

Packet for Finance
Committee meeting
March 15, 2022

Subject: RE: Dial In Participation problem at our last meeting
Date: Friday, February 11, 2022 at 2:14:14 PM Eastern Standard Time
From: Jennifer Messina
To: Philip Orenstein

Thanks for the email Philip.

Jenn

From: Philip Orenstein <philip.n.orenstein@gmail.com>
Sent: Friday, February 11, 2022 1:55 PM
To: Anne O'Dwyer <aodwyer@simons-rock.edu>
Cc: Finance Committee <fincom@Townofgb.org>; Mark Pruhenski <MPruhenski@Townofgb.org>; Jennifer Messina <jmessina@Townofgb.org>; Katherine Couch <KCouch@Townofgb.org>
Subject: Dial In Participation problem at our last meeting

Anne,

I spoke with Sarah Monahan of the Attorney General's office to review the facts of our Feb 7th meeting. Her view is that since one method of remote participation was properly functioning (in addition to the committee members, we had several video participants who successfully "clicked" the link on the agenda) our meeting was **not** a violation of Open Meeting Law. She provided the attached determination letter as relevant precedent – the fact pattern is different but she views the concept as the same.

Nevertheless, my inadvertent typo omitting the last digit of the Webinar ID may have prevented some public participation so consistent with your suggestions I believe we should take the following steps:

1. Promptly post the video of the meeting on the town site – *this is already done*
2. At Ms. Monahan's suggestion at our next meeting I will provide a brief recap and summary of the Feb 7 meeting.
3. We will redo the committee approval of the three sets of minutes.

Based on this please send the Clerk's office the three sets of minutes marked draft and we will hope to approve them at our next meeting.

Regards

Phil

From: "OpenMeeting (AGO)" <openmeeting@state.ma.us>
Date: Thursday, February 10, 2022 at 11:21 AM
To: Philip Orenstein <philip.n.orenstein@gmail.com>
Subject: RE: Request for Advice

Hello Mr. Orenstein,

It was a pleasure speaking with you this morning. Please find attached a prior determination, OML 2021-76, which you may find useful.

Please let us know if you have any further questions.

Sincerely,

Sarah Monahan
Assistant Attorney General
Division of Open Government
Massachusetts Office of the Attorney General
One Ashburton Place
Boston, MA 02108
Phone: 617-963-2540
Pronouns: she/her/hers

From: Philip Orenstein <philip.n.orenstein@gmail.com>
Sent: Wednesday, February 9, 2022 1:37 PM
To: OpenMeeting (AGO) <OpenMeeting@MassMail.State.MA.US>; OpenMeeting (AGO) <OpenMeeting@MassMail.State.MA.US>
Subject: Request for Advice

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

This is a request for a call from an attorney - I am the Chair of the Great Barrington Finance Committee and I need to review a situation that recently occurred

Thank you

Philip Orenstein
Chair, Great Barrington Finance Committee
413 230 0121



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June 10, 2021

OML 2021 – 76

VIA EMAIL ONLY

Colleen Mejia, Esq.
Everett City Solicitor
[REDACTED]

RE: Open Meeting Law Complaint

Dear Attorney Mejia:

This office received a complaint from Joan Beckta on December 15, 2020,¹ alleging that the Everett City Council (the “Council”) violated the Open Meeting Law, G.L. c. 30A, §§ 18-25. The complaint was originally filed with the Council on or about November 1, and you responded on behalf of the Council by letter dated January 20, 2021.² The complaint alleges that Council’s October 26 meeting was inaccessible to the public via online broadcast by Everett Community Television (“ECTV”).³

¹ All dates in this determination are in 2020, unless otherwise stated.

² We note that the Council responded to the complaint well outside of the 14 business days allowed under the Open Meeting Law. G.L. c. 30A, § 23(b); 940 CMR 29.05(5). We remind the Council of its obligation to comply with all provisions of the Open Meeting Law, including the obligation to timely respond to Open Meeting Law complaints.

