

ARLINGTON FINANCE COMMITTEE
MINUTES OF MEETING
TOWN HALL HEARING ROOM
3/19/14

ATTENDEES:

Deyst*	White*	Caccavaro*	Kellar	McKenna*
DeCoursey*	Connors*	Simmons	Gibian*	
Tosti*	Foskett*	Bayer*	Ronan	
Kardon*	Beck*	Jones*	Deshler*	
Franclemont*	Howard*	Fanning*	Carman*	Turkall*

* Indicates present

VISITORS Town Manager Adam Chapdelaine, Deputy Town Manager Andrew Flanagan, Superintendent of Schools Kathleen Bodie

MINUTES of 3/19/14 approved as corrected. Unanimous

RESERVE FUND TRANSFER: Chapdelaine reviewed the expenses (Ref 1) for the Bouris-Coughlin case. The original claim was \$7m. The case was settled for \$250k. The total cost to the Town for settlement and fees was \$1.44m. \$1m was paid by insurance. The school department will pay \$150k and the Manager requested the balance from the Reserve Fund to close this case. As detailed in Ref 1, the estimated cost of going to trial & appeal would be far greater. VOTED to transfer \$240,760 to the Legal Expense budget. Unanimous

THREE ISSUES: Chapdelaine reported on these issues of concern to the FinCom

ROAD SURFACE CONDITION: He supplied 2 maps (Ref 2) showing the town road network. Using color coding, one map showed the work planned for FY14 & FY15. The other showed work completed since FY10. Funding for FY15 depends on state aid. He also provided a list (Ref 3) of road work planned for FY14.

SNOW & ICE BUDGET: The Manager supports increasing this budget for FY15 by whatever remains after all department budgets are voted. For FY16 he proposes to apply savings from the trash disposal contract here. A discussion followed on how best to budget this highly variable expense. The chair suggested using 75% of the last 10 years. The proposed appropriation is 71%. Members would like the appropriation to recognize inflation, be realistic but not tie up funds for the worst case, funds that could be used elsewhere. VOTED to approve the budget as printed, \$724,000, with possible increase if funds remain after all other appropriations are voted. Unanimous.

RECYCLING COORDINATOR: Chapdelaine described the duties of this position (Ref 4). He stated that he supports the increased hours that are budgeted. He also reviewed the history of this position starting with approval by Town Meeting in 1999. In some years the salary was offset by recycling revenue. Members voiced concern w/ creeping staffing increase (Ref 5). Members also described the ongoing effort needed to maintain and increase trash diversion from expensive and environmentally degrading incineration. VOTED the DPW Admin budget as printed \$264,821. Unanimous.

MINUTEMAN TECH REGIONAL AGREEMENT: Foskett explained the recent MM School Committee vote to change the weighted vote from based entirely on enrollment to based half on enrollment and half on equal member. As shown in a table provided by the superintendent (Ref 6), Arlington's vote weighting, now 6%, would have been 33% in the first iteration of the proposed agreement and has now been reduced to 19% in the current version. Foskett recommended the revised agreement since it is still better than the current one and has a chance of being approved. There was some opposition based on concern that we not give in without a protest. VOTED to accept this change 16-1.

MINUTEMAN TECH BUDGET: Minuteman Rep DeCoursey recommended the budget and assessment as proposed on 3/12. VOTED to approve the \$19.6m budget with Arlington's assessment of \$3,788,615. Unanimous.

BUD 17 DPW: DPW SubCom (Deshler) recommended the remaining DPW budgets as printed. All were VOTED unanimously as follows:

Highway \$380,817

Solid Waste \$3,443,560

Properties \$259,925

Cemetery \$230,813

Street Lighting \$120,000 Deshler will ask about pole number maintenance.

