

TOWN OF BERKLEY MASSACHUETTES

FINANCE COMMITTEE

MEETING OF AUGUST 2, 2021

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IN ATTENDANCE:

CHAIRMAN, JOE FREITAS, MICHELE HAMILTON, NANCY GAJOLI, MATTHEW CHABOT

MEETING CALLED TO ORDER AT 6:05 PM. BY CHAIRMAN JOE FREITAS.

The purpose of this emergency meeting was to discuss and possibly re-organizing the committee due to Chairman Joe Freitas membership on the Finance Committee Expired. However, based on the information provided that was requested by the Selectman through the Town Administrator, re-organizing is not necessary at this time. Please read below.

Heather,

You inquired as to whether a member of the Finance Committee, namely the present Chairman, may continue to serve beyond his current term pending anticipated reappointment at a future date. As background, you explained that reappointment is not currently feasible due to the manner in which Finance Committee members are appointed to their positions. In Berkley, under Article 7 of the General Bylaws, members of the Finance Committee "shall be chosen by an appointing committee consisting of the Moderator, the Chairman of the Board of Selectmen and the Chairman of the last Finance Committee..." At present, there is no Town Moderator. (The Moderator resigned following the Annual Town Meeting.) The member to be potentially reappointed is himself "the Chairman of the last Finance Committee," and consequently would be conflicted with regard to appointing himself.

I am of the opinion that the Finance Committee member in question may continue to serve pending the appointment and qualification of a successor (which could eventually be himself).

In Massachusetts, "the general rule [is] that, unless otherwise provided, an officer continues to hold office until the appointment or election and qualification of his successor." Quinn v. Rent Control Bd of Peabody, 45 Mass. App. Ct. 357, 377-78 (1998) (quoting from 7 Op. Atty. Gen. 415, 471 (1924)); see also 3 McQuillin, Municipal Corporations s. 12.110, at 552 (3d ed. 2001) ("[i]n the absence of express provision and unless the legislative intent to the contrary is manifest, in the United States municipal officers hold over until their successors are provided..."); G.L. c. 41, § 1 ("[i]n any town or district in which the election date of the officers, authorized under this section, is changed, the officers currently serving shall continue to hold their offices until the appointment or election and qualification of their successors"). "While the holdover period is not technically part of the term for which... a town official is... elected or appointed in Massachusetts... it is nevertheless a period during which the official is entitled to remain in office." Town of Eastham v. Barnstable Cty. Ret. Bd., 52 Mass. App. Ct. 734, 736 (2001) (citing Pevey v. Aylward, 205 Mass. 102, 107 (1910) (when respondent was legally elected to office, "the right of the petitioner, who was holding over after the expiration of his term of office until his successor should be chosen, was... terminated");

Petti v. Lyons, 9 Mass. App. Ct. 558, 564 (1980) (city clerk was “entitled” to hold office “as holdover until the... city council takes [or took] action [to fill the position]”)).

I did recommend to you other means of achieving a more official outcome, e.g. conducting a special election for Moderator, asking the Chairman of the Finance Committee to yield said role to allow a successor Chairperson to convene with the Chairman of the Board of Selectmen to reappoint the individual. But, as I understand it, these presented their own challenges.

I hope that the above advice is helpful.



Adam J. Costa

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Chairman, Joe Freitas, called for a motion to accept the minutes of June 29, 2021 meeting. Motion was made and seconded. A roll call vote was taken and the committee unanimously voted to approve the minutes as written. Michele Hamilton abstained from voting as she was not in attendance.

The committee received packets for this evening discussion. In this packet were the warrants requested by the committee for review which includes three warrants affiliated to the town and two affiliated with the school.

The three town warrants were dated 6/22/2021; 6/7/2021; 6/29/2001. The school warrants are dated 6/8/2021; 6/30/2021. Included with the warrants was information showing the cash disbursement by fund and a break out of the vendors/invoice #/and date processed.

Bills were not provided as requested. It was suggest that the committee review the warrants, disbursements by fund, etc. and if we should have any questions regarding the actual transfer to contact Chairman Joe Freitas and request a copy of the bill/bills. (To many bills to process individually for these warrants).

To eradicate the issue of not having bills with the warrants, the committee discussed and are looking to implement a process where we receive warrants and bills at the time of request for payment. The bill could be sent directly to the finance committee from the actual department requesting payment.

Included in our packets are the requested copies of transfers of monies by department. We discussed them briefly it was suggested we go home and review the transfers. If we should have any questions reach out to Chairman Joe Freitas and he will look into the issue.



The committee continues with various discussions, mainly of working with the FAC, (Finance Advisor Committee) Heads of Departments, and Selectman regarding 3-5 year plan, including the need to find ways to place monies into the capital funds, which come out of free cash.

The Highway department is able to purchase equipment through Chapter 90 monies, however, when this takes place it cuts into the town repairs/needs. We need to come up with a way that we can fund the necessary equipment and the facility itself.

Another topic of discussion is the Berkley Community School and the MSBA feasibility report. The report will provide us with detailed information regarding the condition of the building and necessary repairs that need to be done to bring it up to standard. We will have to discuss payment options, tax increase or debt exclusion is a couple of ideas discussed.

Questioning the Covid 19 funds and American Relieve Act funds, how much did the town get, were did it go, do we have any left. Did we get more than one allotment? Request to solicit information is requested.

Also, it has come to our attention that storm money could be used towards infrastructure and it was suggested that we might want to consider putting additional funds for this purpose.

As a committee we need to be mindful of not using available funds for the budget. Need to focus on needs and not wants.

Discussion of the need to keep up with the financial transactions and possibly quarterly audits would be a means of giving us a more adequate foundation to work from.

We also discuss different ways that we may be able to reach out to the public and let them know what is going on with their tax monies. Council on Aging letter and the cable channel was a recommendation.

Chairman Joe Freitas requested a motion to approve payment for the Association of Town Finance Committees (ATFC) dues of \$180 are paid. Motion made and seconded. Roll call vote taken, committee voted unanimously to pay bill.

Chairman Joe Freitas called for a motion to adjourn. Motion made and seconded. Roll call vote and the committee unanimously approved the adjournment at 7:19 pm.

*Joe Freitas 8.17.2021*  
*Nancy B. Hayshi 8-17-2021*  
*Michelle K. Hamilton 8-17-2021*  
*[Signature] 8-17-2021*