³ The complaint contains additional allegations that, even if true, would not constitute violations of the Open Meeting Law, G.L. c. 30A, §§ 18-25, and we therefore decline to review those allegations. See OML Declination 1-25-16 (Nahant Housing Authority Board of Commissioners); OML Declination 5-21-12 (Hampden-Wilbraham Regional School Committee). Specifically, the complaint alleges that the Council refused to make accommodations to allow Council members and members of the public who wished to provide public comment to join the meeting remotely rather than in-person. Although the Governor’s March 12, 2020, Executive Order Suspending Certain Provisions of the Open Meeting Law, G. L. c. 30A, § 20 allows a public body to provide the public with remote access to its meetings rather than in-person access, neither the Executive Order nor the Open Meeting Law requires a public body to offer remote participation for a meeting that is held in a physical location and for which in-person public access is provided.

At the outset, we note that this determination only addresses the allegation raised in the complaint that the Council's October 26 meeting was inaccessible to the public via online streaming, in violation of the Open Meeting Law. We do not review, and offer no opinion on, the substance of the Council's communications during its October 26 meeting. Following our review, we find that the Council did not violate the Open Meeting Law. In reaching this determination, we reviewed the Open Meeting Law complaint, the Council's response, the request for further review, and the notice for the October 26 meeting.

FACTS

We find the facts as follows. On October 22, at 12:20 p.m., the Council posted notice for a meeting to be held on October 26 at 7:00 p.m. The meeting notice read, in relevant part, as follows.

REGULAR MEETING OF THE CITY COUNCIL, MONDAY, OCTOBER 26,
2020 7:00 PM, COUNCIL CHAMBERS CITY HALL, 484 BROADWAY, 3RD
FLOOR, EVERETT, MA 02149 MEETING CAN BE VIEWED LIVE ON THE
CITY OF EVERETT WEBSITE, CITYOFEVERETT.COM AND/OR ECTV

. . . .

Join Zoom Meeting
<https://ci-everett-ma.zoom.us/j/97656434868>
Meeting ID: 976 5643 4868
One tap mobile +16465588656,,97656434868#
Dial by your location
+1 646 558 8656
Meeting ID: 976 5643 4868

The Council convened a meeting on October 26. The meeting was broadcast live on local cable access by ECTV. The meeting was also streamed live by ECTV on the City's website; however, this livestream experienced problems resulting in multiple disruptions to the online livestream of the meeting.

DISCUSSION

The Open Meeting Law was enacted "to eliminate much of the secrecy surrounding the deliberations and decisions on which public policy is based." Ghiglione v. School Committee of Southbridge, 376 Mass. 70, 72 (1978). At the core of the Open Meeting Law is the requirement that meetings of public bodies be open and accessible to the public. G.L. c. 30A, § 20(a) (except when meeting in executive session, "all meetings of a public body shall be open to the public."). Generally, access to a meeting must include the opportunity to be physically present, as well as to see and hear what is being discussed by the members of the public body. See OML 2020-100; OML 2017-135; OML 2016-54.⁴ In order for a meeting to be truly open to the public, the meeting venue must be accessible to the public for the duration of the meeting. See OML 2014-118; OML 2017-172; OML 2018-51.

⁴ Open Meeting Law determinations may be found at the Attorney General's website, www.mass.gov/ago/openmeeting.

