

## ADVISORY AND FINANCE COMMITTEE

### MEETING MINUTES

July 15, 2015

A meeting of the Advisory & Finance Committee was held on Wednesday, July 15, 2015. The meeting was called to order by Chairman John Moody at 7:00PM and was conducted in the Mayflower II Meeting Room at the Plymouth Town Hall, 11 Lincoln Street, Plymouth, Massachusetts.

**PRESENT**      **Eleven members of the committee were present:**  
Kevin Canty, Richard Gladdys, Harry Helm, Shelagh Joyce, Ethan Kusmin, Patricia McPherson, Christopher Merrill, John Moody, Patrick O'Brien, Harry Salerno, Marc Sirrico

**ABSENT**      **Two members of the committee were absent:**  
Betty Cavacco, Kevin Hennessey

### **AGENDA ITEMS**

- **Introduce New Member – Patrick O'Brien**  
New Advisory & Finance Committee Member, Patrick O'Brien, was introduced. Patrick works for Entergy in their Public Relations department. He previously worked for The Town of Plymouth for the Town Manager's office and the Recreation Department. Prior to that, he worked at the State House for then Representative, Vinny DeMacedo. Patrick recently received his Master's Degree in Public Administration.

Committee members publicly thanked Charles "Chip" Stevens and Cornelius "Nick" Bakker for their service to the Advisory & Finance Committee. Both recently made the decision to step down.

- **End of Year Appropriation Transfer Requests**  
WATER DEPARTMENT: Dennis Westgate, Assistant DPW Director, reported the Water Department had staffing issues. Meters had to be read to complete the June commitments so other staff worked overtime to help out. This caused a deficit in the overtime line with little to no excess in the other salary & wage lines. The Water Department is requesting an End of the Year Appropriation Transfer in the amount of \$26,000 from its Other Expenses to its Salaries & Wages.

Questions:

- The memo mentioned injuries. Can you explain? (S Joyce) Several employees were out for an extended period of time but thankfully all are back to work now.
- Was everyone out due to injury or did you lose staff as well? (M Sirrico) A couple of employees did leave and since the Water Department is staffed 24/7 it left a shortage. New employees are brought in but there is training involved so they have to work alongside other staff until they learn the job.
- Are there any vendors available to cover meter reading? (C Merrill) There are always vendors available but the expense may be greater to utilize them. We may look into that option in the future.
- The \$26,000 is being transferred from other expenses, specifically electricity. How is it that there is that much available in that line item? (J Moody) The department was anticipating larger electric bills particularly with a new station coming on line. When the vendor switched from NStar to Eversource the bills came in much lower than anyone

could have predicted.

- Since the bills are lower, will the department ask for less money in their electricity budget next year? (K Canty) The department looks at every line item every year to see if it is where it needs to be or is too high or too low. That process will be the same but they need to see where electricity prices go from here first.
- Will this transfer be enough to get the department through year end? (P McPherson) Yes, the fiscal year just ended June 30<sup>th</sup> so this transfer will take care of the shortage.

**Christopher Merrill made a motion to approve the Water Department's End of Year Appropriation Transfer in the amount of \$26,000 from Water Department – Other Expenses to Water Department - Salaries & Wages. Kevin Canty, second. The motion passes unanimously (10-0-0).**

➤ **Reserve Fund Transfer Request**

Director of Finance, Lynne Barrett, reported that the Snow & Ice line item is currently at a \$1.7 million deficit. The state allows deficit spending in Snow & Ice and then the town raises it on the recap which sets the following year's tax rate. This year the state is allowing this deficit to be amortized over 3 years. We will look at that option when we go to set the tax rate. Aaron Wallace from the Emergency Management Department submitted reimbursement requests from MEMA and FEMA. FEMA is offering a 75% reimbursement for a 48 hour period during the January storm. Massachusetts tried to get that period of time extended but the federal government did not approve the request. Those reimbursements will be subtracted from the \$1.7 million deficit. Lynne also asked that the balance in the Reserve Fund of \$19,768 be transferred to offset the deficit to reduce the amount to be raised on the recap.

Questions:

- What are the reimbursement amounts that we are anticipating? (S Joyce) I will find out the exact amounts from Aaron Wallace and will report back.
- How does this deficit affect the tax rate? (E Kusmin) The general rule of thumb is every 1 million equals 10 cents on the tax rate.

