

FINANCE & ADMINISTRATION COMMITTEE MEETING

Monday October 3rd, 2016

MINUTES

Hampden Town Office

Attending:

Councilor Greg Sirois, Chair

Mayor David Ryder

Councilor Mark Cormier

Councilor Terry McAvoy

Councilor Stephen Wilde

Councilor Dennis Marble

Councilor Ivan McPike

Town Manager Angus Jennings

Town Attorney Ed Bearor

Resident Walt Kurowski

Resident James Lee

Resident Lisa Carter

Residents

Chairman Sirois called the meeting to order at 6 p.m.

1. **Meeting Minutes – September 19th, 2016** – *There was a motion and a second to approve the minutes as written. Approved 7-0.*
2. **Review & Sign Warrants** – *Warrants were reviewed and signed by Committee members.*
3. **Old Business** – *None.*
4. **New Business**
 - a. **MRC Board of Directors Election – Candidate nomination form** – *Mayor Ryder reported that both Councilor McPike and Councilor Wilde have expressed interest in being nominated to serve on the Board of Directors for the Municipal Review Committee. There was discussion regarding whether the Council could put forward two nominees, but neither the Town Manager nor the Town Attorney knew whether this would be permitted under the MRC Board Bylaws. There was a motion by Councilor Marble seconded by Councilor Sirois to recommend that the Council nominate Councilor McPike. The vote passed 4-3 with Councilors McAvoy, Cormier and Wilde opposed.*
 - b. **Review of rules of procedure under Robert's Rules of Order for Motions to Reconsider** – *Manager Jennings presented is memo in the packet stating that the Motion to Reconsider at the previous Finance Committee meeting had been accepted without receiving a*

second or a vote. Attorney Bearor provided background regarding Robert's Rules of Order as it relates to Motions to Reconsider. He noted that the Town Council Rule #11 does not specify that a second and vote is needed, but this is not specified in many other areas of the Rules but is how motions are generally handled. He noted that the Council Rules #19 reference Robert's Rules. Councilor Marble said this should be clarified. Attorney Bearor said that a second and vote is part of the Council's standard procedures.

Councilor McAvoy said he does not feel the language is ambiguous, and that it does not specify the need for a second or vote. Councilors Marble and Sirois said that the normal process includes a second and a vote. Resident Walt Kurowski of 96 Patterson Road said he thinks it is unfortunate that the meeting is combative.

Manager Jennings said that it is important for the Committee to decide what procedure it will apply so that this does not cause confusion in anticipation of future Motions to Reconsider. Councilor Marble asked whether, if the Council Rules are ambiguous, this would revert to Robert's Rules and Attorney Bearor said yes.

Councilor Marble made a motion to recommend that the Council adopt clarification to the Council Rules that Rule 11 and that motions referenced in any other rule that does not specify otherwise would require both a second and a vote to take effect. Councilor McPike seconded the motion. However Councilor McAvoy pointed out Council Rule #14 which states that the Council Rules cannot be dispensed with without unanimous consent, and that the Rules cannot be amended if advance notice was not provided on the prior meeting agenda. Manager Jennings and Attorney Bearor agreed.

Councilor Wilde expressed concern that the Council had already revised the Rules many times. Councilor Marble said that he doesn't see it as a change to the Rules so much as a clarification.

- c. Discussion on borrowing terms for November referendum questions** – *Manager Jennings said that he recommended basing the Treasurer's Report related to the proposed borrowing Ballot Questions on the November election on ten year borrowing, rather than 15 years. Motion by Mayor Ryder seconded by Councilor Marble to support this recommendation, and the motion passed 7-0.*

- d. Request for Councilor disclosure statements for any potential or perceived conflict or special interest under Section 3.5.F.3 Code of Ethics Ordinance-** *requested by Councilor McAvoy – Councilor McAvoy said that he had asked for this item to be on the agenda in*

hopes of reviewing all Councilors' disclosure forms, and stated that he thinks that Councilor Sirois has a conflict of interest relative to potential additional ballfields due to Councilor Sirois' wife's position as President of the Bronco Travel Soccer Club (BTSC) Board of Directors. He made a motion to recommend that the Committee find that Councilor Sirois is ineligible to participate due to a conflict of interest, and Councilor Cormier seconded the motion.

Councilor McAvoy referred to language in the 2015 Recreation Plan, page 17, referring to a priority to develop sports fields due to the potential loss of the fields at the H.O. Bouchard site. He said that Town Recreation programs did not make use of the Bouchard fields, and that the fields were only used by BTSC, so the loss of those fields shouldn't affect the Town's need for fields.

Councilor Wilde said he did not think there was an actual conflict but wished to avoid the appearance of a conflict so would support the motion.

A vote was taken and the motion failed 3-4 with Councilors Sirois, McPike, Marble and Mayor Ryder opposed.

After the vote a resident asked whether the Town Attorney had a position on this matter. Attorney Bearor said that what he's heard does not suggest to him a conflict because there is no financial benefit. He referred to a statutory standard for conflict that references an ownership interest. He said the question, to him, is bias, and whether a Councilor can consider a matter without bias.

Councilor McAvoy referred to language in the Ethics Ordinance regarding a "financial or special interest" which is not shared by the general public. Councilor Marble said that he reads the same language to support the finding that there is not a conflict of interest because additional playing fields would benefit the general public. Councilor McAvoy said that the Fees Ordinance provides for recreational facility rental fees for Affiliated Programs to be determined by negotiation, and said that no one else gets to negotiate their fee.

