

Town of Hampton
Board of Finance
Special Meeting
November 16, 2020
7:00 PM
Zoom Meeting

Call to Order: The meeting was called to order at 7:01 PM.

Roll Call: Kathy Donahue, Diane Gagnon, Perry Matchinis, Ed Adelman, Nick Brown, Kathy Newcombe, Alyssa Languth, and Stan Crawford.

Staff and Others Present: First Selectman Allan Cahill, Treasurer Ellen Rodriguez, RD#11 Board Member Joan Fox, Hampton Elementary School Board Chairman Rose Bisson, Recording Secretary Dayna McDermott-Arriola.

Seating of Alternates: Kathi Newcombe was seated, on request, for Judy Buell.

Citizen Comments: Joan Fox suggested that the Board of Finance refrain from hiring their own attorney for two reasons: to save money; and because the Town Attorney can manage all legal matters for the Town, with the exception of a conflict between the Boards of Selectmen and Finance, noting that in the event, the finance board could seek their own counsel.

Approval of Minutes of October 14, 2020 Regular Meeting

Motion: Diane Gagnon, seconded by Kathi Newcombe, to approve the Minutes of the October 14, 2020 Regular Meeting with the following amendment: under Report of the First Selectman: “The purchase order for the backhoe has been completed and signed at a cost of \$128,730.52. *Perry Matchinis noted that the First Selectman had encumbered the Town with the cost of the purchase without the approval of the Board of Finance, which is required in addition to a vote of the legislative body.*” Motion carried unanimously.

Ed Adelman noted that the letter attached to the Minutes from the Ambulance Corps to the Boards of Selectmen and Finance is not dated. First Selectman Cahill stated that the Corps claimed they sent the letter through registered mail, however it was not received at Town Hall. Kathi Newcombe stated that the letter sent in an email to the Boards of Selectmen and Finance was dated September 29, 2020.

Presentations: none.

Reports/Actions

First Selectman: First Selectman Cahill announced the Town has been awarded a STEAP grant of \$67,000, an amount the Town will have to match, for a total of \$128,000 for Town Hall campus improvements. The Town also received notification that the company used for hazardous waste has not been processing materials adequately and that the Town might be charged for the liability, correspondences which have been forwarded to the Town Attorney. Mr. Cahill also announced that the First Selectmen, the Chairmen of the Boards of Education and school Superintendents of Hampton and Scotland will hold a preliminary meeting to discuss strategies and collaborations to help make the elementary schools sustainable. Perry Matchinis suggested a member of the Board of Finance attend, and Mr. Cahill said he would include Chairman Donahue after the preliminary “meet and greet”.

Tax Collector: The report of the Tax Collector was distributed to members.

Treasurer: Treasurer Rodriguez reported that the audit is in process. She also requested two transfers.

Motion: Nick Brown, seconded by Perry Matchinis, to approve the following transfers: \$110 from Assessor Supplies #6006-10 to Assessor Computer Support #6006-06; and \$130 from Election Cards #6009-10 to Election Postage/Supplies #6009-04. Motion carried unanimously

Board of Education

Regional District #11: RD#11 Board of Education member Joan Fox reported that staff and students are coping well with the restrictions imposed by the pandemic. She also reported that the school's Curriculum Review Committee is working to increase the subjects of inclusion and tolerance into all curricular areas, that Sprague and Canterbury are planning to name Parish Hill as a school of choice for their districts, and that SAT scores achieved this year at Parish Hill were higher than any in recent memory. Chairman Donahue noted that the school's enrollment summary was distributed, and that the administration is looking into replacing/updating the building's air filtration systems.

Hampton Elementary School: Chairman Donahue noted that the Covid expenses and reimbursements questioned at the last meeting are included in the Business Coordinator's Report which was distributed with the school's packet. School Board Chairman Rose Bisson added that the school is expected to remain open as social distancing is more easily facilitated with fewer students in attendance than in many of the schools forced to close.

Board of Finance Committees

Policies and Procedures Committee: Kathi Newcombe reported that the committee has met six times and has solicited input from the First Selectman and the Treasurer. She listed the towns with policies and procedures that the committee has reviewed, noting that the decision was made to use Pomfret's manual as a starting point, making adjustments and changes pertinent to Hampton, and including statutory references.

