cover the minutes retention. Archiving offsite on YouTube and Archive.org is free. For onsite storage we would need some kind of server and that would be a cost to the Town. Is there a cost to having someone come in to host the Zoom meetings? There are some committees that already have a person taking care of the hosting and there are some that do not, and they would have to bring someone on board for them.

John Mulloy, seconded by Larry Norman, made a motion to recommend Article 41 as amended by Town Counsel in the final warrant.

It was voted:

4 – In favor – Damon,  
Dorrington, Logue & Mulloy  
6 – Opposed

This meeting recessed at 6:58 pm

This meeting resumed at 7:28 pm

**FY24 BUDGET:**

**Shawsheen Tech Assessment**

Mr. McIntosh was not present at the meeting, since nothing has changed since his previous attendance where he presented the entire SVTHS Budget in detail. He did send an email to the committee explaining their Sub Committee tabled the question this committee asked of them, which was the only question the FinCom had asked during their initial presentation.

Chairman Gagliardi stated that all the committee asked of them was “Would they consider using a portion of their E & D funds?” (what they call their free cash) to help pay down the amount.

Chairman Gagliardi stated this budget has already been discussed. Do we want to support this budget as it is or not. If three out of the five communities approve this at their Town Meetings, we will have no choice, no recourse on the assessment. We can make our case on the Town Meeting floor. If we do vote it down, we would have to adjust the total budget number, reducing it by the amount of our assessment.

Chairman Gagliardi opened the floor to the committee for questions or concerns. If we do not recommend it, it will not matter? Correct. How much over was their budget from what we thought it would be? Over \$600,000, a 6.9% increase. We must pay whether Town Meeting approves it or not. Correct. What is the assessment amount? It is \$10.6 million. Billerica is the biggest town, so we will be more impacted by this than the smaller towns. We didn't ask them to zero the line out, we asked them to consider reducing it to the level we had anticipated. Chairman Gagliardi asked Mr. Curran if we do vote this down and we reduce the budget, do we reduce it by the entire amount or just the 6.9%. Mr. Curran does not think it matters because it is not going to affect the outcome, it is more of a protest vote. He also doesn't think he should be answering questions on this budget, representatives from Shawsheen should be.

John Mulloy, seconded by Larry Norman made a motion to recommend the Shawsheen Valley Technical High School Budget in the amount of \$10,011,652.

It was voted:

7 – In favor  
1 – Opposed – Newfell  
2 – Abstain – Damon & Fogerty

**WARRANT ARTICLES:**

**Article 17 – Fiscal Year 2024 Town and School Budget – John Curran**

To see if the Town will vote to adopt, pursuant to Article 5 of the Billerica Home Rule Charter, the proposed following line-item budget for Fiscal Year beginning July 1, 2023, and ending June 30, 2024. It is anticipated that \$92,695 will be transferred from the Hallenborg Rink Fund to fund a portion of the Debt Service Budget. See Warrant for more.

Chairman Gagliardi opened the floor to the committee for questions or concerns. None

Jon Mulloy, seconded by Patrick Logue, made a motion to recommend the fiscal Year 2024 Budget in the amount of \$178,638,076.

It was voted:

10 – In favor  
0 – Opposed

**Article 7 - To Fund Collective Bargaining Agreement – IAEP Police EMT's and Paramedics – John Curran**

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to fund the first-year cost items contained in the successor Collective Bargaining Agreement between the Town and IAEP Police EMT's and Paramedics (International Association of EMT's and Paramedics).

Mr. Curran went over this contract. They changed their strategy at the bargaining table knowing that 2, 2 and 2 wouldn't cut it. A lot of paramedics are leaving, and it is not just due to the pandemic. There is a new, almost like a house call system being developed in the hospitals. Paramedics are going out to visit patients during the day. It is a day-hours and more money. He also explained the new steps and competitive wages to try to bring in new paramedics. The appropriation for the first two years is the contract is \$179,000 and the retro is \$189,000 from free cash. This should help us fill the four openings we currently have.