Traffic Signals \$65,700

Fire Alarms \$30,000

ART 52 TRANSFER OF CEMETERY FUNDS: VOTED to transfer \$10k from Perpetual Care and \$225k from Sale of Lots & Graves to the Capital Budget and \$150k from the Perpetual Care Fund to the DPW Cemetery budget. Unanimous

BUD 19 INSPECTIONS: ComSafe SubCom (Bayer) recommended the budget as printed. He noted that inspection revenues of \$1.1m are predicted. FY 14 revenues have already reached that level. VOTED \$416,345. Unanimous

BUD 5 IT Fin SubCom (White) discussed the \$25k cost of printing for the Treasurer that IT now wants to use for other purposes. After some discussion, VOTED to reduce the printed budget by \$25k to \$655,311. 13-4.

RESERVE FUND: \$664,414-\$240,760=\$423,654

COMMITTEE:

Peter Howard 3/22/14 Revised 3/24/14

cc FinCom Members, Town Web Site

Ref 1 Reserve Fund Transfer – Legal Fees

Ref 2. Road Maps Showing Road Work

Ref 3 List of 2014 Road Work

Ref 4 Coordinator Duties

Ref 5 DPW Admin Budget FY12 vs FY15

Ref 6 Calculation of Weighted Voting



**Town of Arlington
Office of the Town Manager**

Adam W. Chapdelaine
Town Manager

730 Massachusetts Avenue
Arlington MA 02476-4908
Phone (781) 316-3010
Fax (781) 316-3019
E-mail: achapdelaine@town.arlington.ma.us
Website: www.arlingtonma.gov

To: Finance Committee

From: Adam Chapdelaine, Town Manager

RE: Reserve Fund Transfer Request – Outstanding Legal Fees

Date: March 18, 2014

I am writing to you today to request a reserve fund transfer to the Town's Legal Expense budget in the amount of \$240,760 to cover costs associated with remaining legal fees relating to the Bouris - Coughlin lawsuit. As discussed with the committee earlier this year, these fees are related to the legal representation of the Defendants in the lawsuit. By combination of contract provisions, insurance provisions, and Town bylaws, each individually named defendant in this matter was and is entitled to indemnification from the Town and to have the cost of their civil defense paid by the Town. As you may recall, the \$7,000,000 lawsuit filed by the Plaintiffs was settled in late 2013 for \$250,000.

At the time of the settlement, the Town's financial exposure had been analyzed as potentially very significant. The attorneys' fees cost alone were running at approximately \$24,000 per day. There were 10 days of trial remaining at a projected cost of \$240,000. This figure did not include expert witness fees or other costs projected to be approximately \$10-15,000; nor did it include the approximately \$475,000 in unpaid legal fees that had already been incurred. Up until the date of settlement, the Plaintiffs had at all-times been demanding \$7,000,000 in the aggregate to resolve their two cases. There is no way to predict what amount the jury would have awarded (if any) upon rendering its damages verdict. Regardless of the outcome, the losing side would have most certainly appealed. Based upon the length of the trial and the amount of legal issues presented in this case, it is fair to assume that the appellate

attorneys' fees alone would run approximately \$100,000 for all three defendants. There would also be transcript and related appellate costs averaging approximately \$5,000. Based upon the outcome and the Appeals Court decision, any further appellate review would have similar costs and expenses.

At the time of settlement, it was determined that the School Department's portion of the \$250,000 agreement would be \$52,117.20, the remainder being covered by the School Department's insurance policy. Also, after working with the Defendants' attorneys, we learned that the amount of legal fees due in excess of the School Department's insurance policy was \$477,435.67. After negotiating with the Defendants' attorneys, the Legal Department was successful at reducing that amount by 18% to \$390,760. The School Department's legal budget is able to cover \$150,000 of these costs, and the balance of \$240,760 is what is being requested as a reserve fund transfer.

When this matter was discussed with the Finance Committee earlier this year, several members of the committee requested information regarding total expenditures to date related to the Bouris - Coughlin matter. The table below contains all prior costs and the costs related to the remaining legal fees discussed in the memorandum. I would be happy to answer any questions in regard to this transfer request at the committee's meeting on Wednesday evening.

