



Meeting Posting and Agenda

Finance Committee

Meeting Date: 10/16/23 Time: 06:30PM

Location: Sweetsir School

Pursuant to MGC Chapter 30A, 18-25

I. Call to Order

Attendee Name	Present	Absent	Late	Arrived
James Archibald	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Marcia Zosack	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Mike Marden	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Rob Gustison	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
David Luoma	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Thomas Ackerman	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Board Member Bob Bender	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Board Member Michael Bevilacqua	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Board Member Kenneth Tingle	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

II. Minutes Approval

October 2nd, 2023

III. Discussion Submitted by Robert Bender

TO MEMBERS OF FINCOM RE FinCom Planning for FY2024

The Finance Committee is a public body, as defined by state law, i.e., Open Meeting Law. A majority of its members are a quorum, and may share its discussions and communications on Finance Committee business only in public sessions, and keep records and minutes of its meetings. The Public Records Law requires members, as public officials, to maintain public access to public records that the members create, send, or receive.

Town Counsel will offer training on these legal requirements at 6:00 p.m. on November 2 at the Merrimac Police Department. As we members of the FinCom are each required to file with the town clerk a certificate saying we have basic knowledge of these laws, we all ought to attend. The most critical matters, in my experience, concern

The location of this meeting is wheelchair accessible and reasonable accommodations will be provided to persons with disabilities requiring assistance. If you need a reasonable accommodation, please contact the Town of Merrimac's ADA Coordinator, Robert Sinibaldi, at least two business days in advance of the meeting: commissioner@townofmerrimac.com or 978-346-0525.

posting of meeting notices and agenda, and understanding of what constitutes deliberations by a quorum of members, a circumstance that may occur lawfully only at a meeting.

Another key to transparency and proper record keeping is the preparation of sufficient minutes. Minutes need not be a transcript of presentations, discussions, or deliberations, nor must a public board make and keep a recording of its proceedings. The Open Meeting Law does require that minutes are accompanied by copies of documents and exhibits that are presented or discussed at the meeting. Such materials also must be treated as public records, as are other communications submitted to the FinCom.

The minutes must record which members were present for the meeting and the formal action taken on matters deliberated. It is proper for the minutes report alternative positions raised, as well as a description of the content of deliberations sufficient to show the rationale for the action of the FinCom.

The Finance Committee is not limited to meeting only when the Finance Director has reason to attend. It is necessary for the Finance Committee to prepare minutes when it meets without the Finance Director, such as when a quorum of the Finance Committee is present to hear the presentation of the superintendent of schools. The FinCom is meeting because it is present as a quorum to receive information relating to its consideration of the school budget. How will the minutes and materials presented be prepared and kept?

The FinCom can stay above board by designating a capable person to draft minutes for approval at a FinCom meeting. If the FinCom listens but does not discuss until a later meeting, the minutes could be simply "a quorum met in open session and heard the superintendent speak on the budgetary needs, and presented a video report that the superintendent spoke from." This and the names of the members in attendance, a statement that the quorum did not at that time discuss what they heard, and a copy of the presentation or material provided are attached from the draft of minutes. The School's posting these materials does not change FinCom's OML duty.

Section 1 of Article III of the Town's General Bylaws provides that the Town will have a Finance Committee as permitted by State law, General Law chapter 39, section 1. The bylaw specifies that the FinCom shall have no more than nine members, each appointed by the Town Moderator on an annual basis. The primary duty of the FinCom is to prepare and present a budget at the annual Town meeting. See sections 2 and 4 of Article III.

The bylaws are silent as to when the appointment of the FinCom should be made. It has been the practice of town moderators to appoint a FinCom annually, i.e., to a term of one year, a year ending after the FinCom has performed its duty of presenting the budget at the annual Town meeting.

To resolve any uncertainty about the timing of the appointment, I suggest the bylaws be amended to adopt its long practice. "The term of each member appointed annually to the Finance Committee shall run from July 1, the start of the Town's fiscal year and shall end on June 30 upon the conclusion of the fiscal year."

The Moderator shall be authorized to fill such vacancies that may occur after the annual appointment whenever there are fewer than nine members serving on the Finance Committee.

Article III, Sections 2 and 3 of the General Bylaws direct the town boards and departments to prepare in writing their "budget estimates for the year," i.e., the coming fiscal year, and to submit their estimates to the FinCom by January 1 prior to the annual Town meeting, the meeting called for the adoption of a town budget. The bylaws also require the FinCom to meet with these town boards and departments.

The current bylaws do not spell out the role of the Finance Director in the Finance Committee's process, but the practice of the FinCom and the Finance Director has established a cooperative review of budgetary requests. I suggest amendments to the bylaws sections 2 and 3 of Article III to document the current practices expressly.

The members of the FinCom have accepted a serious responsibility, one that calls on them to volunteer substantial hours, especially in the first months of the calendar year. With the intent to improve the utility to the budget process of the many hours spent hearing from town boards and departments, I suggest that each member of the FinCom be assigned to meet with these town officials before they make their presentations to the FinCom.

The purpose would be to focus the presenters so that their and our time is better used. The assigned members should advise the presenter and board or department as to what the presenter can do to make their presentation more helpful to the FinCom. Veteran members of the FinCom can be asked to assist the less experienced members with this task.

The members of the FinCom need a strong background in the work of town boards or departments so to appreciate the rationale for their requests. The FinCom should educate its members further about the alternatives the requestor may have, and why they choose the requests they seek.

The FinCom should find time to understand the largest requests, and make itself a resource for the community.

Though the Finance Director has an effective role in working with the financial management at Pentucket, more attention should be given to educating the members of FinCom. One suggestion may be holding of a joint briefing of the Select Board, the Finance Director, the FinCom, and a Merrimac representative of the School Committee. The FinCom should be expected to answer for its recommendations at Town Meeting.

Respectfully submitted, by Robert Bender October 2, 2023

IV. Discussion Submitted by David Luoma

You requested the Finance committee members send you our thoughts as to how to improve planning and communication processes. To that end, please see my thoughts below.

All Department Heads justify/quantify the reason for any significant increases in line item requests vs Last Year and/or Prior Year averages. Particularly additions to headcount.

Recommendations for salary adjustments, beyond contractual, should be based upon wage surveys vs surrounding towns, tenure, build bench strength, and to mitigate future turnover.

The specific criteria should be in the budget comments

Department Heads should be encouraged to source opportunities to reduce budget line items, particularly using technology or even AI. LY 's \$ budget doesn't have to be the starting point.

Line item comments in the budget should be plainly stated, with the understanding that an average town resident should understand it.

Budgets to be covered should be in Finance Committee members possession asap. Is 5 working days doable? Finance Committee members to submit questions at least 48 hours in advance.

Our meetings should be focused on reviewing each line item.

I think the pairing of Finance committee members with Dept heads can work, provided there are guardrails in place. We can be a sounding board for the Dept heads. Given the differing strengths of each committee member we should think through which dept could best use our insights. We should build out the partnership guidelines with the Dept heads.

The new contract we have with the PR Firm should be leveraged to increase resident awareness of upcoming meetings, major budgetary challenges, and large line item expenditures. This could be the basis for the communication content (James or Earls?) during town meetings.

A committee member should be designated time keeper to ensure meetings are productive and kept to the allotted time.

I hope these comments are helpful. Please know it is my pleasure to serve on the committee. Your collective leadership and partnerships are appreciated.

Best David