

**THE MINUTES OF THE  
WARRANT COMMITTEE MEETING  
APRIL 21, 2004**

*Handout(s) given out tonight:*

1. *Energy Services Performance Contracting Presentation*

Members absent: P. Curtis, W. Hofmann, and L. McCormick

Also present: Selectman Will Brownsberger, Selectman Paul Solomon, Town Administrator Mel Kleckner, Assistant Town Administrator Joyce Munro, Treasurer Susan Kendall Freiner, Light Department General Manager Timothy McCarthy, Jennifer Fallon, and Town Accountant Barbara Hagg

Chairman Widmer called the meeting to order at 7:06 PM.

***Acceptance of Minutes***

The Committee deferred this discussion until next week.

***Warrant Articles***

*Article 10 Position Classification and Compensation Plan*

Member Brush asked when this was coming up a few years ago, it was in effect accepted for unions, but not management and non-union employees. Her concern is that we will be rubber-stamping something we have not seen yet based on a January 1 deadline. Town Administrator Kleckner mentioned there were some changes in the DPW and the management in Public Safety Communications. He added that most management is employees at will and not members of unions. Management is not governed by a contract.

- *Member Heigham made a motion, Member Stratford seconded said motion, and with 12 members present, it was unanimously voted to **recommend Article 10** to Town Meeting.*

*Article 17 Authorization of Expenditure from Revolving Funds*

Member Bruschi informed the Committee that the Youth Commission and COA would like their own revolving funds. The money that goes into a revolving fund has to come from wherever the program comes from – for example the school lunch fee revolving fund. The Youth Commission should not be more than \$10K.

The COA is more complicated. In order for them to have summer programs, they need to have the registration in the spring. There is no way they can be taking in money now and putting it in a revolving fund for July 1. The Town Accountant cannot hold the money. It is being suggested the COA budget would stay the same now, with this article going

forward. The COA would not use the revolving account until next spring for FY06's programs. The programs will still get done this summer the same way as they have been done every year. The COA's revolving fund is expected not to exceed \$15K.

Member Brusch recommends this article for both the Youth Commission and COA, and she added she would help oversee this transition for the COA. The intent is to make this easier than their current process.

- *Member Heigham made a motion, Member Flewelling seconded said motion, and with 13 members present, it was unanimously voted to **recommend Article 17** to Town Meeting.*

#### *Articles 18 and 19 Waverley Fire Station*

Town Administrator Kleckner said these are the same articles that appeared in the warrant last year. The wording of the motion last year was that the condition of the disposal was the historic preservation to the exterior was under the discretion of the Board of Selectmen. The Historic Commission was looking for more stringent criteria than that. This year, the same dilemma exists that has not been resolved. The Board of Selectmen is still prepared to commit to preparing the exterior. A Land Use Committee has been designated by the Board of Selectmen to study of the use of the land. They are meeting tonight for their final meeting. The Library Trustees may have approached the Land Use Committee with staying at the Waverley Fire Station.

Selectman Mahoney reviewed how the Board of Selectmen came to the wording of the Articles. Town Administrator Kleckner believes the zoning will have to be changed for just about anything going in there. We still need these two Article votes in any event.

Member Heigham, who is also on the Zoning Board, added the Waverley residents would like to keep the zoning as residential. The Zoning Board has not made a recommendation until they hear from the Land Use Committee.

Chairman Widmer is concerned about not having a specific plan. By inviting all of this opposition and turmoil is something we do not need to start at this time.

Member Callanan is concerned that if we do not go forward, it gives the message that delaying is ok. The fact the Historic Commission had a year to work on this without resolve needs to be brought forward as well.

Member Fitzgerald would like it presented to the Town that we are serious about selling this property and bringing the revenues back to the Town. This is a message that would be heard loud and clear that we are interested in bringing that money back into the Town. Chairman Widmer said if we have a specific proposal, then we could fight off those who are opposing this.

Member Oates thinks we are getting ahead of ourselves. We are just saying it is a Town property, not a fire station property any longer. Selectman Mahoney agrees. This is a

step of the fire station package. We are trying to raise revenue. We are trying to move forward. This is part of the fire station debt exclusion.

Member Schafer asked the limitation of the use and preservation of this property. Town Administrator Kleckner responded there are practical limitations. He is concerned about if we send out an RFP that the land use has not been resolved yet, no one would bid on it. He does not know what other restrictions there are, except for the Library branch issue.

Member Tillotson would like to move forward and he puts his trust with the Board of Selectmen on this issue. Chairman Widmer agrees but he thinks we are leading from weakness by not being specific about the open-ended Article.