School Department Costs Related to Bouris - Coughlin Suit	
FY 08	\$ 192,674.24
FY 09	\$ 152,289.49
FY 10	\$ 221,785.82
FY 11	\$ 225,691.75
FY 12	\$ 114,382.00
FY 13	\$ 50,863.00
FY 14	\$ 41,142.00
Total	\$ 998,828.30
Remaining Legal Fees	
FY 14 School Legal Appropriation	\$ 150,000.00
FY 14 Reserve Fund Request	\$ 240,760.00
FY 14 Total	\$ 390,760.00
School Department Portion of Settlement	
FY 14	\$ 52,117.20
Total All Town/School Costs – Bouris - Coughlin Suit	
	\$ 1,441,705.50



Town of Arlington 2014 Construction Season Planned Roadwork

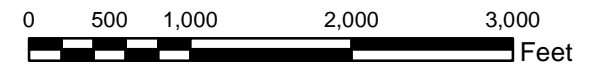
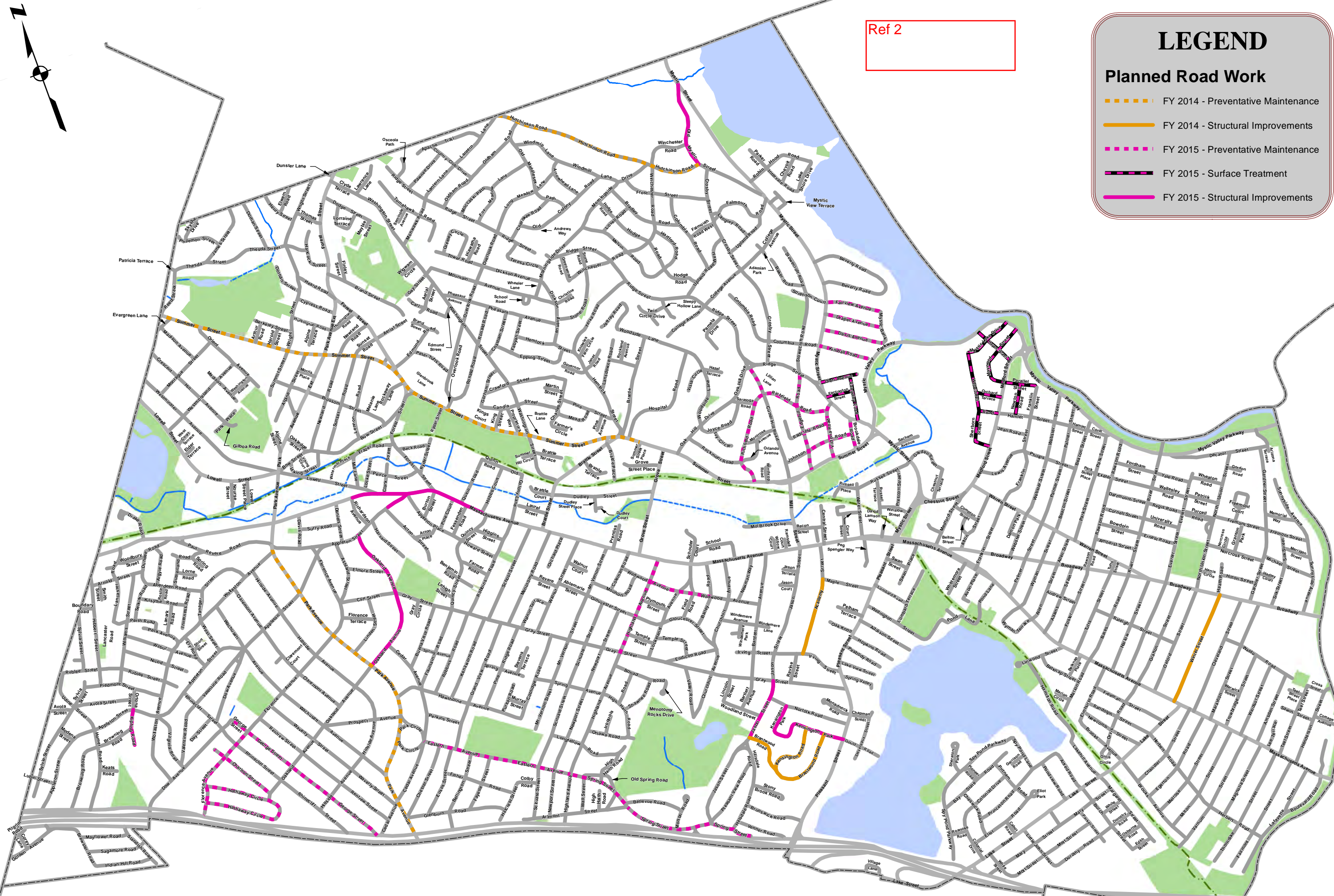


