



## Special Town Council Meeting Minutes

Thursday, February 6, 2020 at 7:00 PM, in the Matthew Thornton Room

Chairman Koenig called the special meeting of the Town Council to order at 7:00 p.m. Present at the meeting were Vice Chairman Boyd, Councilor Albert (participated electronically), Councilor Harrington, Councilor Healey, Councilor Rothhaus, Councilor Woods, and Assistant Town Manager/Finance Director Paul Micali. Town Manager, Eileen Cabanel, was excused.

As Councilor Albert was participating electronically, in accordance with the Right to Know Law, Chairman Koenig requested he state, for the record; where he was, why his attendance in person was not reasonably practical, who, if anyone, was with him, and whether or not he was able to hear the proceedings.

Councilor Albert indicated he was out of Town. His attendance in person was not reasonably practical given his location, he was alone, and could hear the proceedings.

Those present at the meeting were able to hear Councilor Albert. The Council was reminded all votes would be taken by Roll Call.

### Pledge of Allegiance

Chairman Koenig led in the Pledge of Allegiance.

### Announcements - None

### Comments from the Press and Public - None

### Recognitions, Resignations and Retirements

### New Business

#### **1. Ratification of Collective Bargaining Agreements: New England Police Benevolent Association (NEPBA) Local 12 and NEPBA Local 112**

Submitted by Town Manager Eileen Cabanel Town Council to consider ratification of tentative collective bargaining agreements for NEPBA Local 12 and NEPBA Local 112.

Assistant Town Manager/Finance Director Micali stated the contract to be for Police Officers, Detectives, and Sergeants. A tentative agreement was reached on a five-year contract (July 1, 2020 - June 30, 2025). The agreement includes salary increases of 2% in FYs 21, 22, and 23 and 3% in FYs 24 and 25. Shift differential (2<sup>nd</sup> and 3<sup>rd</sup> shifts) has been added and bid shift removed. Some language has been updated. Agreed upon was the allowance of a flexible spending account (\$2,000) as long as present legislation allows it. The clothing allowance was increased by \$200 given increased costs.

Cost of the contract in year 1 is \$107,221; estimated \$0.03/\$1,000 increase on the tax rate. Additional costs are; year 2 \$87,698, year 3 \$96,061, year 4 \$133,348, and year 5 \$164,351. Total contract cost is \$588,679. On a five-year average it is roughly \$0.03/\$1,000 per year.

**MOTION made by Councilor Harrington and seconded by Councilor Woods to ratify the tentative agreement with NEPBA Local 12, Police Officers, Detectives, and Sergeants Union, which includes**

1 **the net cost of \$107,221 in the first year, so that the tentative agreement may be put on the Warrant**  
2 **for voter approval at the Town Meeting**

3  
4 ON THE QUESTION

5 Councilor Harrington stated her belief the contract is in line with the previous contracts the Town has had,  
6 and stated her appreciation of the union being cooperative in coming to this agreement.

7  
8 Chairman Koenig noted typographical errors in the information provided, e.g., #2 states “See #4 below”,  
9 which is apparently #3, and in #3 it says see #3 above, which is really #2 above.

10  
11 In 4e, the highlighted section around the FSA may be eliminated states “have a financial impact to the  
12 Town due to offering the FSA plan.” He suggested it should state “financial impact *on* the Town”.

13  
14 Councilor Albert spoke of being pleased with the contracts being reached.

15  
16 *A voice roll call was conducted, which resulted as follows:*

17  
18 Yea: Councilor Rothhaus, Councilor Albert, Councilor Healey, Vice Chairman Boyd,  
19 Chairman Koenig, Councilor Harrington, Councilor Woods

20 7

21 Nay:

22 0

23 **MOTION CARRIED**

24  
25 The NEPBA Local 112 consists of Dispatchers and office staff in the Police Department. Agreed upon is a  
26 four-year contract (July 1, 2020 - June 30, 2024). The agreement includes salary increases of 2% in FYs  
27 21, 22, and 23 and 3% in FY24.

28  
29 An individual in the union is moving within her scale. The position has been increased (moved up \$2,500  
30 on pay scale). Shift differential is being allowed for B and C shifts (2<sup>nd</sup> and 3<sup>rd</sup>). An FSA was added.

