

TOWN COUNCIL MINUTES
BUDGET/MANAGEMENT COMMITTEE

Town Hall Council Chambers

September 16, 2019, Monday

Present: Michael Molisse, Chairman
Jane Hackett, Vice Chairman
Christopher Heffernan, Councilor
Maureen Kiely, Councilor

Absent: Michael Smart, Councilor

Also Present: Ted Langill, Chief of Staff
Joseph Callanan, Town Solicitor
Richard Swanson, Town Auditor

Recording Secretary: Mary Barker

Chair Molisse called the meeting to order at 5:30 PM.

19 095-Contract for Independent Audit of Fiscal Years 2019-2021

Auditor Swanson was invited to the table and provided his report. He performed a review and evaluation of the five firms that responded to the RFP. He was not provided with the cost – just the qualitative proposals.

Vice Chair Hackett asked him to explain why the qualitative process was followed. She wanted to know if the town had gone out on an RFP in the past instead of out to bid.

Auditor Swanson responded that he did an RFP three years ago. He then presented his findings and the Council voted to accept his recommendation.

Vice Chair Hackett asked what is new this year? Auditor Swanson responded that he followed the same process this year- he sent out an RFP, reviewed the four responses, and presented his findings with a recommendation to the Budget/Management Committee which was approved by the Council. The Council voted to take Melanson Heath under contract, and an Engagement Letter was signed by the Council President. It is his understanding that the letter serves as a contract, and he sent it to administration for their signatures. He did not get it back. He was told a month later that there was an issue with it. Councilor Molisse (chair of the Budget/Management Committee) and President Smart met with the CPPO, Solicitor and Mr. Swanson to discuss. The process changed and the Town Council office was not made aware of the change. Another RFP was issued by Procurement several weeks ago. It was posted in more places. Five proposals were received. Firms were instructed to submit two proposals; a qualitative and sealed quantitative responses. While he was not a member of the selection committee, he evaluated the responses and ranked the firms. He contacted two of the references for each firm and recorded their responses.

Vice Chair Hackett asked if the selection committee meeting is in open session. Who chose the selection committee? Chair of the Budget/Management committee chose the selection committee. Selection of qualifying firms is in open session and is public record? Solicitor Callanan responded that the selection is public record. Mr. MacLeod reviewed the RFP process as defined in MGL. It must be based on a qualitative and cost basis. The town could have qualified for exemption but it must have been taken up prior to requesting proposals. Chair Hackett said it is important to note that this could have been done in March. She asked if they should complete the evaluation for each firm, listing in order of rank and make their recommendation. Councilor Heffernan asked if the evaluation sheets then become public record. Solicitor Callanan responded yes once the contract is signed.

Vice Chair Hackett asked why the selection committee meeting is in in public session, and if they could, as a way to satisfy the process, and as the elected body designated with hiring an independent auditor, rely on staff's recommendations in its collective position as a subset of the council?

Solicitor Callanan responded that if they fail to exercise discretion, it would put the Solicitor in a bad position to defend any challenge to their decision. Comments are important (in the evaluation process) in defending the RFP.

Councilor Heffernan asked if the Inspector General's office provided this advice? Solicitor Callanan suggested seeking their further advice in the future.

Vice Chair Hackett asked what was the problem with the first process. Solicitor Callanan responded that it was done illegally. Chair Molisse strongly denied that anything "illegal" was done. Solicitor Callanan responded that the first process did not meet the solicitation guidelines for a contract which was anticipated to be over \$50,000.

Auditor Swanson was asked by the committee for his opinion. He responded that since he did not have any input, he shouldn't say anything.

Vice Chair Hackett asked if she could make a motion for delegation of review to staff and the CFO and in exercising individual discretion, defer the process to the town auditor? The selection committee could have been outside of the Budget/Management committee.

A motion was made by Vice Chair Hackett to recess and reconvene in 25 minutes, at 6:12 PM. The motion was seconded by Councilor Heffernan. UNANIMOUSLY VOTED.

The committee reconvened at 6:33 PM.

Vice Chair Hackett reviewed her evaluation and rated the firms in ascending order, last to first: Marcum, Hague, CLA, Powers and Sullivan, Melanson Heath.

Councilor Heffernan reviewed his evaluation and ratings: Marcum, Haig, Powers and Sullivan, CLA, Melanson Heath

Councilor Kiely reviewed her evaluation and ratings: Marcum, Hague, Powers and Sullivan, and (tied for first) CLA, Melanson Heath

Chair Molisse reviewed his evaluation and ratings: Marcum, Hague, CLA, Powers and Sullivan, Melanson Heath

Vice Chair made a motion to confirm rankings in descending order: Melanson Heath, CLA, Powers and Sullivan, Hague and Marcum, and was seconded by Councilor Kiely. UNANIMOUSLY VOTED.

Mr. MacLeod opened and read the price proposals for each firm, for the total 3-year term and including the school end-of-year audit:

Melanson Heath	\$180,000
CLA	\$183,000
Powers and Sullivan	\$183,000
Hague	\$165,000
Marcum	\$221,400

A motion was made by Councilor Kiely to forward measure 19 095 to the full Town Council with a recommendation for favorable action and was seconded by Councilor Heffernan. Vice Chair Hackett noted that this was a good process but it caused so much angst. She thanked the auditor and staff. UNANIMOUSLY VOTED.

19 100-Appointment to the Board of Assessors (Alternate Member) Denice Alexander

Ms. Alexander was invited to the table to review her interest and qualifications.

A motion was made by Vice Chair Hackett to forward measure 19 100 to the full Town Council with a recommendation for favorable action and was seconded by Councilor Heffernan. UNANIMOUSLY VOTED.

19 101-Appointment to Youth Coalition-Kathryn Howard

Ms. Howard was invited to the table to review her interest and qualifications.

A motion was made by Vice Chair Hackett to forward measure 19 101 to the full Town Council with a recommendation for favorable action and was seconded by Councilor Heffernan. UNANIMOUSLY VOTED.

19 102-Appointment to the Scholarship Committee-Caitlin McInnes

Ms. McInnes was invited to the table to review her interest and qualifications.

A motion was made by Vice Chair Hackett to forward measure 19 102 to the full Town Council with a recommendation for favorable action and was seconded by Councilor Heffernan. UNANIMOUSLY VOTED.

19 099-Appointment to the Construction Steering Committee- Georg Berg

Not present but known to the committee.

A motion was made by Vice Chair Hackett to forward measure 19 099 to the full Town Council with a recommendation for favorable action and was seconded by Councilor Heffernan. UNANIMOUSLY VOTED.

ADJOURNMENT

At 7:02 PM, there being no further business, a motion was made by Vice Chair Hackett to adjourn and was seconded by Councilor Heffernan. UNANIMOUSLY VOTED.

Attachment:

Respectfully Submitted by Mary Barker as Recording Secretary.

Approved by Michael Molisse as Budget/Management Committee Chairman
Voted unanimously on 7 October 2019