Chairman Gagliardi opened the floor to the committee for questions or concerns. This will help keep us competitive. That is the goal. If there is only one paramedic on the truck does that mean there is a second person that is not a paramedic or not another person at all? The second person is an EMT. Does that whole EMT/Paramedic service bring in a profit? Not quite there yet when you include legacy costs, but revenues more than cover operating expenses. Does it cover the ambulance costs? No, not entirely. Ambulances are getting very expensive, and we need to order them at least two years in advance now. What are we using for the escalation rate on the out years in this contract? There is no COLA, for the next three years this is where they are at. What are they receiving within this contract? The biggest thing is the hiring at step 6. With the holidays, when we added in Juneteenth, did we take any away in exchange for it? No, it was a federal holiday.

John Mulloy, seconded by Larry Norman, made a motion to recommend Article 7 as printed in the final warrant.

It was voted:

10 – In favor  
0 – Opposed

### **Article 8 – To Fund Collective Bargaining Agreement – BMEA DPW Workers – John Curran**

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to fund the first-year cost items contained in the successor Collective Bargaining Agreement between the Town and BMEA DPW Workers (Billerica Municipal Employees Association).

This one was just settled today. Originally this was supposed to go to mediation, but we asked them to come back to the table. They were given 4, 3 and 3 plus the COLA, made an adjustment to the wage scale and got rid of the 30-year step and mandatory overtime. Adjustments to the FML and sick time language. Reclassifications to some positions. Training for CDL license with an agreement the employee stays at least two years.

Chairman Gagliardi opened the floor to the committee for questions or concerns. Do the Municipal and State employees not get FML or Small Necessities Leave Act? They get it but they're not required to be paid. How much does it cost for CDL Training? We are building a program in-house; it will be much cheaper for the employee. Getting the CDL on your own could be \$7,000 or more. Cheaper for the Town to train a group all together. If a shift cannot be filled by a member on overtime we can use a private contractor, do we have an agreement with a contractor? This can be a private contract with a retiree. What about number 11, Credit for Past Municipal Service? New hires can get credit if they are coming in from another towns DPW, it must be a municipality not a private company. Can we put a GPS in the Town

vehicles? The law requires the Town to impact bargaining such items. Do we still give a stipend for clothing allowance? Yes.

Jon Mulloy, seconded by Larry Norman, made a motion to recommend Article 8 as printed in the final warrant.

It was voted:

10 – In favor  
0 – Opposed

**Article 10 – To Fund Collective Bargaining Agreement – Billerica Professional Administrators Association – John Curran**

To see if the Town will vote to raise and appropriate a sum of \$120,350 to fund the first-year cost items contained in the successor Collective Bargaining Agreement between the Town and Billerica Professional Administrators Unit for a term of July 1, 2023, to June 30, 2026.

The COLA for this is 4, 3, 3, 1 and the 1 is effective January 1, 2026, which is half of the last year of the contract. The cost for the is \$120,350 and is raise and appropriate and it will start on July 1, 2023. There is no retro to be paid. The sick leave incentive was changed to \$1,000 from \$500. There is also a buyback for up to 1 week of vacation prior to June 30<sup>th</sup>.

Chairman Gagliardi opened the floor to the committee for questions or concerns. How many employees? About 30. Do the employees lose their vacation days if they do not use them? Yes, but now they can carry over 5 days.

John Mulloy, seconded by Larry Norman, made a motion to recommend Article 10 as printed in the final warrant.

It was voted:

10 – In favor  
0 – Opposed

**Article 12 – To Fund Collective Bargaining Agreement – IAFF Firefighters – John Curran**

To see if the Town will vote to raise and appropriate a sum of \$322,186 to fund the first-year cost items contained in the successor Collective Bargaining Agreement between the Town and IAFF Firefighters (international Association of Firefighters) for a term of July 1, 2023, to June 30, 2026.

This one is 3,3,3 and the COLA and the EMT stipend. Most of the firefighters are EMT's, there are about 11 that are not. There are four paramedics, they got an extra 1.5. The big focus with the Fire Department is overtime.