31  
32 Cost of the contract in year 1 is \$19,465; estimated \$0.01/\$1,000 increase on the tax rate. Additional costs  
33 are; year 2 \$11,779, year 3 \$12,013, and year 4 \$18,296. Total contract cost is \$61,553. On a four-year  
34 average, it is roughly a half cent/\$1,000 per year. There are 11 members in this bargaining group.

35  
36 Chairman Koenig noted the shift differential is listed as zero for ongoing years, and questioned the  
37 reasoning. Assistant Town Manager/Finance Director Micali responded the cost is in year one of the  
38 contract because they are being given a shift differential on a flat rate. In the outyears, it is built into the  
39 salary, e.g., hours won't change (just so many hours in the 2<sup>nd</sup> and 3<sup>rd</sup> shifts).

40  
41 **MOTION made by Vice Chairman Boyd and seconded by Councilor Healey to ratify the tentative**  
42 **agreement reached with the NEPBA Local 112 Police Dispatchers and Support Staff union, which**  
43 **includes a net cost of \$19,465 in the first year, so that the tentative agreement may be put on the**  
44 **Warrant for voter approval at the Town Meeting**

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1 ON THE QUESTION

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3 Vice Chairman Boyd spoke of agreeing with the remarks regarding the comity extended between the Police  
4 Dispatchers and the Administration. He also concurs with the comments made by Councilor Harrington  
5 relative to the NEPBA Local 12 contract. Contract periods of 4 and 5 years allow the Town to have a  
6 better understanding of how to manage budgets over the coming years.

7 Chairman Koenig stated his appreciation to the unions and Administration for the work they did in bringing  
8 these agreements together.

9  
10 *A voice roll call was conducted, which resulted as follows:*

11  
12 Yea: Councilor Rothhaus, Councilor Albert, Councilor Healey, Vice Chairman Boyd,  
13 Chairman Koenig, Councilor Harrington, Councilor Woods

14 7

15 Nay:

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16 **MOTION CARRIED**

17  
18 **2. Wastewater Treatment Facility Phase IV Bond Financing Presentation**

19 Submitted by Town Manager Eileen Cabanel and Finance Director Paul T. Micali The Town Council to  
20 be presented with the details of the bond financing for the Wastewater Treatment Facility Phase IV.

21  
22 Assistant Town Manager/Finance Director Micali spoke of the presentation provided by the Public Works  
23 Department (PWD) regarding the upgrades to the Wastewater Treatment Facility (Phase IV).

24  
25 This is the second half of the project approved by the voters last year (Town approved \$13.1 million  
26 upgrade to the pump stations). The portion of the project being discussed (\$9,520,000) would address  
27 ADA compliance, the headworks building, and other minor improvements.

28  
29 The Town was able to obtain an interest rate of 2.376% for the \$13.1 million (30 year) bond last year.  
30 Over the life of the bond, the total cost will be \$17,924,120.

31  
32 For the \$9,520,000 bond (30 year), as of October 2019 State Revolving Fund (SRF) rates are at 2%, and  
33 will remain that way for a full year. The expected total cost is \$12,471,490.

34  
35 With passage of the bond, there would be the opportunity to blend the two bonds. A \$22,620,000 bond  
36 would be at 2% resulting in an overall savings (nearly \$750,000). The municipality would receive the  
37 lower of the rates; from the time the original agreement was signed, and the combined bond is let. With the  
38 SRF, a municipality provides funding and is reimbursed. Upon project commencement, monthly requests  
39 for reimbursement are submitted. Reimbursement is provided within 15 days of the request. There is a 1%  
40 administration fee, which is rolled into the bond.

41  
42 Asked if the first \$13.1 million has been borrowed, Assistant Town Manager/Finance Director Micali  
43 stated it has not. There is an agreement. Following the Ballot vote, the Town signed paperwork with SRF  
44 for the \$13.1 million. They broke it out into sections with the understanding engineering work was  
45 necessary. The sum of \$1.5 million was requested so that the engineering work could be done. The Town  
46 has not yet requested a reimbursement. Expended to date is approx. \$50,000.

1 Chairman Koenig spoke of the importance of completing the projects. The system has to be upgraded in  
2 order to comply with permitting. There was concern with the impact of a single request for a \$22 million  
3 bond. Understanding the total cost of the project was not needed up front, additional opportunities/options  
4 were reviewed, and savings were able to be gained, over the life of the bond, due to achieving a lower  
5 interest rate, etc.

