

**Town of Concord
Finance Committee
Meeting Minutes - February 11, 2019
Committee Meeting followed by Public Hearing**

Present: Thomas Tarpey, Dean Banfield, Peter Fischelis, Mary Hartman, John Hickling, Karle Packard, Scott Randall, June Rzepczynski, Phil Swain and Andrea Zall

Absent: Grace Hanson, Richard Jamison, Christine Reynolds and Brian Taylor (one vacancy)

Others Present: Several Public Officials (as noted below) and about 45 members of the public for the hearing; Finance Director Kerry Lafleur; LWV Observer Maureen Kemeza

Committee Meeting Opened

Mr. Tarpey opened the meeting at 6:30 pm in the Hearing Room at the Town House. Ms. Lafleur shared a PowerPoint presentation that she had prepared entitled "Impact of Existing and Projected Debt Service," dated 1.24.2019. This document had previously been reviewed by the Finance Committee (FC) at the January 25, 2019 meeting. Mr. Tarpey noted that Ms. Lafleur's draft debt study showed \$155 million in capital needs (for both the Town and Schools), all scheduled to begin in rapid succession within the next five years. Mr. Tarpey commented that the formation of a capital planning committee may be in order, similar to the one that was formed in 2002.

Mr. Packard thought that this was a great idea, and is consistent with what the FC has been seeking. Mr. Banfield confirmed that this would not be a standing committee. Mr. Hickling asked if the 2003 Capital Planning Committee report could be made available to the FC. Ms. Hartman asked for a copy of the handout that had previously been shown (scope of services) concerning the Municipal Facilities Study.

On a **MOTION** made by Mr. Swain and seconded by Mr. Banfield, the following was unanimously **VOTED**:

To renew the request to the Select Board to establish a Capital Planning Committee, and to authorize the Chair to send a letter to the Select Board Chair urging the formation of such a committee to review town-wide capital needs.

The meeting adjourned at 6:45 pm. This was followed by a 15-minute break before the public hearing. Mr. Randall left the meeting at this point.

Public Hearing on Annual Town Meeting Warrant

Chair Tarpey opened the public hearing at 7:00 pm in the Hearing Room at the Town House.

Article 3 - Meeting Procedure

Mr. Tarpey explained that this article requires that every motion at town meeting to appropriate funds must identify the source of funding, and that all appropriation articles remain open and subject to amendment until the adjournment of the Annual Town Meeting. This procedure has been adopted by town meeting for many years. **There were no comments or questions.**

Comments from the Moderator

Mr. Tarpey introduced Town Moderator Carmin Reiss who spoke of two initiatives for the 2019 Annual Town Meeting.

1. In an effort to generate more interest in town meeting, comments and questions will be accepted by email for the public hearings and town meeting, as time allows. These may be sent to publicinfo@concordma.gov. Town Clerk staff will assist in verifying that individuals sending emails are registered Concord voters. She noted that the Town of North Andover has tried this exercise with some success. There are no provisions for voting from home, since that is not allowed under Massachusetts state law.
2. On the second night of town meeting we will have a pilot demonstration of electronic voting, provided free of charge by Turning Technology. The goal of this pilot is to increase participation, ensure accuracy, and allow for a speedier tally of votes. This technology is currently in use in 11 other communities (9 with open town meetings). Any voter who does not wish to participate will be provided a paper ballot. Voters will be asked to complete a questionnaire following the demonstration, so that a decision can be made whether to use electronic voting in some circumstances going forward.

Article 4. Ratify Personnel Board Classification Actions

Personnel Board Chair Ellen Quackenbush introduced Article 4 and explained that during the year, the Town Manager and HR Director find the need to add, delete or change job titles; add new titles to the classification table; or reclassify a position due to a change in a job description. Many of these “classification actions” cannot wait until the upcoming annual town meeting. The Personnel Board reviews these actions, as recommended by the HR Director, and gives temporary approval, subject to town meeting ratification. This year, there are 13 such classification actions. She noted that some of these changes are being made in order to “prolong the life” of the classification plan—it is cheaper making annual “adjustments” rather than conducting a full-scale reclassification study at a cost of \$60-70,000. **There were no comments or questions.**