On March 12, Governor Baker issued an executive order temporarily suspending certain provisions of the Open Meeting Law during the state of emergency created by the outbreak of the 2019 novel Coronavirus. See Order Suspending Certain Provisions of the Open Meeting Law, G. L. c. 30A, § 20 (Mar. 12, 2020) (the “Executive Order”). Relevant here, the Executive Order suspended the requirement that meetings be physically accessible to members of the public, but only if a public body provides adequate, alternative means for the public to access its meetings. The Executive Order provides that “[a]dequate, alternative means of public access shall mean measures that provide transparency and permit timely and effective public access to the deliberations of the public body . . . [enabling] the public to clearly follow the proceedings of the public body while those activities are occurring.” Executive Order at ¶ 1 (emphasis added). These measures include “providing public access through telephone, internet or satellite enabled audio or video conferencing or any other technology.” Id. Our office has published guidance explaining that “[a]dequate, alternative means of access’ could include Zoom, a high-capacity telephone conference line, Facebook Live, YouTube Live, and broadcasting on live TV, including local cable access television.” See Attorney General’s Updated Guidance on Holding Meetings During the COVID19 State of Emergency.⁵

The complaint alleges that the Council’s October 26 meeting was inaccessible to the public because the ECTV online livestream of the meeting experienced disruptions. In its response, the Council acknowledges that the online stream experienced disruptions, but states that the meeting was also broadcast live by ECTV on local access cable television and that this broadcast did not experience any disruptions. The complaint does not allege, nor has any evidence been presented to suggest, that there were any disruptions to the live television broadcast. Absent evidence to the contrary, we credit the public body’s account of the facts. See OML 2020-172; OML 2019-73; OML 2017-93.

Where the meeting notice specified that the October 26 meeting could be “viewed live on the City of Everett Website, cityofeverett.com and/or ECTV,” and there is no dispute that the live broadcast via cable television functioned properly and was accessible to the public for the duration of the meeting, we find that the October 26 meeting was accessible to the public and that the Council did not violate the Open Meeting Law. Cf. OML 2021-63 (finding a violation of the Law where the sole method of remote access listed on the meeting notice experienced disruptions, even though the meeting was accessible through other means not included on the notice). Although we do not find a violation here, we note that the Complainant referred us to news articles suggesting that the public could not always hear the Council members during the October 26 meeting due to audio echoing. Because this allegation was not clearly raised in the complaint, and because we have received no other complaints alleging that the October 26 meeting was inaccessible or inaudible, we do not formally address this issue. However, we remind the Council that access to a meeting must include the opportunity to clearly hear what is being discussed by the members of the public body. See OML 2020-67; OML 2017-135; OML 2016-54. Moreover, if public access to a meeting is being provided via “adequate alternative

⁵ The Attorney General’s Updated Guidance on Holding Meetings During the COVID-19 State of Emergency, updated June 2, 2020, is available here: <https://www.mass.gov/service-details/updated-guidance-on-holdingmeetings-during-the-covid-19-state-of-emergency>.

means” in accordance with the Executive Order, the technology used must enable the public “to clearly follow the proceedings of the public body.” See Executive Order at ¶ 1.

CONCLUSION

For the reasons stated above, we find that the Council did not violate the Open Meeting Law as alleged. We now consider the complaint addressed by this determination to be resolved. This determination does not address any other complaints which may be pending with our office or the Council. Please feel free to contact our office at (617) 963-2540 if you have any questions.

Sincerely,



Elizabeth Carnes Flynn
Assistant Attorney General
Division of Open Government

cc: Rosa DiFlorio, Everett City Council President (via e-mail: [REDACTED])
Everett City Council (via e-mail: [REDACTED])
Joan Beckta (via e-mail: [REDACTED])

This determination was issued pursuant to G.L. c. 30A, § 23(c). A public body or any member of a body aggrieved by a final order of the Attorney General may obtain judicial review through an action filed in Superior Court pursuant to G.L. c. 30A, § 23(d). The complaint must be filed in Superior Court within twenty-one days of receipt of a final order.

DRAFT

FINANCE COMMITTEE MINUTES 07/27/2021 (6:30pm)

Members Present: Anne O'Dwyer, Michelle Loubert, Tom Blauvelt, Phillip Orenstein (Meredith O'Connor absent); also in attendance: Town Manager Mark Pruhenski, Finance Director Sue Carmel, Steve Bannon, Selectboard Chair.

