

East Hampton Board of Finance
Monday, July 2, 2007
Special Meeting
Town Hall Meeting Room
7:30PM

Minutes

Members Present: Chairman Ted Hintz, Vice Chairperson Sharon Kjellquist, Judy Isele, Kurt Kominski, Henry Thorpe (phone; 7:38 – 7:59)

Absent Members; Jill Simko and Katherine Avery

1. Call to Order

Chairman Hintz called this meeting to order at 7:38PM.

2. Review, Discuss and take possible action on procedures taken with respect to the contract signed June 22, 2007 with Bennett Yarger Associates to assist in recruiting a new Town Manager.

BOF members discussed the need for assistance in finding a new Town Manager; yet feel the Town Council has not followed proper procedure in seeking such assistance. Past practice suggests that retaining an agency to assist with recruiting is a consulting service, which is done by obtaining requests for proposals (RFPs).

Upon hearing of the Town Council's actions, Chairman Hintz asked Town Council Chairperson Walck a number of questions relating to the process, the funding and the timing of this work. Chairman Walck didn't provide answers to the questions, but directed Chairman Hintz to Kyle Dostaler or Scott Minnick. Dostaler advised that the funding wasn't an issue/no need for approval since the dollar amount was less than 5k. No further information was provided.

Discussion points:

- A sub-committee was not formed as has been done in the past
- The contract was mailed to Scott Minnick's home address rather than the Town Hall
- Contract is on East Hampton letter head, rather than the firms
- Chairman Hintz asked the Town Council to discuss this matter, yet they did not
- All purchases for consulting services require a Request for Proposal, unless a written justification is provided to the Town Council or Board of Education that a single source is uniquely qualified to provide the desired services.

- The contract indicates the retainer for this search firm is 15k + other necessary expenses
- A letter should have been written to the Town Council regarding the services and discussed at a Town Council meeting, which did not happen
- Chairman Hintz spoke to Jean regarding the matter; advised that BOF may seek outside council on this matter
- Members feel the Town Council should follow procedure; there should be no action until the town ordinance requirement is met
- Actions should be made public
- Chairman Hintz read a letter from Jill Simko regarding the matter: overall her view is that the town policies/procedures should be followed; to date the BOF has had little influence over spending within the town since many costs have been incurred without BOF involvement; examples sited

A motion was made by Henry Thorpe, seconded by Judy Isele, to submit a letter to the Town Council informing them that the steps taken with regard to hiring Bennett Yarger Associates does not follow town ordinance or proper procedure. BOF insists that no further action be taken until the Town Council abides by the town's purchase ordinance, 117. Motion passed 5-0.

A motion was made by Sharon Kjellquist, seconded by Judy Isele, that if this letter does not change the actions of the Town Council, beginning with their meeting scheduled for Tuesday, July 3, 2007, the BOF will seek legal council. Motion passed 5-0.

Additional discussion:

- Members drafted the letter to be submitted to the Town Council
- Agreed to draft and provide the letter to the Town Council members before their meeting scheduled for 8:00AM on Tuesday, July 3, 2007
- Chairman Hintz will attend the meeting and will report back to the group the response of the Town Council
- Chairman Hintz began discussions and obtained an engagement letter with an individual for legal council. The intent would be to only use this individual for this matter, nothing more.
- Kurt will submit a letter to the Rivereast advising the public of the BOF concerns and actions
- Chairman Hintz will schedule a special meeting for next week, if necessary

3. Adjournment

A motion was made by Judy Isele, seconded by Sharon Kjellquist, to adjourn the meeting at 8:16PM. Motion passed 4-0.

Submitted by:
Karen Lee