Article 5. Classification & Compensation Plan for Regular-Status Positions

Personnel Board Chair Ellen Quackenbush introduced Article 5, which is the pay and classification plan for non-unionized town employees. She noted that approximately 60% of town employees are non-union. The pay schedule provides a minimum,

midpoint, and maximum pay range for each position. The maximum of the ranges have been increased by 2.5% for FY20. In addition, a few other changes have been made to accommodate changes in the market. The plan does not determine the actual salary increases to be received by employees—those amounts are determined by the Town Manager and Personnel Board following town meeting, and are based on the approved budget, employee performance, and time in a position. She noted that the changes explained in Article 4 have already been incorporated into the schedules for Article 5. **There were no comments or questions.**

Article 6. Town Budget

Town Manager Chris Whelan began his presentation with an expression of sadness on the recent passing of Laurel Landry, who had served as Executive Assistant to the Town Manager for over 30 years. His warm tribute noted her invaluable contributions for many years to the smooth running of the public hearings and town meeting, for which we are all indebted.

Mr. Whelan then introduced the Town Budget, which he noted conforms to the Finance Committee’s (FC) budget guideline. He noted one change made in the budget presentation, at the request of the Town’s Auditor, in an effort to increase transparency, and to be in conformance with state law—the appropriated funds listed are the gross numbers, including transfers from the Enterprise Funds. In the past, only the net numbers were listed (gross numbers less transfers from the Enterprise Fund). These adjustments have been made in the three columns listed in Article 6. Mr. Whelan noted the following highlights in new spending proposed for FY20:

Amount	Explanation
\$900,000	Salary Increases—2.5% pay increase for town staff (both union and non-union employees) plus step increases for those employees not currently at maximum.
26,000	One new part-time employee in the Town Manager’s Office (half-time position)
41,000	Sustainability Director—General Fund portion of salary
50,000	White Pond & Gerow Park Maintenance Staff (new position)
20,000	Start-up funds for White Pond operations for summer 2019
72,000	New IT Technician to provide technical services for the Library & Police Dept.
90,000	Four new Firefighter positions to staff the West Concord ambulance 24-7 (currently being staffed only 8:00 am to 8:00 pm)—General Fund portion of salaries (the remainder will be funded through the MEWS Fund).
30,000	Council on Aging staff—increased hours and wages for the senior services staff due to increased activity in the department (aging population)
20,000	Miscellaneous—inflationary costs
\$1,249,000	TOTAL

In response to a question from Ms. Hartman, Mr. Whelan noted that the \$900,000 in proposed salary increases is the amount budgeted from the General Fund, following transfers from the Enterprise Funds. The gross amount of these increases is \$1.2 million. Mr. Whelan noted the increased cost of health insurance (estimated at 8%,

which is lower than originally anticipated). The Town continues to meet its OPEB liability. He noted that the operating budget includes \$1,945,000 in capital improvements, continuing with Concord's tradition of designating 5% of the operating budget to fund town capital improvements within the levy limit, without borrowing. He noted that these expenditures are listed on pages 53-55 of the Town budget book.

Mr. Whelan noted that the number of Town employees is increasing by 9.94 FTEs, as delineated on page 83 of the Town budget book. He acknowledged that this is a significant increase. Mr. Banfield inquired about the position of Municipal Archivist, the title of which is included in the new Pay & Classification schedule, but was not mentioned in Mr. Whelan's presentation. Mr. Whelan explained that his proposal is to utilize an existing position to fill these functions, with no new funding. The title is needed, but no new funding is requested. He acknowledged that this is a departure from earlier conversations about this position.

Resident Jan Cuypers expressed concern about the increase in FTE positions, and asked whether consideration was given to balancing these increases by decreases elsewhere, given changes in technology. Mr. Whelan noted that the Police Department had not had a staffing increase in 15 years (one new position). The four new firefighter positions were requested six years ago, and the request is being implemented now due to an increased demand for services. Mr. Whelan recognized that adding employees is costly, and agreeing to fund them will be a community decision. Resident Susan Bates asked whether the new firefighters will be EMTs, and Mr. Whelan indicated that all firefighters are required to be EMTs. There are currently six firefighters stationed at the Walden Street station in the evening, and three at the West Concord station. The West Concord ambulance currently runs from 8:00 am to 8:00 pm, but with the four additional firefighters (one more per shift), the second ambulance could run 24/7.

