

MINUTES OF MEETING OF WAREHAM FINANCE COMMITTEE

Date of Meeting: March 20, 2013

I. CALL MEETING TO ORDER

The meeting was called to order at 7:14 P.M.

II. ROLL CALL

Members Present: Donna Bronk, Chairman
Frank Heath, Vice Chairman
Larry McDonald, Clerk
Tom Worthen
Dominic Cammarano
Marilyn Donahue (Arrived at 7:27 P.M.)

Members Absent: Sam Gray
David Trudell
Bonnie Cottuli

Also Present: Derek Sullivan, Town Administrator

III. CITIZENS PARTICIPATION

No-one came forward for Citizens Participation.

IV. TOWN ADMINISTRATOR'S REPORT

A. Any fiscal matters.

1. Figures for articles.

Mr. Heath asked Mr. Sullivan if there are any figure updates on Warrant articles. Mr. Sullivan stated that the WPCF & EMS figures are that which are stated in the budget. Mr. Heath stated historically, the FinCom has not voted on articles w/out figures. Mr. Sullivan again noted that the figures for the WPCF & EMS are in the budget. Mr. Heath gave examples of articles in which the FinCom needs figures for.

Discussion ensued re: updated Upper Cape Cod Regional Vocational Technical School figures & what figure will be placed in the Town budget for this school. Mr. Sullivan noted that \$2,595,539.00 is the Town's budget number for Upper Cape & there is money in the Reserve Account for Upper Cape as well.

Mr. Sullivan stated that all the Revolving Funds will be listed on the budget document. He noted that subsequent documents will be provided at Town Meeting, for example Revolving Fund figures. He stated the figures would also be included in the explanations.

NOTE: Ms. Donahue arrived at this time.

Mr. Cammarano & Mr. Heath both stated that since they have been on the FinCom, figures have been provided.

Present before the FinCom: Claire Smith, Town Moderator

Ms. Smith clarified the process.

Mr. Heath stated that the FinCom has never provided figures, they have only provided recommendations on the article. He stated the figures & explanations were always provided to the FinCom re: the articles. Discussion ensued.

Mr. Sullivan stated he can provide the figures in the explanations of the articles.

2. Article 21 – Financial Director/Re-Organization

Mr. Sullivan spoke re: Article 21. He submitted documentation re: Article 21. (Attached as reference).

Mr. Sullivan explained that the Treasurer/Collector will have an upgrade to Financial Director. He stated there will still be a Treasurer/Collector w/ an upgrade (adding the status of Financial Director). He stated the Financial Director will provide financial oversight that is needed.

Mr. McDonald expressed concern re: the WPCF & he feels that the WPCF has been ignored financially. He feels the WPCF needs to be put into this new financial equation for oversight as well. Mr. Sullivan explained that the WPCF Superintendent has hired an account temp to start creating spreadsheets & to use VADAR. He stated the WPCF Superintendent is also hiring a part-time bookkeeper to keep things up-to-date.

Mr. Heath expressed concern re: lack of documented procedures. He asked if there is a plan for documented procedures going forward (in case of illness, retirements, etc.) so that someone could step in & take over w/out issue. Mr. Sullivan discussed succession planning & noted that the Treasurer/Collector's office has this. He is hoping to have succession planning throughout at some point.

Mr. Heath asked re: the evaluation of the succession plan. Mr. Sullivan stated that an audit usually creates the evaluation, but doing it in-house is definitely something to work towards. Mr. Heath stated he hopes there are some resources available in the budget in case they are needed.

3. Special Town Meeting Warrant – Article 5 – Community Events Funds

Mr. Sullivan spoke re: the memo sent to the Community Events Committee (CEC). (Attached as reference). He explained the situation. He noted that this information was brought forward by a citizen.

Mr. Cammarano stated he was under the impression that this funding was to be set aside every year. Mr. Sullivan stated Town Meeting did not have the authorization to set aside these monies to the CEC. He stated the CEC can go through Town Meeting & request funds for what they want to sponsor.

