

----- Original Message -----

From: John Kelly <jkelly@town.orleans.ma.us>

To: "jfuller184@comcast.net" <jfuller184@comcast.net>

Cc: Andrea Shaw Reed <asreed@town.orleans.ma.us>, Kevin Galligan <kgalligan@town.orleans.ma.us>, David Lyttle <davidlyttle@ryder-wilcox.com>, Cathy Doane <cdoane@town.orleans.ma.us>

Date: 11/29/2021 5:57 PM

Subject: RE: RE: Finance Committee at Dec 6th CRC Meeting

Jon,

I would like to take to this opportunity to weigh in on the proposed charter changes submitted by the Fin Com. I share many of the same concerns expressed by Cathy Doane, most importantly the proposed expansion of the Fin Com's role under Section 8-1-6. As I noted in my Roles & Responsibilities memo dated July 27, 2010, Section 8-1-6 was amended in 2008 in an effort to simply provide clarity as to the Fin Com's role in reviewing the annual budget, capital plan and warrant articles with financial implications and make recommendations to the voters at town meeting.

With respect to the other proposed Fin Com changes, I have the following comments:

Section 3-11-2 – Access to Town Counsel is scheduled through the TA's office in order to control the budgetary expense since we are billed on an hourly basis. Asking the Select Board chair to take on this administrative role is inconsistent with the charter.

Section 4-3-2 (b) and 8-5-1 – The CIP is prepared by the TA based on policy guidance from the Select Board. The Fin Com doesn't set policy and their involvement with the development of the CIP is inconsistent with their role to independently review the CIP and make a recommendation to the voters at town meeting. Further, while there has been discussion on the creation of a Long Range Planning Committee, which generated minimal citizen interest 5 years ago, it does not currently exist and should not be referenced in the charter since it would be an ad hoc committee of the Select Board.

Section 4-3-2 (c) – The charter amendment that added the last sentence regarding the authority of the TA to move budget funds around was determined by the Attorney General's Office to be inconsistent with state law and should be deleted.

Section 4-3-2 (d) – The proposed change is unnecessary since the Finance Committee already receives a copy of all of the Select Board meeting packets, including my written reports, and members are free to attend any public meetings of the Select Board.

Section 4-3-2 (d) – The proposed change is also unnecessary for the same reason as above.

Section 8-2-9 & 8-2-10 – The Select Board is the chief policy making board and it adopts a fiscal year budget policy that provides guidance to the Town Administrator as the budget officer for the Town. The reference to linking "projects" to the Select Board goals and town priorities, assumes projects are not capital in nature and otherwise in the CIP. Also, the budget is prepared for the ensuing fiscal year, while Select Board goals are adopted for the current fiscal year. In addition to being different fiscal years, for the last 25 years we have utilized a 5 year financial plan for planning purposes that incorporates projections for revenues including property and non-property taxes, along with tax levy and tax rates;

and expenditures including salaries, expenses, debt, and capital for both non-school and school operations. The financial plan reflects any applicable Select Board policies and is also attached to the annual budget policy for reference. Based on the forgoing, I believe the proposed changes are unnecessary.

Section 8-5-3 – As referenced under 8-5-1, the CIP is designed to deal with unmet long range needs of the Town and to implement the goals and objectives of the Orleans Comprehensive Plan. The Select Board by its policy authority and annual review/approval, has the discretion to adapt the CIP as it deems necessary. As such, I believe that the proposed commentary would be more appropriately addressed in the Orleans Comprehensive Plan and not in the charter.

Please let me know if you have any questions and feel free to share my email with the other members of the CPC.

Thanks.

John

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From: Cathy Doane <cdoane@town.orleans.ma.us>

Sent: Monday, November 29, 2021 11:35 AM

To: jfuller184@comcast.net

Cc: John Kelly <jkelly@town.orleans.ma.us>; Andrea Shaw Reed <asreed@town.orleans.ma.us>; Kevin Galligan <kgalligan@town.orleans.ma.us>; David Lyttle <davidlyttle@ryder-wilcox.com>

Subject: RE: RE: Finance Committee at Dec 6th CRC Meeting

Hi Jon,

Thank you for forwarding this to me.

I have concerns with several of the amendments suggested by them, but most specifically, the amendment suggested to section 8-1-6.

The Finance Committee is not qualified to “[independently examine and analyze all aspects of the Town's financial affairs](#)”. That would require each member to be certified in municipal finance. This is what I am hired to do, and I report results to the Select Board (SB) and Finance Committee periodically throughout the year. The “Town’s financial affairs” is “[independently examined and analyzed](#)” by our independent audit firm and a formal audit report is issued annually.

The language currently in the Charter has been problematic since it was adopted in 2008. The language is ambiguous and has led to the Finance Committee's lack of understanding that their role is solely to consider town meeting articles with monetary implications for the purpose of making recommendations to the Town (for example, budget & CIP articles).

Over the years as membership changes, John Kelly has had problems with Finance Committee members not understanding the intent of the Charter language. He wrote a memo back in 2010 to address this, and had Mike Ford provide a professional opinion on the matter (please see the attached 2010 memo from John Kelly to the Select Board and Town Counsel opinion memo).

To re-emphasize, I suggest that language of the Finance Committee's role be more specific (namely, to state that it's role is to consider town meeting articles for the purpose of making recommendations to the Town).

While I applaud Lynn Bruneau's passion and enthusiasm for her finance committee role, I have no doubt that this was **her** revision reflecting **her** desire to delve into details she simply is not qualified to analyze. The type of questions I receive from her illustrates her lack of understanding of municipal finance, and the SB are well aware of the demands she has placed on my time and that of my staff. The SB have advised me to limit my response time to her.

By allowing the Finance Committee the opportunity to analyze and report on information when they are not qualified to do so, can lead to embarrassment, misrepresentation, confusion and chaos.

Through this email, I have also forwarded this to John Kelly, as I'm sure he will have some concerns about the proposed edits they are suggesting.

Please feel free to share this email with other members of the Charter Review committee.

Thank you for your consideration.

Cathy L. Doane

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