Resident Cynthia Rainey asked a question about the costs shared by the Town and CPS, as listed on page 35 of the budget book (Joint Town-CPS). Finance Director Kerry Lafleur responded that health insurance is approximately 60-40 (CPS-Town). The joint retirement costs are more heavily weighted towards the Town, since teachers are not part of the Town's retirement system. In response to a question about field maintenance and snow removal, Mr. Whelan indicated that the Public Works Department removes snow from the public streets and parking lots. The School Department is responsible for removing snow from the school campuses. The Town maintains all of the fields, except for the high school fields. The DPW maintains the upper fields at the high school (using a grant of approximately \$50,000 from the Friends of CC Fields), but the School Department maintains all other fields at the high school. Resident Diane Proctor asked how much of the \$50,000 received from Friends of CC Fields comes from Carlisle donors or Carlisle sports groups. The answer to this question was not known.

Article 7 - Appropriate Funds - Municipal Capital Projects

Deputy Town Manager Kate Hodges reviewed the capital projects being proposed under Article 7, which total \$3,950,000.

Department	Project	Amount	Explanation
Town Manager	Renovation/Construction & Acquisition of Town Buildings	\$500,000	13 municipal office buildings (not including school buildings); new facilities dept. established in 2018; 5 of the Town's 14 depts. are staffed 24/7
Town Manager	Park Improvements	\$1,400,000	White Pond beach opening June 2019; Gerow renovations to begin Spring 2019; Rideout Playground, Phase 1 completed Fall 2018; Phase 2 to start Spring 2019; these funds augmented by CPA funds
Planning	Land Acquisition for Open Space	\$100,000	Hope to acquire 4.78 acres of the Ralph Waldo Emerson property
Public Works	Road & Parking Lot Reconstruction	\$800,000	Road & parking lot improvements
Public Works	Cambridge Turnpike Reconstruction	\$600,000	
Human Services	Library, Furniture, Fixtures & Equipment	\$550,000	
	TOTAL	\$3,950,000	

In response to a question from Mr. Swain, Ms. Lafleur indicated that the \$3.95 million is comparable to what has been spent in recent years—generally between \$4 and \$4.5 million. She noted that all requested projects were funded this year. In response to a question from Mr. Hickling, Ms. Hodges indicated that the total cost of the White Pond improvements in FY20 are \$750-800,000, with \$250,000 coming from CPA funds and \$550-600,000 coming from Article 7. The total costs do not include any funds anticipated to come from the White Pond Associates. Once those funds are received, they will be used to help fund Phases 2 or 3 of the improvements.

Resident Jan Cuypers asked about anticipated capital expenditures in the coming years. Ms. Lafleur noted that the projects funded under Article 7 are the smaller capital projects which require borrowing, which are funded annually in the range of \$4-4.5 million. Any larger requests would be funded under separate capital articles (such as school buildings or other large building projects).

Article 8 - Authorize Expenditure of Revolving Funds under MGL c. 44, §53E½

Finance Director Kerry Lafleur explained that this article authorizes spending limits on the four revolving funds that were adopted by the Town under this particular

statute—Regional Housing Services, Road Repair, Senior Services, and Tree Preservation. Mr. Banfield asked about the nature of fees and fines. Public Works Director Richard Reine responded that these would be life cycle maintenance fees and utility/pavement cuts for trenches, driveways, etc. Resident Dee Ortnier asked for an explanation of the Regional Housing Services. Regional Housing Director Liz Rust responded that the \$265,000 annual spending limit is the total amount contributed from all the member communities, and covers salaries and consultants. Concord’s portion of this fund is \$38,000, of which 50% comes from the General Fund and 50% from CPA funds. Mr. Whelan clarified that Concord is the lead community for the region, which is why the full amount needs to be authorized. In response to a comment made by Ms. Lafleur that the four revolving funds in this article do not involve the use of taxpayer money, Ms. Hartman clarified that the \$38,000 portion of the Regional Housing Services does include taxpayer money (50% from the General Fund and 50% from CPA funds), and this point should be clarified at town meeting.