- e. Reconsideration of request for authorization for cutting, stumping, grinding, permitting and site preparation on the Lura Hoit Pool site for the purpose of additional recreational fields and parking** – *Manager Jennings summarized the procedural history of this matter. Mayor Ryder made a motion to recommend that the Council approve authorization for cutting, stumping, grinding, permitting and site preparation on the Lura Hoit Pool site for the*

purpose of additional recreational fields and parking, and Councilor Marble seconded the motion.

Councilor Wilde said that this process has been trying, and said we ought to put this on a long-term capital planning program. He said he would like to see exactly what the Council is proposing to do and what it would cost prior to acting. He raised concern that if the land was stripped and no money was approved to complete the work it would be a bad outcome. He said that he could not support this without seeing the whole plan.

Mayor Ryder asked Councilor Wilde whether he'd be more comfortable if the work was limited to site survey and DEP permitting. Councilor Wilde said there are many questions that haven't been taken up yet such as lighting, irrigation, electricity. He said the range of costs is wide because we don't know specifics. He said there should be a cooling off period.

Councilor Marble said that the wording of the motion is not ideal, but said we've been aware of the need for field space for two years and we're recommending to analyze what we have and what we don't have. He said that this motion would provide staff with general guidance, which staff would then carry out.

Councilor McAvoy asked Manager Jennings whether he considered this a capital project. Manager Jennings said that it is his opinion that the project as a whole would be a capital improvement because it would add lasting value to a Town asset. Councilor McAvoy noted requirements in the Town Charter for capital planning that have not been met, and asked Manager Jennings if we should not pay attention to the Town Charter. Manager Jennings said he did not say that, but he cautioned against the "perfect becoming the enemy of the good," noting that the Council had adopted a Capital Program in June for the first time in many, many years. He said that he does not think the Capital Program is perfect but that it's far better than has been done for many, many years. He noted that the Town has proceeded with many capital projects over many years without even having adopted a Capital Program, which the Charter requires to take place annually.

Resident James Lee of 383 Sawyer Road said that the current Town fields are not properly maintained, yet taxes increased and sewer rates went way up. He said he is in favor of more parking, but does not want to pay more taxes. He said we should improve what we already have, and wait until there is a clear-cut plan with costs prior to going forward with additional fields.

Mayor Ryder said that part of this effort is to provide more parking to address existing parking problems both at the Municipal Building during elections and at the fields. He said that tearing the current fields up to replace them is not an option because they would be unavailable for use, and his preference is to proceed piece by piece by budgeting a small amount of money every year. He said we may not get beyond one additional field, but that if we don't go forward we won't get anything done. He said that proceeding with a detailed plan with cost estimates will cost a lot of money.

Mr. Lee said that detailed plans would be needed in order for contractors to bid on work.

Mayor Ryder said that something needs to be done about parking and that this will require the cutting of trees. Mr. Lee said he thinks the Municipal Building parking is underutilized for the athletic fields.

Resident Lisa Carter said she doesn't know if DEP will let the Town put in parking and Mayor Ryder said it requires DEP approval. Mrs. Carter said that a procedure needs to be followed and that money would be needed for DEP permitting. She asked why it would make sense to cut wood before we know what DEP will allow.

Manager Jennings discussed the required DEP permitting process and said that site survey and engineered plans, including for stormwater management, would be required to navigate that process. Mayor Ryder agreed, and said that the engineering, survey and design costs could use all of the money that's being considered. Mrs. Carter asked why the vote wasn't limited to those items. Mayor Ryder said that activities below an acre of disturbance do not need DEP approval. He said that the DEP permitting process alone could cost \$25-30,000. Mrs. Carter expressed concern about waiving the bid process and cutting trees.

Chairman Sirois called for a vote on the original motion to refer this matter to Council and the motion passed 4-3 with Councilors Wilde, Cormier and McAvoy opposed.

- f. Request for Councilor disclosure statements for any potential or perceived conflict or special interest under Section 3.5.F.3 Code of Ethics Ordinance – requested by Councilor McAvoy – This item was not taken up due to the length of the meeting and the start of the Council meeting.**
- g. Consideration of request to use Recreation Area reserve funds (account number 3-767-00), for the purpose of site work for**

additional recreational fields (up to \$50,000) and wetlands delineation and DEP permitting for additional parking (up to \$30,000), both at the Lura Hoit Pool site – This item was not taken up due to the length of the meeting and the start of the Council meeting.

- h. Request for Councilor disclosure statements for any potential or perceived conflict or special interest under Section 3.5.F.3 Code of Ethics Ordinance – requested by Councilor McAvoy – This item was not taken up due to the length of the meeting and the start of the Council meeting.**
- i. Request for Council waiver of the bid procedure guidelines for authorized activities at the Lura Hoit Pool site – This item was not taken up due to the length of the meeting and the start of the Council meeting.**
- j. Review and approval of proposed FY17 Service Charges – This item was not taken up due to the length of the meeting and the start of the Council meeting.**
- k. Consideration of proposed Council Order 2016-03 establishing Confined Space Entry Policy – This item was not taken up due to the length of the meeting and the start of the Council meeting.**
- l. Consideration of the proposed Business Park TIF professional fee reimbursement agreement – This item was not taken up due to the length of the meeting and the start of the Council meeting.**

5. Public Comment – None.

6. Committee Member Comments – None.

7. Adjournment

Because the meeting had already extended past the scheduled start time of the Town Council meeting, the meeting was adjourned at 7:15 p.m.

Respectfully submitted –
Angus Jennings, Town Manager