1. Called to order at 6:33pm by Ms. O'Dwyer. Ms. O'Dwyer explained the hybrid model. 3 committee members are in-person, and the rest (in addition to members of the public) are virtual.
2. Roll call vote: all members present, except for Meredith O'Connor.
3. Approval of April 27 & May 18 minutes. Some grammatical errors were fixed. Mr. Blauvelt created a motion that the April 27 minutes be accepted as amended. Seconded by Ms. Loubert. Mr. Blauvelt next created a motion that the May 18 minutes be accepted as amended. Seconded by Ms. Loubert.
4. Finance Committee member reports
 - a. Mr. Blauvelt: Community Preservation Committee will be meeting on Aug 3. Figuring out the plan, and what criteria for projects to fund.
 - b. None from other members
5. Town Manager & Finance Director updates
 - a. Mr. Pruhenski: Ms. Dulin, new Treasurer/Collector started last month. Will come to a future committee meeting and introduce herself. American Rescue Plan Act (ARPA): receiving \$360,000 in funds – half of local contribution. Around \$2 Million in total. Staff will compile an executive summary over the coming months. Four major categories: public health, COVID relief, extra pay for essential workers, and funding for water, sewer, and internet projects. Question from Mr. Blauvelt about Southern Berkshire Ambulance board position. Mr. Pruhenski replied that they are meeting in a few weeks to discuss.
 - b. Ms. Carmel: Quarterly billing transition smooth and successful. Mr. Blauvelt inquired about the audit report. Ms. Carmel reported that FY19 & FY20 audits will be presented together at a joint Selectboard/Finance Committee meeting. Hopefully within the next month. Mr. Orenstein asked about cannabis revenue over the past few months; Ms. Carmel stated that she does not have that information at the moment.
6. Finance Committee business
 - a. Senior Tax Deferral Program
 - i. Ms. O'Dwyer noted that she and Ms. Orlowski have been doing research into this program. Ms. O'Dwyer requested that the Finance Committee create a working group. Mr. Bannon, Selectboard chair, noted that this working group would be subject to the Open Meeting Law. The committee decided to not proceed with this and instead they will each conduct independent research. Ms. O'Dwyer noted that she has been working on compiling a list of municipalities similar to Great Barrington

which have created this sort of program. Ms. Loubert inquired as to whom Ms. O'Dwyer is contacting. Ms. O'Dwyer stated that she was communicating primarily with researchers at Boston College in addition to Assessors' offices in the various municipalities.

ii. Ms. O'Dwyer shared a file from the DLS regarding the Local Property Tax Deferral guidelines. Mr. Orenstein noted that it is useful to clarify that the deferral program is currently available to Town residents at the moment, however with high interest rates and low income requirements. Ms. O'Dwyer added that this is something we need to clarify. Ms. Carmel explained that the Selectboard needs to vote this in before it is available to Town residents. Further discussion continued.

b. Ms. O'Dwyer shared that she would like Mr. Orenstein to assist with the coordination of the meetings. She indicated that it has been hard for her to keep up with everything during her workweek. Mr. Orenstein stated that he was happy to help. The committee thanked Mr. Orenstein for assisting with these responsibilities.

c. Ms. Loubert stated that she had an issue with her tax bill recently received. She noted that there was no assessed value or tax rate noted on the bill, only a final amount. She inquired as to why this is. Ms. Carmel explained that since the bills have been changed to quarterly. Ms. O'Dwyer added that she was wondering about this as well. When the actuals go out on Dec 31, the information will be included. Ms. Carmel mentioned that this is standard and is the process in Pittsfield. Ms. O'Dwyer noted that we should keep in mind that the tax rate will be set mid-year (in November) instead of August or September. Mr. Orenstein suggested that we include a note with the next bill explaining this new process. Further discussion ensued.

7. Citizen Speak:

a. None

8. Media Time:

a. None

9. Motion adjourned at 7:33pm

DRAFT

FINANCE COMMITTEE MINUTES

08/24/2021 (6:30pm)

Members Present: Anne O'Dwyer, Michelle Loubert, Tom Blauvelt, Phillip Orenstein, Meredith O'Connor; also in attendance: Town Manager Mark Pruhenski.