Ref 2

LEGEND

Planned Road Work

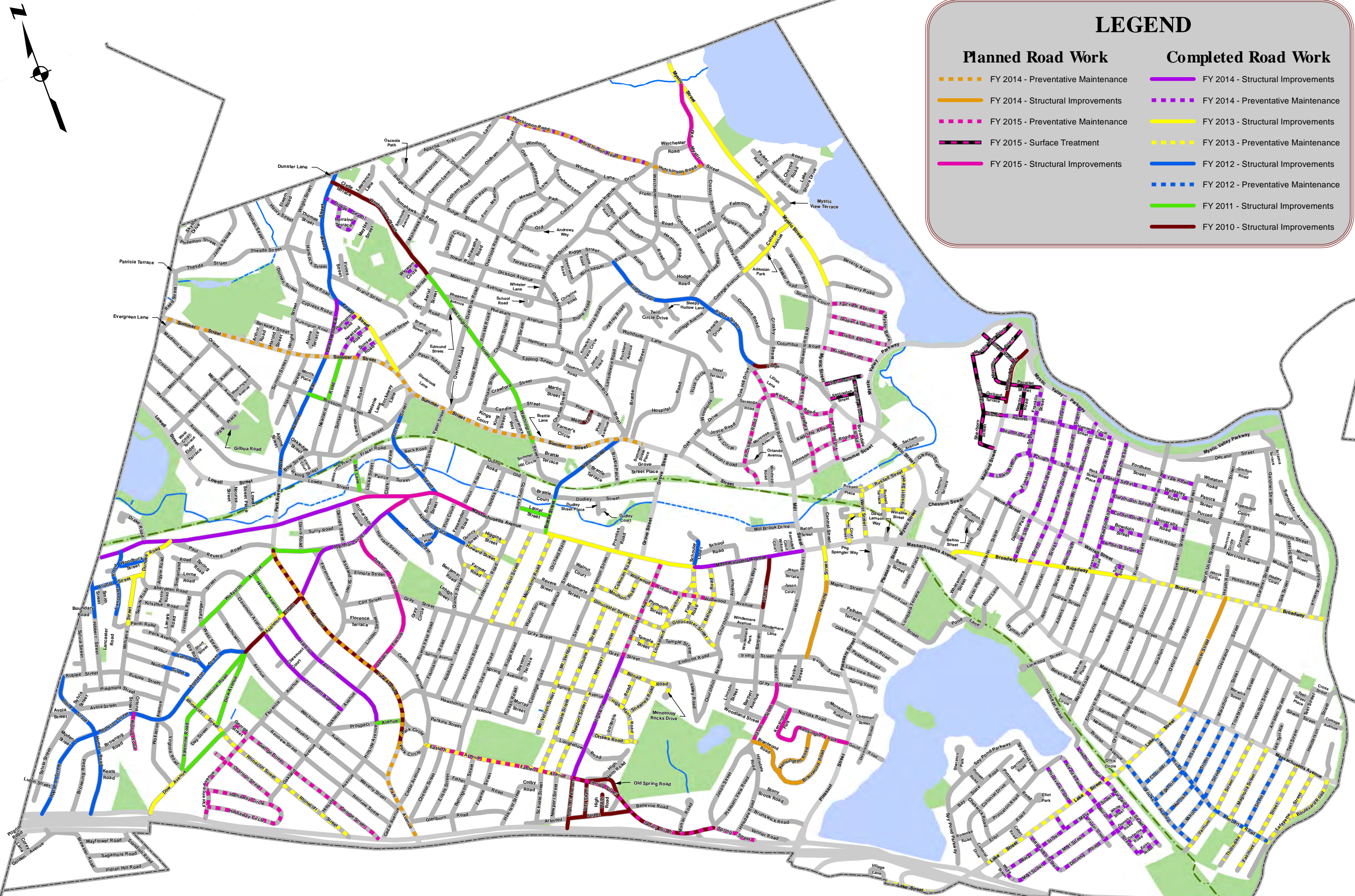
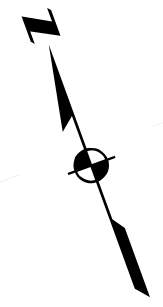
- FY 2014 - Preventative Maintenance
- FY 2014 - Structural Improvements
- FY 2015 - Preventative Maintenance
- FY 2015 - Surface Treatment
- FY 2015 - Structural Improvements