Selectman Brownsberger suggested tabling these Articles. Member Callanan asked if we did table this, when would it come up again? Selectman Brownsberger said if not in June, he would hope it would happen in the fall if there were another Town Meeting. He would like a recommendation from both the Land Use Committee and the Zoning Board.

- *Member Heigham made an amended motion, Member Brusch seconded said motion, and with 14 members present, Chairman Widmer, Selectman Mahoney, and Members Schafer, Oates, Stratford, Tillotson, Callanan, White, Heigham, Flewelling, Kobus, Hobbs, and Brusch, voted to **dismiss Articles 18 and 19** without prejudice to Town Meeting.*
- *Member Fitzgerald voted **against said motion.***

#### *Article 20 Transfer of Control of Woodfall Road Parcel to the Board of Selectmen*

Town Administrator Kleckner mentioned the Board of Selectmen will discuss this Article on May 3. Chairman Widmer agreed the Warrant Committee would vote on this with/after the Board reviews this Article.

Town Administrator Kleckner said the Town would get the most value if we could create a subdivision of homes. If we cannot, there is the opportunity to sell it to some abutting property owners.

- *Vice Chairman White made a motion, Member Oates seconded said motion, and with 14 members present, Chairman Widmer, Selectman Mahoney, and Members Oates, Fitzgerald, Stratford, Tillotson, Callanan, White, Heigham, Flewelling, Kobus, Hobbs, and Brusch voted to **recommend Article 20 and 21** to Town Meeting.*
- *Member Schafer **abstained** from said vote.*

#### *Article 2 Authorization to Represent Town's Legal Interests*

- *Member Tillotson made a motion, Member Heigham seconded said motion, and with 14 members present, the Committee voted unanimously to **recommend Article 2** to Town Meeting.*

#### *Article 3 Authorization to Transfer Balances*

Town Accountant Hagg clarified the sources of funds consisting within this vote.

- *Member Flewelling made a motion, Member Heigham seconded said motion, and with 14 members present, the Committee voted unanimously to **recommend Article 3** to Town Meeting.*

#### Article 4 Budget Appropriation

##### General Government

- *Member Heigham made a motion, Member Kobus seconded said motion, and with 14 members present, the Committee voted unanimously to **recommend Article 4 General Government as written** to Town Meeting.*

##### Public Safety

- *Member Tillotson made a motion, Member Brusch seconded said motion, and with 14 members present, the Committee voted unanimously to **recommend Article 4 Public Safety** to Town Meeting.*

##### Public Schools

- *Member Schafer made a motion, Member Kobus seconded said motion, and with 14 members present, the Committee voted unanimously to **recommend Article 4 Public Schools** to Town Meeting.*

##### Minuteman

- *Member Callanan made a motion, Member Kobus seconded said motion, and with 14 members present, the Committee voted unanimously to **recommend Article 4 Minuteman** to Town Meeting.*

##### Public Services

- *Member Tillotson made a motion, Member Oates seconded said motion, and with 14 members present, the Committee voted unanimously to **recommend Article 4 Public Services** to Town Meeting.*

##### Human Services

- *Member Brusch made a motion, Member Hobbs seconded said motion, and with 14 members present, the Committee voted unanimously to **recommend Article 4 Human Services** to Town Meeting.*

##### Culture & Recreation

- *Member Brusch made a motion, Member Hobbs seconded said motion, and with 14 members present, the Committee voted unanimously to **recommend Article 4 Culture and Recreation** to Town Meeting.*

##### Debt & Interest

Treasurer Freiner would like the Warrant Committee to change the amount in the Debt and Interest budget. Both the revenue and expenditures would be increased the same

amount for maturing debt principal to \$3,088,170. The interest on maturing debt would now be \$1,762,304. This would make the new total \$4,850,474.

- *Member Brusch made a motion, Member Hobbs seconded said motion, and with 14 members present, the Committee voted unanimously to **recommend Article 4 Debt and Interest as amended** to Town Meeting.*

*Article 6 Non-Contributory Pensions*

- *Member Oates made a motion, Member Heigham seconded said motion, and with 14 members present, the Committee voted unanimously to **recommend Article 6** to Town Meeting.*

*Article 7 Contributory Pensions*

- *Member Oates made a motion, Member Hobbs seconded said motion, and with 14 members present, the Committee voted unanimously to **recommend Article 7** to Town Meeting.*

*Article 8 Appropriation of “Up Front” Funds for Highway Improvements*

- *Member Brusch made a motion, Member Heigham seconded said motion, and with 14 members present, the Committee voted unanimously to **recommend Article 8** to Town Meeting.*

*Article 11 Appropriation of Capital Expenditures*

Member Schafer asked for the Pavement Management list of streets to be made available. Member Brusch responded usually someone at Town Meeting will request that information.