1. Called to order at 6:31pm by Ms. O'Dwyer. Ms. O'Dwyer explained the hybrid model. 2 committee members are in-person, and the rest (in addition to members of the public) are virtual.
2. Roll call: All members present.
3. Finance Committee member reports
 - a. Mr. Blauvelt: Community Preservation Committee met earlier in August. Public input meeting on 09/08 at 5:30pm. Please email comments to Mr. Rembold.
4. Town Manager Update
 - a. Mr. Pruhenski provided a copy of the department heads salary survey. See meeting packet. He noted that he does not intend to make the \$49,000 in recommended adjustments. Mr. Orenstein agreed that the survey was well done, however does not factor in qualitative aspects. Ms. Loubert noted that she agreed with Mr. Orenstein's comments, and mentioned that the MA Municipal Association also has a copy of a similar survey. Mr. Pruhenski will print, scan, and send to Ms. Loubert. Ms. Loubert also mentioned that she reviewed a Franklin County salary survey which had more information and was more in line with what she was looking for. Further discussion ensued. Mr. Pruhenski noted that he was familiar with the Franklin County salary survey as he worked in Franklin County for a few years. The consensus was that additional information was desired.
 - b. Mr. Pruhenski explained that Fire Chief Burger's appointment to the Southern Berkshire Ambulance Squad (SBAS) was made official. He is now a member of the SBAS board.
5. Finance Committee business
 - a. Senior Tax Deferral Program
 - i. Ms. O'Dwyer summarized findings from her research as well as Mr. Orenstein's research. See meeting packet for details on findings. Ms. Orlowski stated that she sent the committee (at 5pm this evening) a chart noting the interest rates and maximum income levels for the top 11 towns. Mr. Orenstein also added notes from his research. After completing the summary, Ms. O'Dwyer noted that the Finance Committee should have a clear sense of how they would like to go about this before budget season. She thanked Mr. Orenstein for his research.

- ii. Mr. Garfield Reed (speaking as a citizen) asked if we are worried about how many will sign up for the program. He was not sure if he understood. Mr. Orenstein clarified that the committee's intent as of this time is simply to gather and collect data. Further discussion ensued regarding specifics in the report.
 - iii. Ms. Loubert expressed her concern that there may be a future financial impact on the Town since the Town's lien may not be the first. Ms. Orłowski noted that this must be addressed prior to starting this program so that the Town is guaranteed the first lien. Further discussion ensued, and the consensus is that further research would be completed prior to the next meeting.
- b. Finance Committee Member Comments
- i. Ms. O'Dwyer thanked Mr. Orenstein for his assistance with the meeting agenda and scheduling.
 - ii. Ms. O'Dwyer asked Mr. Pruhenski about the scheduling of a joint meeting with the Selectboard. Mr. Pruhenski stated this was not needed at this time.
 - iii. Ms. O'Dwyer also inquired to Mr. Pruhenski regarding the American Rescue Plan Act (ARPA) updates. Mr. Pruhenski noted that staff is working on an executive summary for the Sept 27 Selectboard meeting.
6. Citizens Speak
- a. Mr. Reed thanked the Finance Committee for giving the Senior Tax Deferral program serious consideration. He noted that it would be a lovely gesture for the seniors in our town.
7. Media Time
- a. None

Additional updates: Mr. Pruhenski noted that there is a ZBA meeting on 09/21 which is recommended for Finance Committee members to attend.

Next meeting: September 28 at 6:30pm

8. Meeting adjourned at 7:40pm

Respectfully submitted by Tate Coleman, Board Clerk.

