



Minutes: The Provincetown Finance Committee June 28, 2012 in the Judge Welsh Room,

This meeting is also available on video <http://www.provincetowntv.org/town-government/finance-committee/>

Call to Ordered 1:00

Present: Tom Donegan, Mike Canizales, Clarence Walker, Duane Steele, Doug Cliggot, Tim Grobleski , Dan Jackson

Also Present: Town Manager Sharon Lynn, for portions: Austin Knight, Erik Yingling

Public Statements:

Statement by Austin Knight as Chairman of the Board of Selectmen

The Board of Selectmen are the policy makers for the Town. There are several areas FinCom should be careful about because the Board of Selectmen will work in these areas: Risk mitigation at the police station, meeting with Personnel Board, ,Meeting with Building Committee. If they need us they will call us. The report of the paving of roads, it will be made public when it is received. Another concern is about individuals talking to Town Staff who are busy closing out the fiscal year. The Police are very active too. Comments are cautionary at this time, and while we will work together, it is the Selectmen who make policy. While the Police Station resolution will be brought to the attention of FinCom it is the voters who make decisions. The Chairman closed by saying these comments were at the request of staff and did not , but would, reflect the a vote of the Selectmen.

Written Statement From Dan Hoort read into the record. (Document 1 Below)

Update on Taxpayer Risk Mitigation at the Police Station

The Reserve Fund fund appropriated by the FinCom to bring the jails cells and ammunition areas up to current code could not be spent as the Town Counsel noted they are not an emergency under procurement law.

Statement Mike Canizales regarding due diligence on Police Station Repairs.

Mike asked the Chairman to continue to research information on roles and responsibilities, and worries that the Selectmen and Staff are overcorrecting. Mike also suggested that have new players in leadership among the Selectmen and FinCom , it might be that the confusions arise from what the law and charter outline and what has been the custom in Provincetown. Mike has spoken with various state and local officials and ultimately it is the Provincetown Building



Commissioner who has the authority to compel safety upgrades so to reduce hazards in the police station. Russell Braun has provided his opinion in writing that no repairs are required by law. Canizales then recounted his memory of a conversation with David Gardner on why repairs were not undertaken. Mike reports he used the word conspiracy as a description rather than an accusation regarding the cause of inaction on the police station. He reiterated his intention to continue to ask questions, and get more specific information

Grobleski suggested in similar situations it would be better to speak with department heads. Walker mentioned that the questions were valuable, but suggested working with department heads is best, but encouraged seeking knowledge and specifics is valued. Jackson said when we pull together with staff is great, but reminded us that we agreed to focus on specific reviews from the budget process such as an overview capital improved and personnel systems and that type of background work is best suited for summer and off seasons. Steele commented that the Selectmen and Staff reminded them that the DOR-ATFC handbook calls us a watchdog, and any citizen is entitled to any public document but agreed working with senior staff is best. The Chair of the Selectmen and Finance Director have overstepped in a cautioning the Committee. We are a creature of Town Meeting and the Executive Branch may wish to

Donegan: Hopes this is last meeting with posturing as an agenda item. He stated the reason to meet with the Building Committee is to employ the idea that one "partners in the beginning, rather than judges at the end" and that just like the last Police-DPW proposal, the Finance Committee will rigorously scrutinize proposed expenditures and proposals to increase town borrowing as we have much competition for those funds. If the Selectmen don't wish a Committee to Committee approach and that is in itself incendiary, then we will move forward with another communications alternative. Canizales reminded us that we learned very clearly that if you involved people only in the end as they did last time, it can become adversarial between the voter and the administration. We can't understand the budget without understanding the math to the personnel committee, but FinCom will understand the personnel budget

Cliggott. The spirit of the open meeting law is to attend public meetings and maybe not committee to committee but we should encourage one another to attend other to go to other committee meetings and actually participate in those meetings and interact.

Dongan: No additional update on the VMCC. A report from April 22nd was distributed and Grobleski was asked to review the report and digest the report with what the implications of that report are. Donegan noted that we repair rather than maintain buildings too often, and we need to encourage a more methodical maintenance program much like the Town has done with motor fleet replacement planning.



Donegan asked Walker to continue to review warrant appropriation process. Note an upcoming review of the subsidiary budgets (Schools, Water Sewer, Pier, Airport,) Upcoming Audit review meeting.

Cliggott. Presented an overview of audit letters and how they are organized. No internal control process is perfect; the auditor then identifies weaknesses for the management categorizes them in degrees of severity. Canizales asked the committee to think about what the best process forward is and how to best utilize DOR resources.