6  
7 Assistant Town Manager/Finance Director Micali stated the debt schedule and increases have been run.  
8 The rate increase for wastewater this year is 12% increase. Next year there is no increase, and the  
9 following year would be another 12% increase.

10  
11 Chairman Koenig commented the chart indicates an interest amount is due each year, and questioned if the  
12 interest charges are based on the full amount, and nothing is gained back until it is entirely expended and  
13 reimbursed. Assistant Town Manager/Finance Director Micali stated the interest amount is based on one  
14 year after substantial completion. If the project costs \$22,620,000 and is completed January 1, 2020, we  
15 don't see a bill from SRF until January 1, 2021. Interest is based on principle balance.

16  
17 Councilor Harrington commented on her belief it was advantageous last year to have provided a  
18 presentation on the budget alongside the presentation on this project. She has been invited to provide a  
19 similar budget presentation during this year's outreach efforts.

### 20 21 **3. Capital Reserve Withdrawal Discussion**

22 Submitted by Finance Director Paul T. Micali Town Council to receive an update regarding a  
23 discussion that took place with the Department of Revenue Administration about Capital Reserve Fund  
24 Expenditures as they relate to the upcoming budget.

25  
26 Assistant Town Manager/Finance Director Micali spoke of changes in law with regard to how items are  
27 presented in the budget and around capital reserve funds. He spoke with an individual at the Department of  
28 Revenue Administration (DRA) regarding Capital Reserve Funds (CRFs). During their conversation, he  
29 noted his understanding deposits have to be on separate warrant articles. He was informed as Agents to  
30 Expend; the Council can address expenditures from CRFs in one of two ways:

31  
32 Option 1; as separate or a single article

33  
34 Option 2; expenditures could be approved through a vote of the Council

35  
36 Assistant Town Manager/Finance Director Micali stated his preference for option 2. The budget review  
37 process would continue as it is today; however, a meeting would be conducted by the Council to approve  
38 expenditures from the CRFs.

39  
40 He had questioned dollar thresholds, and was informed the law states only that a public meeting needs to be  
41 conducted. He spoke of the likely desire to conduct a public hearing for expenditures reaching a certain  
42 dollar value, and was told it would be up to the Town how it wished to proceed.

43  
44 Another reason he prefers that option is because of the way the Town now has to address the way deposits  
45 into CRFs are done, e.g., separate warrant articles. CRFs have been spent down over the years so that there  
46 are times when an additional deposit is needed to complete a planned project.

47 In this case, there will be the vote of the citizenry on the CRFs, and whether there is sufficient funding  
48 available to move forward with the expenditure would be understood.

1 Chairman Koenig commented either way the CRFs need to come out of the operating budget. Approval for  
2 deposits into the CRFs would continue to be through individual warrant articles. At the time the CRFs  
3 were established, the voters approved the Council as Agents to Expend. Given that authority, expenditures  
4 can be approved through a vote of the Town Council.

5 Councilor Harrington stated agreement, and suggested conducting a Public Hearing provides the desired  
6 visibility/notice to the citizenry.  
7

8 Chairman Koenig stated agreement with that approach suggesting there could be a certain dollar threshold  
9 that triggers the requirement for a public hearing. When large expenditures are planned, additional public  
10 notice of that expenditure is helpful; however, there is a cost involved in advertising, etc.  
11

12 Councilor Healey questioned what the process would be for tracking expenditures, Assistant Town  
13 Manager/Finance Director Micali responded when the Capital Improvement Projects come before the  
14 Council, that is when he pulls from the accounts to fund the items included in the budget. Those planned  
15 expenditures would continue to be presented as part of the budget review process. During the meeting  
16 where approval is sought for expenditures, a vote would have to be taken to raise and appropriate the sum  
17 of X dollars for a specific purpose. Once that vote is taken, he is provided the authority to transfer the  
18 funds into the budget. The expenditures would be tracked through the budget. Asked if there is the need  
19 for changes to the defined process, e.g., Charter changes, Assistant Town Manager/Finance Director Micali  
20 stated his belief that would not be needed.  
21

22 Chairman Koenig explained further, rather than having the budget include expenditures and corresponding  
23 deposits, the CRFs will be pulled out of the budget and be addressed through the process of approval for  
24 deposits through warrant articles and approval for expenditures through a Public Hearing and vote of the  
25 Council.  
26