**Richard Gladdys made a motion to approve the Reserve Fund Transfer in the amount of \$19,768 to DPW Snow & Ice – Snow Removal Contracts. Harry Salerno, second. The motion passes unanimously (10-0-0).**

➤ **Open Meeting Law Overview**

John Moody prefaced the presentation by telling the committee that it is important for every member to understand Open Meeting Law. Committee member Kevin Canty then presented an Open Meeting Law overview to the committee.

The Open Meeting Law is covered by Massachusetts General Laws Chapter 30A, §§ 18-25 and is governed by the Attorney General's Office. The purpose of Open Meeting law is to strike a necessary balance between government accountability and government efficiency, ensure transparency of public bodies, and allow government to efficiently and effectively manage its operations.

There are three Open Meeting Law Basics:

1. Notice must be posted for meetings of a public body
2. Meetings of a public body must be open to the public (exception: executive sessions)
3. Minutes must be kept for both open and executive sessions

Meetings that are covered by Open Meeting Law include, “any deliberation by a public body with respect to any matter within the body’s jurisdiction,” with the exceptions of Town Meeting and on-site inspections of a project/program, provided members do not deliberate. Deliberation includes, “any oral or written communication through any medium, including electronic mail, between or among a quorum of a public body on any public business within its jurisdiction” with the exception of distribution of agendas/reports/documents and scheduling or procedural information, provided that no opinion of a member is expressed.

There were questions and discussion throughout the presentation. Much of it focused around violating Open Meeting Law serially. One can not rely on the fact that a conversation between two people will stop there because it may be shared with someone else on the committee, who may share it with someone else, and so forth. If this continued and reached a quorum serially, it would violate Open Meeting Law. Replying to an email can also open the door to a potential serial violation.

The following resources were offered:

- The Open Meeting Law Guide: <http://www.mass.gov/ago/government-resources/open-meeting-law/attorney-generals-open-meeting-law-guide.html>
- Training videos: <http://www.mass.gov/ago/government-resources/open-meeting-law/video-trainings/>
- Attorney General Regulations: 940 CMR 29.00
- Hotline: 617-963-2540
- Email: [openmeeting@state.ma.us](mailto:openmeeting@state.ma.us)

### ➤ **Committee Reorganization**

John Moody announced that the committee would be reorganizing at this time as it is required to do annually within 31 days of the new fiscal year. He then turned the Chairmanship over temporarily to Ethan Kusmin to run the elections.

Chairman: Ethan Kusmin asked for nominations for Chair. Mark Sirrico nominated John Moody. Richard Gladdys, second. No additional nominations were made. John Moody was elected Chair unanimously (10-0-0). Ethan Kusmin, abstained.

1<sup>st</sup> Vice Chair: Ethan Kusmin asked for nominations for 1<sup>st</sup> Vice Chair. Mark Sirrico nominated Harry Salerno. Patrick O’Brien, second. No additional nominations were made. Harry Salerno was elected 1<sup>st</sup> Vice Chair unanimously (10-0-0). Ethan Kusmin, abstained.

2<sup>nd</sup> Vice Chair: Ethan Kusmin asked for nominations for 2nd Vice Chair. Richard Gladdys nominated Shelagh Joyce. Christopher Merrill, second. No additional nominations were made. Shelagh Joyce was elected 2nd Vice Chair unanimously (10-0-0). Ethan Kusmin, abstained.

Ethan Kusmin then turned the Chairmanship back to John Moody.

➤ **Sub-Committee & Liaison Appointments**

Committee members were asked to turn in their sub-committee, standing committee and committee liaison preference sheets at tonight's meeting if possible and if not, before the next meeting. The Chair and Vice Chairs will review everyone's preferences and put together the assignments hopefully for the next meeting.

**Public Comment**

None

**Old/New/Other Business**

None

**Meeting Minutes**

- June 17, 2015: **Patricia McPherson made a motion to approve the June 17, 2015 meeting minutes. Kevin Canty, second. The motion carries (6-0-4). Richard Gladdys, Harry Helm, Patrick O'Brien and Harry Salerno, abstained.**

**ADJOURNMENT**

**Patrick O'Brien made a motion to adjourn. Kevin Canty, second. The motion for adjournment carries unanimously (10-0-0). The meeting adjourned at 8:24PM.**

Respectfully submitted,  
Kere Gillette