Documents reviewed: Report funded my Finance Committee on the VMCC, Findings of the Building Commissioner Braun on Fire Suppression at the Police Station.. 2010 and 2011 Annual Audit Management Lettes

Meeting adjourned at 2:07

Document 1

From: **Dan Hoort** dhoort@provincetown-ma.gov
to: Tom Donegan <xxx@gmail.com>
date: Wed, Jun 27, 2012 at 11:55 AM
Subject: Finance Committee Agenda

Tom,

In attending the open meeting law training on Monday the point was made that committees may not deliberate or express opinions via e-mail as it would violate the open meeting laws. Staff is allowed to send out information to the entire committee and may also express opinions because as a staff member we are not official members of the committee. Legal counsel advised when sending out an e-mail to the entire committee the e-mail be addressed to the chair and all other e-mail addresses be included on the 'bcc:' line. This avoids the tendency to hit 'Reply to All' by recipients who may be inclined to express an opinion which would then violate the open meeting law. Whenever I send an e-mail to the entire Finance Committee it will be addressed to you as the chair with all other recipients in the BCC line. However, for the sake of transparency I will also state in the body of the e-mail the names of the recipients who will be receiving the e-mail.

[This e-mail is being sent to you with blind copies to all Finance Committee Members, Town Moderator Mary-Jo Avellar, Board of Selectman Chair Austin Knight, Town Manager Sharon Lynn and Assistant Town Manager David Gardner.](#)

I'm sorry I won't be able to attend Thursday's meeting, but with fiscal year-end this Saturday I'm unable to get away for the meeting. It was good to have Doug at the Open Meeting Law Training which was very



informative for everyone. I would suggest everyone watch this meeting as there are a number of changes to the law.

I'm concerned about the agenda being put forward for future meetings. The direction seems to far exceed the role of the Finance Committee as defined in the 'Finance Guide for Town Officials' from the DOR and the 'Finance Committee Handbook'. The Finance Committee is a committee that monitors and safeguards the town's finances, it is not a decision making body, that role belongs to the Board of Selectmen. As such the Committee does not have a decision making role regarding the police station, the Personnel Committee, the Building Committee or the Pier Corporation.

1. Risk Mitigation & HVAC at the Police Station

The Board of Selectmen are the decision making body regarding the police station. If the Finance Committee feels the condition of the police station presents a financial risk to the Town of Provincetown they should present their concerns to the Board of Selectmen. Ultimately it is the role of the Board of Selectmen to make any decisions about the police station. It is not the role of the Committee to discuss the 'Evidence Locker, Mold Remediation, Fire Suppression, etc', that is the role of the Board of Selectmen. It would only involve the Finance Committee if the discussion evolved to 'how do we pay for it'.

2. Meeting with Personnel Committee

The Personnel Committee has a specific function as does the Finance Committee. The Finance Committee does not have a direct responsibility or control over personnel. Please see the paragraph listed below from page 3-7 of the Finance Committee Handbook. It is not within the Finance Committee's role to attempt to influence the Personnel Committee.

Personnel Costs

A majority of any municipal budget (perhaps 75 to 80 percent) is spent on salaries, benefits and pension costs. However, finance committees have no direct responsibility or control over collective bargaining and personnel policies. In some towns, the finance committee chair may play a role in planning collective bargaining goals and strategies, but finance committees do not play a direct role in personnel matters.

3. Joint Meeting with the Board of Selectmen and/or Building Committee

I would hope the Finance Committee would let the Building Committee do their job. The Finance Committee is not involved in the work of the Building Committee until they reach the stage of finances.

4. Pier Committee Meetings

The Finance Committee has a very limited role with the Pier, we meet quarterly to discuss their financial results. By law the Pier Corp is a separate entity. It was set up in that manner by the State of Massachusetts who determined the town was not the proper authority to operate the Pier. The Committee may spend time on the Pier Corporation, but they do not have any decision making authority in regards to the Pier. Ultimately any decisions regarding the Pier Corp are between the Pier Corp and the Board of Selectmen.

I would hope the Committee would direct their focus towards issues that are within their scope such as the annual budget, the five-year budget, planning the town's fiscal future, etc. We have some great new members on the Committee and to lose focus of the Committee's purpose and spend time on issues not within the scope of responsibility will only frustrate everyone as the Committee does not have the decision making role on those issues.

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Minutes Approved for posting by vote of the committee. Tom Donegan, Chairman