DRAFT

FINANCE COMMITTEE MINUTES – Sept 28, 2021 06:30pm

Selectboard Members Present: Leigh Davis, Steve Bannon, Ed Abrahams, Bill Cooke

Finance Committee Members Present: Anne O’Dwyer, Meredith O’Connor, Michelle Loubert, Phil Orenstein

Others Present: Sue Carmel (Finance Director), Mark Pruhenski (Town Manager), Steve Bannon (Selectboard Chair), Ross Vivori (Principal Assessor), Garfield Reed (Selectboard Member)

1. Meeting Called to Order at 6:32pm by Chairperson O’Dwyer.
2. Roll Call Vote
3. Update on Minutes:
 - a. Ms. O’Dwyer announced to the committee that Tate Coleman, who is helping out in Ms. Carmel’s office, is helping with transcribing the backlog of Selectboard and Finance Committee minutes.
4. Committee Reports:
 - a. None
5. Updates from Finance Director:
 - a. Ms. Carmel presented the YTD August Budget Reports. See packet for details. She noted that expenditures are roughly on track for the first two months of the Fiscal Year.
 - b. Mr. Orenstein asked for clarification regarding encumbrances. Ms. Carmel explained that anything over \$2,000 requires a Purchase Order. Blanket Purchase Orders cover a department for a full year.
 - c. Ms. O’Dwyer requested confirmation that the 2021 Fiscal Year has not yet been closed out. Ms. Carmel confirmed this.
 - d. Ms. Carmel noted that the Annual Audit Reports for FY 19 and FY 20 are being wrapped up. No significant deficiencies. Exit interview will occur soon. Ms. O’Dwyer asked if we should have a joint Finance Committee/Selectboard meeting. Ms. Carmel noted that they will not present due to COVID. Ms. Loubert asked why this is, why can they not present on Zoom? Mr. Bannon agreed. Mr. Bannon noted that he will follow up on this. Mr. Orenstein asked why the audit is taking so long, noting that North Adams has the same auditor and has their report on their website already. Ms. Carmel noted that due to the alleged theft in the Treasurer/Collector office, the forensic audit is causing delays for later audits. Mr. Orenstein asked if there are any other lingering issues causing this delay. Ms. Carmel affirmed. Ms. Loubert noted that a presentation should be on a future meeting agenda.
6. Finance Committee Business:
 - a. Ms. O’Dwyer noted that the American Public Rescue Act (ARPA) meeting has been moved to the following Monday.
 - b. Ms. O’Dwyer shared that she is unable to continue as Chair of the Finance Committee due to many work and personal obligations. Ms. Loubert noted that she is unfortunately in a similar position regarding her work commitments, so must relinquish her position as Vice Chair. A re-organization was recommended as follows: Mr. Blauvelt as Chair, Ms.

O'Dwyer as Vice Chair. Ms. Loubert commented that she would be unable to vote on this without Mr. Blauvelt present. Ms. O'Dwyer said she will schedule a meeting for next week to return to this specific agenda item.

- c. Senior Tax Deferral: Ms. O'Dwyer noted that her research on this topic is in the packet, drawing on a similar slate of Towns as used in the administrative salary study (See table in packet). Further discussion ensued among the Committee members, Mr. Vivori, and Ms. Carmel. Ms. Loubert said she still has questions regarding who has priority for collection when an individual dies or moves away. Mr. Vivori stated that he will get back to the committee about this point. Mr. Reed noted that he believes that the \$20,000 maximum income is too low. He also stated that we have a moral and fiscal obligation to take care of the seniors in our Town. Mr. Orenstein noted that there are an array of other programs for seniors run by the State. He said that many of these programs are extremely complicated and require assistance for seniors. Additional discussion ensued. Mr. Vivori will bring the additional information to the next meeting.
7. Finance Committee Member Comments:
 - a. Ms. Loubert asked that the person who submits agendas email the rest of the Committee for agenda item suggestions prior to sending out. Mr. Bannon noted that it is ultimately the Chair's decision, but committee members' suggestions are often helpful.
 - b. Ms. O'Dwyer asked to schedule the next (brief) reorganization meeting for October 6 at 6:30pm. The meeting date will be confirmed by Friday morning.
 8. Citizen Speak:
 - a. Vivian Orłowski: Question regarding ARPA funding. Mr. Bannon noted that there is no huge rush to spend the funds. Ms. Carmel agreed. The first meeting for community ARPA input will be next Monday at the Selectboard Meeting.
 9. Media Time:
 - a. None
 10. Meeting adjourned at 8:07pm.