Other: Chairman Donahue reported that she worked as an Official at the November 3, 2020 Election and though she was reimbursed for the food she provided to the poll workers, she volunteered her services and did not, per statute, accept payment.

Correspondence: none.

Old Business

- a. **Funding of Airline Trail Pamphlet and Trail Completion:** Chairman Donahue stated there was nothing new to report.
- b. **Update on Negotiations with Hampton Education Association:** Ed Adelman reported that last week the contract went to mediation and will be available for inspection after it is approved by both the Hampton Elementary School Board of Education and the Teachers' Association.
- c. **Update on Reimbursement for Covid Expenses:** discussed under Report of the Hampton Elementary School.

New Business

- a. **Discussion and Possible Action on Approval of Engagement Letter for the Finance Board's Legal Services**
Chairman Donahue reported that there is \$3000 in the approved budget for the finance board's legal services. There is no retainer and only billable hours will be paid; to date, \$59 has been spent for clarification regarding the Governor's Executive Orders related to the process of transferring funds during restrictions imposed by the pandemic. The rates of the current firm, Murtha/Cullina, are \$295 for the attorney, \$175 for paralegal services. Only two towns, Scotland and Brooklyn, have responded to requests for their rates for legal counsel, neither with an exact

amount as of yet. To Nick Brown's question, Chairman Donahue responded that the engagement letter for the firm was signed last year. Mr. Brown also questioned the attorney's fees, nearly double the rate of the Town attorney, which Treasurer Rodriguez reported as \$160 per hour. Perry Matchinis spoke to the value of using a firm that specializes in representing boards of finance, characterizing the services as "an educational tool" as board members are not legal experts. To Ed Adelman's question on whether separate counsel for boards of finance is typical, Mr. Matchinis confirmed that it is, and that the firm currently used represents several other boards of finance. In stating his opposition to separate counsel for the finance board, Mr. Adelman noted that 99% of the Town's legal needs can be met by the Town attorney. He characterized the finance board's hiring of their own firm as sending an adversarial message as the measure anticipates problems. Chairman Donahue reminded members that the Board of Finance has no direct access to the Town attorney and took exception with the characterization of hiring a firm as adversarial, stating that she communicates with the First Selectman and the Treasurer whenever necessary. She and Kathi Newcombe spoke to the importance of legal expertise while policies and procedures are developed, as well as when situations arise which require immediate attention. To Stan Crawford's concern that members are discussing matters outside of meetings, Mr. Matchinis stated that he and Ms. Donahue are friends and as such converse often, and that the two of them do not constitute a quorum; and Ms. Donahue added that sometimes, particularly when they served as Board Chairman and Vice-Chairman, Town matters were discussed.

Motion: Perry Matchinis, seconded by Kathi Newcombe, to approve the engagement letter for the finance board's legal services with the firm, Murtha/Cullina, dated October 13, 2020.

In Favor: Diane Gagnon, Perry Matchinis, Kathi Newcombe, Kathy Donahue

Opposed: Ed Adelman, Nick Brown

Motion carried, 4-2.

Citizen Comments: Ed Adelman reported that the script on several of the Board of Finance Minutes on the Town website is unintelligible. Chairman Donahue will report this to the Town Clerk.

Suggestions for next Agenda:

Development of a Calendar for the Budget Process

Communications to Departments for Budget Requests and Submissions to the Annual Report

Funding for the Airline Trail Pamphlet and Trail Completion

Review Draft of Policies and Procedures

Access to Board of Finance Email Account

STEAP Grant Match

Perry Matchinis reminded members that the December Meeting will be his last, to which First Selectman Cahill announced "Merry Christmas".

Date, Time and Place of next Meeting: December 9, 2020, at 7PM.

Adjournment: There being no further business to come before the Board, the Meeting adjourned at 7:57 PM.

Respectfully submitted,

Dayna McDermott Arriola
Recording Secretary

This is a draft version of the Minutes until approved by the Board of Finance.