Map is prepared by the Town of Arlington Engineering Division.
Plan Date: 3/19/2014

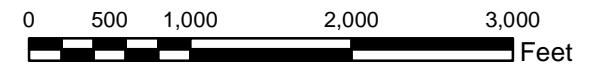


Town of Arlington Roadway Construction Work FY 2010 - FY 2015



LEGEND

Planned Road Work		Completed Road Work	
Orange dashed line	FY 2014 - Preventative Maintenance	Purple solid line	FY 2014 - Structural Improvements
Orange solid line	FY 2014 - Structural Improvements	Purple dashed line	FY 2014 - Preventative Maintenance
Pink dashed line	FY 2015 - Preventative Maintenance	Yellow solid line	FY 2013 - Structural Improvements
Pink solid line	FY 2015 - Surface Treatment	Yellow dashed line	FY 2013 - Preventative Maintenance
Magenta solid line	FY 2015 - Structural Improvements	Blue solid line	FY 2012 - Structural Improvements
		Blue dashed line	FY 2012 - Preventative Maintenance
		Green solid line	FY 2011 - Structural Improvements
		Brown solid line	FY 2010 - Structural Improvements



Map is prepared by the Town of Arlington Engineering Division.
Plan Date: 3/19/2014



DEPARTMENT OF PUBLIC WORKS
TOWN OF ARLINGTON
51 Grove Street
Arlington, Massachusetts 02476
Telephone (781) 316-3320, Fax (781) 316-3281

Engineering Division

2014 Construction Season Road List

- Academy Street
- Appleton Street: (Acton St. to Mass Ave.)
- Brantwood Road
- Farrington St. +
- Glen Ave. +
- Hayes St. +
- Jason Street: (Brantwood Road to Gray Street)
- Kensington Road
- Kensington Park
- Kipling Road: (Appleton St. to End)
- Massachusetts Avenue: (Richardson Ave. to Quincy St.)
- Maynard St. +
- Mystic Lake Drive +
- Newton Rd. +
- Oakland Avenue: (Park Ave. to Appleton St.)
- Oakland Ave./Gray Street intersection:
- Old Mystic Street: (Hutchinson St. to Mystic St (N))
- Orchard Terrace +
- Parallel St. +
- Rangeley Rd. +
- Sherborn St +
- Webcowet Rd. +
- Winter Street

+Ultra-thin bonded wearing course (Nova-Chip)



PUBLIC WORKS DEPARTMENT
TOWN OF ARLINGTON
51 Grove Street, Arlington, Massachusetts 02476
Phone: (781) 316-3108 Fax: (781) 316-3281

Memo to: Adam Chapdelaine, Town Manager
From: Mike Rademacher, DPW Director *MWR*
Date: March 18, 2014
Subject: Summary of Recycling Coordinator Responsibilities

Per your request, below is a summary of the work performed by the recycling coordinator position. Among the duties listed is the oversight and coordination of the solid waste hauling and disposal contracts. The work of this position is largely instrumental in the success of the program.