Selectman Mahoney added the Capital Budget Committee has put a lot of effort into this package of items. Member Fitzgerald believes this is a design-engineering problem and should be corrected by the Town.

Member Brusch noted the Marsh Street request is now not a separate item, but the Capital Budget Committee acknowledges the Board of Selectmen have the ultimate decision making authority to decide which streets to correct. Selectman Brownsberger added that he cannot support the Marsh Street drainage solution project.

Selectman Brownsberger is troubled by the \$150K for the Library steps. They should be closed in an attractive way and save the Town some funds. Member Brusch added the issue was a lack of maintenance. There has been a problem since they've been closed; there are now several paths worn through the grass.

Member Flewelling would like to do the steps right this time. Member Brusch thinks Building Services would be responsible for the future maintenance, but Town Administrator Kleckner is meeting this summer to review and decide the future responsibility of maintenance on the Library building. The Trustees would like Building Services to maintain the outside of the Library.

Member Stratford would like it in writing that these steps would remain during the Library's new building process by the Library Trustees. Member Brusch said the Mega group does not have the Library as a priority.

- *Member Flewelling made a motion, Member Heigham seconded said motion, and with 14 members present, Selectman Mahoney and Members Oates, Callanan, Heigham, Flewelling, Kobus, Hobbs, and Brusch voted to **recommend Article 11 as it appears** to Town Meeting.*
- *Members Fitzgerald, Stratford, Tillotson, White, and Schafer voted to **not recommend** Article 11 to Town Meeting.*
- *Chairman Widmer **abstained** from said motion.*

*Article 13 Appropriation for Water and Sewer and Stormwater Services*

- *Member Flewelling made a motion, Member Heigham seconded said motion, and with 14 members present, the Committee voted unanimously to **recommend Article 13** to Town Meeting.*

*Article 31 Town Senior Center Furnishing and Accessories and Operations Fund*

- *Member Tillotson made a motion, Member Oates seconded said motion, and with 14 members present, the Committee voted unanimously to **recommend Article 31** to Town Meeting.*

*Special Town Meeting Article 2 Appropriation to Fund the Design and Construction of Two Fire Stations*

- *Member Oates made a motion, Member Tillotson seconded said motion, and with 14 members present, the Committee voted unanimously to **recommend Special Town Meeting Article 2** to Town Meeting.*

*Special Town Meeting Article 3 Appropriation of Funds related to the Oil Leak at the Burbank School*

Member Tillotson is concerned with the amount mentioned in the Article. The Committee had discussed a different amount in previous meetings (\$19K difference).

- *Member Heigham made a motion, Member Flewelling seconded said motion, and with 14 members present, the Committee voted unanimously to **recommend Special Town Meeting Article 3** to Town Meeting with authority to make any minor changes by the Town Administrator.*

*Special Town Meeting Article 4 Appointment of a Facilities Energy Management Project Committee*

Chairman Widmer asked if it is Selectman Solomon's intent to proceed with STM Article 4, and ATM Articles 14 and 15 be left on the Warrant until May 3.

Selectman Solomon gave a presentation (*Handout 1*) to the Warrant Committee regarding the Energy Performance Contracting. This also includes water conservation within the

13 buildings. There is some form of long-term financing that we will need to do. The company is giving us 100% of the savings, which will go to pay off the financing. The company is taking a percentage of the capital expenditures. The savings are guaranteed. In most situations, if the savings should fall lower than expected, the company has to make up the difference.

Vice Chairman White asked Selectman Solomon why we have decided to do this as a whole project instead of in pieces. He responded that we have not done it yet, and we do not have the time and resources to do this all at once. It is the opportunity cost of not doing this now that we are concerned about. We can make substantial changes with the easy items (lighting) to cover the larger items (boilers).

Member Schafer would like the steps of this project laid out. Selectman Solomon said tonight we are asking for approval of STM Article 4, regarding the creation of the ESCo Building Committee. That group will then choose the bidder and we will go forward with a detailed energy audit. During the next few months, we need to get input and advice from Town Accountant Hagg and Treasurer Freiner and others at the DOER so that we can come to terms as to what exactly the financing mechanism should be.

- *Member Heigham made a motion, Member Flewelling seconded said motion, and with 14 members present, the Committee voted unanimously to **recommend Special Town Meeting Article 4** to Town Meeting.*

### ***Other***

Selectman Mahoney informed the Warrant Committee there are some issues the Board of Selectmen would like to discuss with the Committee.

- *At 9:57 PM, Member Heigham made a motion, Member Flewelling seconded said motion, and the Committee took a roll call vote to unanimously enter into Executive Session for the purposes of discussing litigation.*

The Warrant Committee will not be returning into regular session.

Respectfully submitted,

Kristina E. Frizzell

Recording Clerk