Ms. Donahue asked if the Town is in trouble for how this has been done in past years. Mr. Sullivan stated he doesn't think the Town is in trouble. He stated it is not always a good idea to encumber monies for specific things.

Mr. McDonald feels there is a need to fund the CEC, but he feels going before Town Meeting is a better way to acquire funding.

Discussion ensued re: the validity of using CEC monies for parking kiosks.

Ms. Donahue asked where the Town stands re: parking meters/kiosks. Mr. Sullivan explained there is no capital set aside in the budget for parking meters/kiosks, outside of what the Harbormaster is proposing for the pier.

4. Special Town Meeting Warrant – Article 1 – Transfers & Appropriations

Mr. Sullivan stated that information on transfers/appropriations are a few weeks away & he is not sure if they will be ready/available in time to have the FinCom vote on this article.

Mr. Heath noted that more detail re: Article 2 – FY2013 Free Cash is needed.

Mr. Sullivan informed the FinCom that DOR has stated that the Town never should have done the healthcare holiday & the auditors have now stated there is no Free Cash. Mr. Cammarano stated back when the healthcare holiday was proposed & put into action, he didn't feel the DOR was dead set against it. Mr. Sullivan stated that Director Perry of the DOR strongly opposed the idea. Mr. Heath explained it was the Town's decision to do this & if it wasn't done, there would have been a \$1 million deficit. He stated the issue was if the figures in the Healthcare Trust Fund were accurate.

Mr. Sullivan explained where Free Cash is coming from for Article 2 of the Special Town Meeting Warrant. He noted this cash is not from over-estimating.

NOTE: Mr. Sullivan departed at this time.

V. BUSINESS

A. Review & vote 2013 Annual Spring Town Meeting Warrant articles.

Mr. Heath stated this will be handled at next week's meeting.

1. Upper Cape Cod Regional Vocational Technical School budget report.

Mr. Heath stated that Upper Cape's Superintendent will be coming before the FinCom next week.

Ms. Bronk informed the FinCom that Upper Cape gave a good presentation over the weekend at the school. She stated the school is well kept. She also understands that none of the other towns involved w/ the school have a problem w/ their budget, except Wareham. She noted that at the school, 18% of the students are in Special Education & 27% are on free or reduced lunches.

Mr. Heath noted that Wareham's students at Upper Cape make up a major portion of the student population.

Discussion ensued re: if there is a cap on how many students from Wareham can attend Upper Cape & if there is any sort of restriction.

2. Chairman's letter to voters.

Ms. Bronk asked the FinCom members to send her any ideas they feel should be in the Chairman's letter. Discussion ensued re: what to include in the letter & setting a tone.

3. Assignment of articles for FinCom recommendations.

Ms. Bronk stated she will assign these next week.

B. Review & vote 2013 Special Town Meeting Warrant.

1. Assignment of articles for FinCom recommendations.

It was stated that this will be handled next week & several of the articles were discussed in the Town Administrator's Report above.

C. Review Town Meeting deadlines.

The FinCom briefly reviewed the Town Meeting deadlines.

D. Establish public hearing date for Annual & Special Town Meeting Warrants.

The FinCom decided to hold the public hearing for the Annual & Spring Town Meeting Warrant on April 3, 2013 at 6:30 P.M.

VI. NEW BUSINESS

There was no new business.

VII. LIAISON REPORTS

Mr. McDonald stated he spoke to Mr. Underhill, IT Director & he was told that information on the virtualization program will be forthcoming.

Mr. Worthen stated he spoke to Mr. Gifford, Municipal Maintenance Director & Mr. Menard re: Article 16 – Municipal Maintenance Fuel Pumps & Fleet Management System.

Mr. Worthen explained that these fuel pumps fuel all Town vehicles except the police vehicles. He stated the primary issue they are trying to fix is the control system. He noted the pumps work fine, but there is a question of if the motors are working properly.

VIII. APPROVAL OF MEETING MINUTES: MARCH 13, 2013

MOTION: Ms. Bronk moved to approve the meeting minutes of March 13, 2013. Ms. Donahue seconded.