Chairman Gagliardi opened the floor to the committee for questions or concerns. Are we seeing the same problem with the firefighters as with the DPW and looking for big numbers? Yes. Christmas Day Night? It is a holiday they asked for. How many openings do we have in the Fire department right now? None, we are fully staffed. In the contract, Article 19, Section 2 doctors note, the last line, "Members with zero hours vacation and zero hours personal time must provide a physicians certificate of illness". If they provide this certificate from their doctor, are they getting paid? Yes, but they need to have sick time to use.

John Mulloy, seconded by Don Damon, made a motion to recommend Article 12 as printed in the final warrant.

It was voted:

10 – In favor  
0 – Opposed

Larry Norman left the meeting at 9:50 pm.

**Article 34 – To Dispose of Town-Owned Land for the Purpose of Affordable Housing on Wildcrest Avenue - John Curran, Town Manager**

Mr. Curran stated this article was initiated by the select board to try to create an affordable housing inventory. Some of the drainage issues and road issues will be corrected. If these lots are purchased through an RFP (Request for Proposal) then 50% of them would be affordable housing.

Chairman Gagliardi opened the floor to the committee for questions or concerns. Some of the lots look sizable, could duplexes be put on them? Depends on the lot size and zoning. What is currently on the lots? Nothing, they are vacant lots. Will they be sold at Fair Market Value? They would be sold through an RFP process, so yes, they would go for FMV. If we sell the property, does that go into the General Fund? Yes, into the General Fund. Can we stipulate where the funds go? You can only stipulate that it goes towards debt or land purchase. How many other properties do we have in our inventory right now? We do have that number somewhere, but it is roughly 900 and that includes everything, small lots, unbuildable lots, etc. Through the RFP process do you have to accept one or can you say none are acceptable? We do not have to accept; we can throw all the bids out. How long will it take to bring the sewer down Wildcrest (I think it is part of contract 12), pave it and bring in utilities? It is one of the proposed districts but not sure how long it would take. Have the properties been perk tested? No, the properties are being sold “as it”. That whole area is conservation heavy right? Yes, and the Shawsheen river runs through the back area. Someone couldn’t buy it up and have the area rezoned to put something very large there, could they? Will the abutters have any say in the RFP process? No.

John Mulloy, seconded by Doug Meagher, made a motion to recommend Article 34 as printed in the warrant.

It was voted:

6 – In favor  
3 – Opposed – Damon,  
Logue and Mulloy

**Reserve Fund Transfer for Library Emergency Elevator Work – John Curran**

This is for the library elevator, there is a shaft in the bottom that is cracked. It’s going to be an expensive project. It’s a custom-made piece. This is considered an emergency because it is impeding access to the second floor and basement levels.

What broke, a pin in the hydraulic shaft. Will the second floor still be available to ambulatory people? Yes. \$84,520 is coming out of the Finance Committee Reserve Fund? Yes. What’s the estimate to fix it? \$87,000 and some change. The excess funds will come from the Capital Account.

John Mulloy, seconded by Don Damon, made a motion to authorize a transfer from the Reserve fund for library emergency elevator work in the amount of \$84,520.

It was voted: 9 – In favor  
0 – Opposed

**MINUTES: April 13, 2023, and April 18, 2023**  
**April 13, 2023**

John Mulloy, seconded by Don Damon, made a motion to accept the minutes of April 13, 2023, as amended.

It was voted: 7 – In favor  
0 – Opposed  
2 – Abstained – Damon & Newfell

**April 18, 2023**

On Article 38, it should be Patrick that seconded the motion, not Larry.

John Mulloy, seconded by Patrick Logue, made a motion to accept the minutes of April 18, 2023, as amended.

It was voted: 7 – In favor  
0 – Opposed  
2 – Abstained –Newfell & Meagher

**Miscellaneous Correspondence:**

None

**ADJOURNMENT:**

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

It was voted: 9 – In favor  
0 – Opposed

Chairman David Gagliardi adjourned the meeting at 10:01 pm.

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Joyce MacMillan, Recording Clerk