Article 9 - Authorization to Accept MGL c. 32B, §20 - OPEB Liability Trust Fund

Finance Director Kerry Lafleur explained that in 2008 an OPEB Trust Fund was adopted for Concord through special legislation. Subsequently, in 2016, the State Legislature adopted enabling legislation for OPEB Trust Funds. Town Counsel recommends that Concord adopt the 2016 legislation in order to provide clear legal structure, make the Trust irrevocable, and clarifies that the Trust is to be used solely to pay the OPEB liability. There is currently \$18 million in the Fund, and Concord is approximately 32% funded. Under the statute, the Town will make a decision as to whether to have one sole Trustee (Town Treasurer) or to appoint a board of trustees. At this time, the recommendation is that a sole trustee (Town Treasurer) be appointed to oversee the fund, but that a formal reporting requirement be established, with some consultation with the Trustees of Town Donations.

In response to a question from Resident Jan Cuypers, Ms. Lafleur noted that \$18 million is in the OPEB fund now, and annual contributions are made. No expenditures are being withdrawn from the fund at this time. She anticipates that that will be reviewed as the Town becomes closer to fully funding the OPEB liability, after 2030. In response to a question from Mr. Hickling, Ms. Lafleur noted that the model as to how to proceed to utilize the fund once it is fully funded will be developed by the Select Board and Trustees of Town Donations at some point in the future.

Article 17 - Use of Free Cash

Finance Director Kerry Lafleur explained that “free cash” is the undesignated fund balance. Funds are added to free cash when the actual revenue received exceeds estimates and/or when actual expenditures are lower than budgeted. The certified free cash balance as of June 30, 2018 is \$11,683,672, which represents 10.7% of the FY19 general fund budget. Concord’s free cash policy is to maintain a balance between 5%

(\$5,322,425) and 10% (\$10,644,849) of the general fund budget. The current balance exceeds the policy maximum by \$1,038,823. The recommendation under Article 17 is to allocate \$1 million of free cash to reduce the tax rate, leaving a “surplus” balance of \$38,823. Mr. Banfield inquired about putting some of the free cash balance into a stabilization fund for future tax rate reduction (in the event of a future large tax issuance), and whether this would be allowed. Ms. Lafleur responded that there is no mandate as to how to allocate the free cash that is within the 5% and 10% range, so some of these funds could be used for a stabilization fund, as long as the balance does not go lower than 5%.

Article 18 - General Bylaw Amendment - Sustainable Growth Rate (SGR)

Mr. Tarpey presented this article, which is proposed by the Finance Committee as a General Bylaw amendment, amending the Finance Committee Bylaw. The proposal inserts a new Section 4 which instructs the FC to (1) project the likely total tax burden on citizens for five years; and (2) to recommend a SGR for the upcoming fiscal year and for each of the five following fiscal years. Mr. Tarpey explained that the FC considers sustainable growth in taxation and budgets to be that which balances over the long term the desirability of socio-economic diversity in the Town, the quality of our schools and municipal services, and the unique position of Concord in our nation’s history. Mr. Tarpey explained that part (1) above was initiated by resident Phebe Ham and adopted by Town Meeting in 2009, and part (2) is an outgrowth of discussions that the FC has had since 2017. He further explained that the FC finds itself reacting to Town and School budget requests, and would prefer to provide some guidance to the budget entities going forward. He anticipates that the SGR will be discussed annually, using publicly available indices, and is likely to change from year-to-year, adjusting to the changing needs of the Town. He emphasized that the FC’s role is advisory, with no ability to “direct” or “command.”