VOTE: Unanimous (6-0-0)

IX. NEXT MEETING DATE & TIME

The next FinCom meeting will be held on March 27, 2013 at 6:30 P.M.

X. ADJOURNMENT

MOTION: Ms. Donahue moved to adjourn the meeting at 8:50 P.M. Mr. McDonald seconded.

VOTE: Unanimous (6-0-0)

Respectfully submitted,

Kelly Barrasso
Kelly Barrasso, Transcriptionist

Date signed: 3/27/13

Attest: Larry McDonald (KA)
Larry McDonald, Clerk
WAREHAM FINANCE COMMITTEE

Date copy sent to Town Clerk: 4/2/13

FY13 Status Quo
Town Accountant (FY14 Est.)
Assistant Town Accountant 30 hrs
Treasurer Collector-Treasurer
Finance Director-Treasurer (FY14 Est.)

FY 13 Budgeted
\$ 92,290.64
\$ 36,771.00
\$ 85,452.64
\$ -
Total \$ 214,514.28

FY 14 Reorganization
Town Accountant (FY14 Est.)
Assistant Town Accountant 30 hrs
Treasurer Collector-Treasurer
Finance Director-Treasurer (FY14 Est.)

FY 14 Proposed
\$ 73,370.15
\$ -
\$ -
\$ 93,951.52
Total \$ 167,321.67

FY 14 Salary
Only Savings \$ 47,192.61



TOWN OF WAREHAM

54 Marion Road
Wareham, MA 02571

Derek D. Sullivan
Town Administrator
(508) 291-3100 x 3110
(508) 291-3124 FAX
dsullivan@wareham.ma.us

Memo

To: Susan Ricci-Sohn, Chairman Community Events Committee
From: Derek Sullivan, Town Administrator *DS*
CC: Stephen M. Holmes, Chairman Board of Selectmen
Alan Slavin, Liaison Board of Selectmen
Date: 3/12/2013
Re: Community Events Special Act

It was brought to my attention that there is a question about Chapter 82 of the Acts of 2008, Section 2 ("Act"). More precisely the issue at hand is whether the Community Events Special Act provided for one year or continuous funding.

I requested that Town Counsel Richard Bowen research the matter and write an opinion as to whether the Act established funding for one year or continuous years. Attached is his response.

After reading the opinion, I believe that whether through intent or flaw in the Act, the Town did not have the legal authority to credit any money to the Community Events Fund after fiscal year 2008.

2

LAW OFFICE OF RICHARD BOWEN

28 STOCKBRIDGE ROAD, SCITUATE, MA 02066

(781) 733-7178
(781) 378-1380 (facsimile)
www.richbowenlaw.com

Richard P. Bowen, Esq.

richbowen@comcast.net

March 5, 2013

Derek Sullivan
Town Administrator
54 Town Hall
Marion Road
Wareham, MA 02571

Re: Community Events Special Act

Dear Mr. Sullivan,

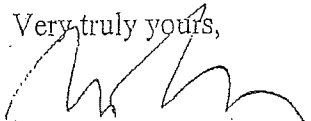
It has been brought to your attention that there is a question about Chapter 82 of the Acts of 2008, Section 2 ("Act"). That section provides as follows:

"Seventy per cent of the excise collected under section 3A of chapter 64G of the General Laws by the town of Wareham, and 40 per cent of the revenue deposited in the Wareham parking meter fund for the fiscal year beginning July 1, 2007, shall be credited to the Community Events Fund."

The specific question posed to you was whether the allocation of funds specified in Section 2 of the Act applies only to *"the fiscal year beginning July 1, 2007"*.

In my opinion, the allocation of funds applies only to the fiscal year identified in the Act. The Act contains no qualifying language such as *"and ensuing fiscal years"*. That, combined with the singularity of the phrase *"the fiscal year"* suggests that the allocation is a one fiscal year event only. In my opinion, the Town would need special legislation in order to add additional years to the one identified in the Act.

Very truly yours,



Richard Bowen

3