Program Oversight

1. Residential Trash, Recycling and yard Waste: Contract Administration

- Responsibilities with public: phone and in-person communications, develop and manage outreach materials, campaigns and events, online and hardcopy publications, and press items. Managed department's front line transition to enforced mandatory recycling.
- Responsibilities with contracted hauler: develop and manage information systems and data collection on curbside and dumpster collection, manage day-to-day issues and problems that arise, negotiate program changes and adjustments.
- Responsible for oversight and with regulatory authorities: report tonnages to Arlington Recycling Committee monthly, collaborate with Assistant Director on management related to waste and diversion, report to Director on highest level decision-making, member of regional Hazardous Waste collection planning committee, collaborate with Board of Health and Community Safety on infractions to bylaws, primary Town contact with MA Department of Environmental Protection
- Results: Recycling tonnage diversion efforts (Arlington does not pay a per ton tipping fee for recycling, only for trash. Every ton diverted to recycling represents savings to the Town)
 - 4,395 tons of recyclable materials collected in FY 2011
 - 4,652 tons of recyclable materials collected in FY 2012; 257 ton increase from previous year and diverted from the disposal contract (247 x \$68/ ton = \$17,476 savings over 2011)

JRM collection contract awarded in FY2013 with trash limits and enforced mandatory recycling.

- 5,257 tons of recyclable materials collected in FY 2013; 605 ton increase from previous year and diverted from the disposal contract (605 x \$70/ton = \$42,350 savings over FY 2012)
- FY14 recyclable tonnage looks to be leveling off. It is the goal of the DPW to utilize a portion of the Recycling Coordinator's time to audit the compliance with the current mandatory recycling and waste limit policies to ensure the greatest level of success. We have performed some random spot checks and it appears that greater savings can be realized with better conformance.

2. Hazardous Waste Collection: held at Lexington's regional Hazardous Waste Facility

- Eight events are held per calendar year, Arlington's Recycling Coordinator chairs this committee for the 2014 season, Environmental Services contract was renegotiated in 2013.

Current Primary Projects

1. Public Space waste management- Goal: increase diversion from waste in public spaces
 - Actions: Coordinate with Park groups, Recreation department, Park and Recreation Commission, nonprofit dog advocacy group, animal control officer, Natural Resources division, Conservation Commission, athletic group representatives, high school facilities, AHS Athletics Department, and waste hauler.
 - Results:
 - Pilot recycling at two locations was successful in 2013
 - Diverted more collection to hauler (JRM) (reduced DPW staff time spent on collection)
 - Developed park clean-up procedures that are better aligned with Conservation Commission and MA waste ban regulations (avoid repeat of warning Arlington received from MA DEP for a “failed load” that contained banned material).
 - Planned for Spring 2014
 - Expand recycling by increasing collection of recycling by JRM.
 - “Arlington Athletes remind you to recycle” outreach campaign
 - Pilot pet waste stations
2. Curbside Household Waste Audit- Goal: Tighten compliance of curbside trash limits and mandatory recycling bylaw. Will inform future decisions relating to further reduction of trash program limit, as well as improve oversight of hauler’s enforcement performance.
 - Data collection tool developed with GIS Department
 - Sample of households in Town will have their curbside waste recorded by volume: sample size TBD
 - Prepared questions for 2014 Town Census survey insert: resulting 6000+ data points provide self-reported volume of waste (three categories) set out each week