Mr. Tarpey displayed a chart which showed Concord’s growth in tax burden, as compared to its peer communities. He noted that Concord is in the high range. In response to a question from Mr. Swain about the SGR for the coming year, Mr. Tarpey indicated that it is still under review, but should be identified for display purposes at town meeting. Resident Terry Rothermel commented that one of the data points referenced in Article 18 is incorrect—Ms. Ham’s proposal and the vote occurred in 2011, and was the result of two high school funding articles brought to town meeting at that time. Mr. Rothermel questioned why the FC’s desire to elevate this process to the level of a bylaw, noting that the FC Bylaw had been in place for almost 100 years. Mr. Tarpey responded that the bylaw amendment is being proposed to assure that these ideas and practices are not forgotten, noting that his understanding is that the current bylaw was adopted in 1951. Mr. Rothermel further commented on the choice of the contemporary term “sustainable.” Mr. Tarpey took issue with the implication that sustainability is a “fad,” noting that the FC is committed to not just looking at financial issues one year at a

time, but also has a responsibility to future taxpayers. He noted that the FC Bylaw could be amended in the future if needed. The current FC members feel that the concept of SGR is a useful exercise and would appreciate a discussion of the issue at town meeting. Mr. Swain noted that he had supported the SGR proposal and is confident that this would provide useful information to the FC each year.

Resident Cynthia Wood suggested that the SGR concept as currently proposed is too vague to provide useful guidance. She felt that more specifics would be needed—are we talking about the growth in property tax rate or budget growth? Mr. Tarpey responded that the FC will reexamine the proposal with the goal of clarifying both the concept and the presentation. Ms. Wood also questioned why the SGR is being presented as a bylaw. She suggested that this could be done already without a bylaw, noting that the FC would be well within its rights to choose the information that it provides to taxpayers. Resident Stephen Carr recalled one year when the Select Board and Town Manager recommended no salary increase for non-unionized town employees, and the FC recommended otherwise. He cited this example of the FC's influence and wisdom respected by voters. Mr. Tarpey thanked all for the comments, which will be considered by the FC.

Articles 23-26 Affordable Housing Articles

Todd Benjamin, Chair of the Affordable Housing Funding Committee (AHFC), provided some background on the proposals being brought to town meeting under these four articles. He emphasized the guiding principles of the AHFC:

1. Wide perspective that is fair and does not rely solely on one group;
2. Success requires change and leadership to assure that it is implemented, and the benefits are worth it;
3. Support affordable homes now to best fit the town;
4. Residents have more control now, since Concord is above the 10% minimum for affordable housing and can avoid a Ch. 40B at this time;
5. These articles are the beginning of the process—important that we start now.

He then reviewed the recommendations made by the AHFC, not all of which were accepted by the Select Board and made their way to the Warrant. He noted that Article 23 impacts current residents; Article 25 impacts incoming residents; and Article 26 impacts builders or homeowners planning additions.

Article 23—Appropriate \$500,000 from free cash for Affordable Housing Development

Mr. Benjamin noted that this proposal would only apply if the Town's free cash were above 5%. This would be a temporary strategy, intended to be used until Articles 25 and 26 are approved by the state legislature and are operational. He noted that the Town of Brookline uses free cash for affordable housing purposes. In response to a question from Mr. Swain, Mr. Benjamin noted that Concord's current level of affordable

housing is 10.52%. He also noted that this number includes some market rate units, since the State counts all the units of a large development as affordable, even though some of them are rented at market rate. So the effective rate of affordable housing is approximately 5.34%. The reason why Concord still needs to increase its affordable inventory is due to an increase in the total number of housing units in Concord (the base) upon which the 10% is calculated.

In response to a question from Ms. Hartman, Mr. Benjamin noted that we are talking about both moderate income housing (“workforce housing”) and affordable housing (with units counted towards the inventory). In response to another question from Ms. Hartman, Mr. Benjamin confirmed that any use of free cash for affordable housing purposes would need to be voted each year, and would only be done on a temporary basis until other sources of funding become available. He suggested that one unit of affordable housing could be built with \$500,000, but those funds could be leveraged for more state/federal funding programs.

Article 24—Authorization to Accept MGL c. 44, §55C Mr. Benjamin explained that this statute is a well-tried strategy for holding and disbursing trust funds that are created for the purpose of affordable housing. He noted that more than 70 communities have established such funds under this enabling statute. In response to a question from Mr. Banfield, Mr. Benjamin noted that expenditures from the trust fund would not require town meeting approval, allowing the Town to enter into real estate transactions as opportunities arise.