27 Councilor Albert stated agreement with the approach suggested and the increased visibility the process of a  
28 public hearing provides. Chairman Koenig spoke of the existing practice that provides for a great deal of  
29 discussion on items within the CIP/planned expenditures.  
30

31 **MOTION made by Councilor Rothhaus and seconded by Councilor Harrington to move forward**  
32 **with Option 2**  
33

34 **ON THE QUESTION**  
35

36 Councilor Rothhaus stated his support of this option and identifying a threshold at which a Public Hearing  
37 would be triggered.  
38

39 Vice Chairman Boyd stated he would not support the motion as he is concerned with changing the manner  
40 in which this is handled without providing a level of education to the community. He would prefer option  
41 1 for this year and that the conversation take place moving into next year's budget. Although he agrees  
42 with the remarks made concerning option 2, he would like to postpone a change for a year.  
43

44 Councilor Woods stated his opinion moving forward this year is not too quick, and commented on his  
45 experience that the DRA can provide a different interpretation in any given week.

1 A voice roll call was conducted, which resulted as follows:

2  
3 Yea: Councilor Rothhaus, Councilor Albert, Councilor Healey, Chairman Koenig,  
4 Councilor Harrington, Councilor Woods

5 6

6 Nay: Vice Chairman Boyd  
7 1

8 **MOTION CARRIED**

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10 **Comments from the Press** - None

11  
12 **Comments from the Public**

13  
14 Charles Lafond, 7 Linden Way

15  
16 Requested an investigation into the death of his daughter.

17  
18 He stated his understanding it is the policy of some that if there is an IV fentanyl drug death in this Town, it  
19 is not investigated; the Police are at your house, that is it, call the crime, everybody get out. The individual  
20 that was at his home that night is the one he is 100% certain brought the stuff up from Massachusetts,  
21 delivered it into her body, and killed her. Some would allege that individual was driven, by the Police  
22 Department, to the Bedford VA Hospital facility in Bedford, MA, where, from what he understands, he was  
23 thrown out of the facility for consuming narcotics on that very day.

24  
25 Over the year since his daughter's death, some in Town have told him he is under some sort of a delusional  
26 aspect, some sort of thing on Fentanyl, some sort of mourning thing, mental illness; it is called grief. What  
27 really affects your grief worse than anything, especially when you lose a child, is when others like the  
28 police or your Town government officials could have, should have, would have done something.

29  
30 Having been told by many that the only way to change things is from the inside, whether that means  
31 attending every single Town meeting for the rest of his life or joining the Council, he intends to change  
32 things. He sat back and asked others to do their job. He wishes someone would have done something and  
33 would do something.

34  
35 At the suggestion of the Attorney General, he requested an investigative report (October 2019), which he  
36 has not received. Instead, he received a letter on December 14<sup>th</sup>. The letter was written by an individual  
37 claiming to be a Prosecutor. When his wife called about the letter the individual told her he had no  
38 knowledge of the case, had never reviewed the matter, but had been cornered and told by the Police  
39 Department to close this case immediately.

40  
41 Mr. Lafond spoke of having a long presentation he would like to make on Fentanyl at a future meeting.

42  
43 Chairman Koenig stated his belief Mr. Lafond's avenue to get an investigation is through the Attorney  
44 General's Office. The Council cannot talk to the Police Department directly as they are not employees of  
45 the Council. The Council has only 1 employee.

1 Mr. Lafond remarked the way the Town Government originally broke out was the Police Chief reports to  
2 the Town Manager, and if there was something to be addressed the Town Manager did so. If it couldn't be  
3 taken care of, the Town Manager was taken care of. Today it is different.

4

5 **Comments from the Council** - None

6

7 **Adjourn**

8

9 **MOTION made by Vice Chairman Boyd and seconded by Councilor Healey to adjourn the meeting**

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11 *A voice roll call was conducted, which resulted as follows:*

12

13 Yea: Councilor Rothhaus, Councilor Albert, Councilor Healey, Vice Chairman Boyd,  
14 Chairman Koenig, Councilor Harrington, Councilor Woods

15

16 Nay: 7  
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17 **MOTION CARRIED**

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19 *The February 6, 2020 special meeting of the Town Council was adjourned at 7:52 p.m.*

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22

23 Submitted by Dawn MacMillan

DRAFT