Secondary Projects, ongoing

1. Outreach in schools: Expanded recycling to all public school cafeterias, completed during FY 2012. Outcome: all schools are in compliance with mandatory recycling bylaw. Implemented pour-off stations in all cafeterias, which capture the weight of liquids (disposed down a drain) and allows empty containers to be recycled. Increasing compliance at the high school is an ongoing effort.
2. Changes to MA waste ban laws and MA Solid Waste Master Plan: the Recycling Coordinator monitors policy and activities at the state and regional levels to keep the Town informed of opportunities and regulatory changes as they develop. For example, an organic waste ban for producers of one ton of organic waste per week (food scraps) will begin on October 1, 2014. Monitoring the state’s movements and goals around organic waste bans is essential for preparing Arlington to have the necessary relationships and structures in place, such as our yard waste agreement with the Town of Lexington and potential outlets for food waste solutions.
3. MA DEP Grants cycle: Annual tracking and reporting of solid waste and diversion is reported to MA DEP, grant applications submitted yearly (\$1,500 minimum granted annually, larger grants may be applied for from time to time). Arlington must reduce solid waste tonnage per household by 30% below 2008 levels by 2020 and reduce further by 80% by 2050 to remain in line with the state goals. Common understanding in the field is that the 2050 goal will be accomplished through an organic waste ban at the household level. The recycling coordinator is the primary position that has an eye on this trend.
4. Updating dumpster profile: ongoing outreach to apartment buildings, Arlington Housing Authority and condominium associations to update inventory of dumpster locations, ownership and responsibility for collection.

From: [Charlie Foskett](#)
Sent: Wednesday, March 19, 2014 2:38 PM
To: ['Allan & Barbara Tosti'](#)
Cc: [Gloria Turkall](#) ; [Christine Deshler](#) ; [Adam Chapdelaine](#) ; ['Michael Rademacher'](#)
Subject: Recycling Coordinator

AI:
 The recycling coordinator was originally budgeted at half time and was going to be paid for by the “white goods” sticker fees or something like that.
 Note that in 2012 he amount was \$24,665.

FY 2012 SALARY DETAIL						FY 2011				FY 2012		
PUBLIC WKS ADM	Job	FTE	BU	Grade	Step	Min	Max	Base	Full	Base	Longevity	Total
RADEMACHER	DIRECTOR OF PUBLIC WORKS	1.00	MGMT	3		85,807	123,995	111,254	111,254	105,000	-	105,000
DEBENEDICTIS	ASST. DIR. PUBLIC WORKS OPERAT	1.00	MTP	12	8	61,226	79,223	79,223	79,223	79,223	500	79,723
YANNETTI	OFFICE MANAGER - PUBLIC WORKS	1.00	SEIU	05	8	44,387	57,435	57,435	57,435			
VACANT	RECYCLING COORDINATOR	0.50	ATP	5	4	44,172	57,157			24,665		24,665
KILEY	ADMIN. ASSISTANT P.W.	1.00	OFFA	11	0	44,324	44,324	44,324	44,324	44,324	1,100	45,424
STATHOPOULOS	SR BLDG CUSTODIAN	1.00	MC	4	6	34,890	42,449	42,449	42,449	42,449	500	42,949
GANNON	PRIN ACCT CLERK/BOOKKRP OA-4	1.00	OFFA	4	8	31,959	41,355	41,355	41,355	41,355	500	41,855
SCHANDA	PRINCIPAL CLERK & STENOGRAPHER	1.00	OFFA	4	8	31,959	41,355	41,355	41,355	41,355	300	41,655
SUBTOTAL:								417,395	417,395	378,371	2,900	381,271
Water/Sewer Offsets									(215,832)	(228,960)		(228,960)
TOTAL:									201,563	149,411	2,900	152,311

This is the description in this year's budget:

FY2015 SALARY DETAIL						2014			2015			
PUBLIC WORKS ADMIN	Job	FTE	BU	Grade	Step	Min	Max	Budget Book	Base	Step	Longevity	
RADEMACHER	DIRECTOR OF PUBLIC WORKS	1.00	MGMT	3		96,128	138,908	116,618	119,826	2,996	1,199	124,021
DEBENEDICTIS	ASST. DIR. PUBLIC WORKS OPERAT	1.00	MTP	12	8	68,590	88,750	86,375	88,750		700	89,450
KILEY	ADMIN. ASSISTANT P.W.	1.00	OFFA	11	0	49,655	49,655	48,326	49,655		1,100	50,755
STATHOPOULOS	SR BLDG CUSTODIAN	1.00	MC	4	6	39,087	47,565	46,291	47,565		500	48,065
GANNON	PRIN ACCT CLERK/BOOKKRP OA-4	1.00	OFFA	4	8	35,802	46,329	45,089	46,329		700	47,029
VACANT/BENNETT	ENERGY MANAGER	0.68	ATP	5	8	46,871	60,649	35,594	42,320	1,587		43,907
SCHANDA	PRINCIPAL CLERK & STENOGRAPHER	1.00	OFFA	4	8	35,802	46,329	45,089	46,329		500	46,829
MILAN	RECYCLING COORDINATOR	0.86	MTP	5	6	49,484	64,031	28,963	51,158	722		51,880
SUBTOTAL:								452,345	491,932	5,305	4,699	501,936
Less: Recycling Revolving Fund Offset									(12,663)			(12,663)
Less: Bedford Inter-municipal Offset								(11,865)	(14,055)			(14,055)
Water/Sewer Offsets								(226,609)	(246,276)			(246,276)
TOTAL:								213,871	218,938			228,942

Notice that it is now a 0.86FTE position, **for a task that has disappeared**, and it is now at \$51,880. This in three years!

Nothing in Mike Rademacher's memo assures me that this job is going to bring us any funds in that we wouldn't otherwise have.

I don't have anything against Mike Rademacher, the person in this position or the Town Manager. But I am opposed to budget and position creep. This was a position that was justified on the basis of the need to assure certain recycling. Through the excellent work of the DPW and the Town Manager we achieved a contract that improved our recycling overall, and eliminated the need for the job. It looks to me like we may be creating a need here when we could be more efficient.

Charlie

Minuteman Regional High School
 Proposal - Calculation of Weighted Voting

Ref 6

Weighted Vote by Community - Based on 4 year Rolling Average						
	Enrollment Count as of October 2013	Enrollment Count as of October 2012	Enrollment Count as of October 2011	Enrollment Count as of October 2010	Total Enrollment Based on 4 Year Rolling Average	Weighted Vote Percent
Arlington	153	125	123	102	125.8	33.03%
Lexington	47	53	54	62.5	54.1	14.22%
Belmont	30	31	37	37	33.8	8.86%
Needham	34	27	31	24	29.0	7.62%
Stow	22	25	20	29	24.0	6.30%
Acton	25	20	25	23	23.3	6.11%
Lancaster	26	22	18	21	21.8	5.71%
Sudbury	19	15	11	13	14.5	3.81%
Concord	7	7	15	20	12.3	3.22%
Bolton	11	9	10	9	9.8	2.56%
Wayland	7.5	8.5	8.5	11	8.9	2.33%
Carlisle	12	9	7	5	8.3	2.17%
Boxborough	4	5	7	12	7.0	1.84%
Lincoln	5	4	3	3	3.8	0.98%
Weston	4	3	3	3	3.3	0.85%
Dover	1	2	2	1	1.5	0.39%
Total	407.5	365.5	374.5	375.5	380.8	100%

Allocation of Vote				
Weighted Vote Percent	50% Weighted Vote Share	50% Equal Member Vote	Total Member Vote	
33.03%	16.51%	3.13%	19.64%	
14.22%	7.11%	3.13%	10.23%	
8.86%	4.43%	3.13%	7.56%	
7.62%	3.81%	3.13%	6.93%	
6.30%	3.15%	3.13%	6.28%	
6.11%	3.05%	3.13%	6.18%	
5.71%	2.86%	3.13%	5.98%	
3.81%	1.90%	3.13%	5.03%	
3.22%	1.61%	3.13%	4.73%	
2.56%	1.28%	3.13%	4.41%	
2.33%	1.17%	3.13%	4.29%	
2.17%	1.08%	3.13%	4.21%	
1.84%	0.92%	3.13%	4.04%	
0.98%	0.49%	3.13%	3.62%	
0.85%	0.43%	3.13%	3.55%	
0.39%	0.20%	3.13%	3.32%	
100%	50%	50%	100%	