Article 25—Special Legislation to create a Real Estate Transfer Tax Mr. Benjamin explained that this article would ask for special home rule legislation to allow Concord to impose a real estate transfer tax of 1% of the purchase price, to be paid by the buyer. He noted that similar transfer taxes are currently imposed by several Cape Cod & Islands communities. In response to a question from Mr. Rothermel, Mr. Benjamin noted that the current plan would be for the tax to apply only to residential property transfers. Select Board Chair Tom McKean noted that the Warrant Article was modeled after other towns in Massachusetts, and could possibly be amended in the future to include commercial property. Resident Dee Ortner suggested that businesses in Concord would benefit from more affordable housing units since those residents would provide a pool of employees.

Resident Tom Matthews asked whether consideration had been given to increase the CPA surcharge from 1.5% to 3.0%. Mr. Benjamin responded that this had been considered, in part because the state matching funds for CPA have declined. Mr. Matthews noted that 30% of Concord real estate sales are residents moving within Concord (up or down), so these residents would be hit twice by a transfer tax. Mr. Benjamin noted that exclusions were considered, and although not contained in the

current proposed article, the home rule petition could be amended going forward. Mr. Matthews questioned why this tax is being put onto the buyer—why not the seller? Mr. Benjamin noted that the seller is already contributing to affordable housing while residing in Concord. Mr. Matthews commented that if this home rule legislation were to pass, then Concord would be the only Massachusetts community outside of Cape Cod that would have this tax, which would place an added burden on the 400 owners who sell homes in Concord each year.

Resident Terri Ackerman noted that Section 4 of the proposed legislation would allow fees to be dedicated to either the Concord Housing Development Corporation or the new Concord Affordable Housing Trust Fund established under Article 24. She asked what the intent was going forward, if Article 24 were to pass. She suggested that the Motion for Article 25 include a reference as to where the funds would go if Article 24 were to pass—i.e., the funds would be deposited into the Concord Affordable Housing Trust Fund. Ms. Hartman noted that the real estate transfer tax collected by Cape Cod communities is not all earmarked for affordable housing—some is used for other public purposes. Resident Richard Bailey noted that Somerville and Cambridge have pushed for a real estate transfer tax, but this has not yet been approved by the Legislature. In response to a question from Ms. Hartman, Mr. Benjamin noted that an estimated \$3 million would be raised annually from a real estate transfer tax.

Article 26—Special Legislation for Building Permit Fee Surcharge for Affordable Housing

Mr. Benjamin explained that this article is a follow up to one proposed by Charles Phillips two years ago, and recognized Mr. Phillips’ effort to bring this concept into the public discourse. This proposal would add a surcharge to building permit fees, with the surcharge resulting in fees being designated for affordable housing purposes. He estimated that \$900,000 to \$1 million would be raised annually under this proposal, if approved by the Town and State Legislature. He summarized the funding proposals as follows, in terms of potential revenue:

Article 23—Free Cash (would sunset)	\$500,000/year
Article 25—Real Estate Transfer Fee	\$3 million/year
Article 26—Building Permit Surcharge	<u>\$1 million/year</u>
Total	\$4.5 million

Moderator Carmin Reiss suggested that a third column be added to the building permit fee chart, so the total amount being charged will be clear—current fee, proposed surcharge, and total building permit fee. Select Board member Alice Kaufman suggested that if Articles 25 and 26 were both to pass, there is a possibility that a buyer would pay twice (transfer fee + building permit surcharge), which she felt would be unfair. One resident commented that with funds available in the Trust Fund, the community could move more quickly when property becomes available. Deed

restrictions would be placed on the property to assure that it remains affordable. He hoped that the Town could pass the four proposed articles as a package at town meeting.

Resident Carol Wilson asked whether the AHFC had done any outreach to realtors or builders in an effort to incentivize an increase in private development of affordable units, such as a reduction in the building permit fees or property taxes. Mr. Benjamin noted that there is a realtor on the AHFC.

Adjournment

The meeting adjourned at 9:15 pm.

Respectfully submitted,

Anita S. Tekle
Recording Secretary

Documents Used or Referenced at Meeting:

- 2019 Annual Town Meeting Warrant
- PowerPoint Presentation "Impact of Existing & Projected Debt Service" (dated 1.24.2019)