Respectfully submitted by Tate Coleman, Board Clerk on 12/27/2021.

Selectboard and Finance Committee Joint Budget Meeting
Tuesday, February 1, 2022, at 7:00 PM

1. Call to Order – Chairman Bannon opened the meeting at 7:00pm; those present via zoom: Selectboard: Ed Abrahams, Leigh Davis, Eric Gabriel, Garfield Reed. Finance Committee: Tom Blauvelt, Michelle Loubert, Meredith O'Connor, Anne O'Dwyer, Philip Orenstein. Town Manager Mark Pruhenski. Assistant Town Manager Chris Rembold, Finance Director Sue Carmel and other department heads as noted below.

2. Budget Overview—Town Manager Presentation

M. Pruhenski presented an overview/summary of the FY23 budget. He stated priorities for the budget are: public safety and health; maintaining quality of life and providing exceptional public service; investing in public infrastructure; being a model employer; focusing on the future with investment in stabilization accounts; and being mindful of GB Master Plan. He presented slides showing revenue sources/estimates and noted an expected 4.7% increase this year. He covered highlights of FY23 anticipated expenditures; percent of spending by area; Town operations historical spend; spending by category and a 5-year view of the Capital Program - highlighting significant capital projects for this year; and special articles. He also stated the slides are available on the Town website.

S. Bannon stated there were 33 people at the meeting – majority are department heads, but also members of the public.

3. Selectboard/Town Manager

Presenter M. Pruhenski stated the budget reflects the standard 2% increase in salary and other budget items are level. M. Loubert asked if funding was sufficient for the committee clerk position to produce minutes. M. Pruhenski stated the delay was due to lack of staff, but current staffing is sufficient and we are catching up on minutes. He noted funds are sufficient, unless clerk services are expanded. M. Loubert asked about contracted services – M. Pruhenski replied, funds last year were for an HR consultant. This year it covers a PR contract and other consultants, as needed. A. O'Dwyer asked about the increase in legal costs – M. Pruhenski replied the budget is based on last year's actuals. P. Orenstein asked about a Finance Committee clerk - M. Pruhenski confirmed it is covered. P. Orenstein asked what is the advertising budget used for -M. Pruhenski replied, jobs, public hearings, RFPs.

4. Finance Committee/Reserve Fund

P. Orenstein asked M. Pruhenski to confirm this contingency was for salary adjustments. M. Pruhenski stated it is \$17,500 for mid-year salary adjustments during recruiting or for retention of current employees. P. Orenstein asked which reserve fund is budgeted here - M. Pruhenski replied this is a catch-all/cushion. Funds cannot be expended unless there is a specific request to the Finance Committee and can only be used only for unforeseen operational expenses in FY23.

5. Town Accountant

Presenter Sue Carmel stated the budget reflects the standard 2% salary increase and a new longevity expenditure. She pointed out the audit line item estimate for a new contract that will be bid out - either rehire current auditor or hire someone new. M. Loubert confirmed the contractor line item is for additional assistance, as needed.

6. Technology

Presenter Amy Pulver stated there were no organizational changes - she highlighted budgeted expenses for repairs/maintenance of internet access points; a new antenna for the Housatonic fire station; and contracted services for a third-party IT contractor. Other items included software, annual subscriptions, data services, and

telephone. T. Blauvelt confirmed the IT contractor has staff as back-up in his absence. M. Loubert asked about overall increases, i.e., software licenses – A. Pulver replied, there is an annual 5% increase in subscriptions and three new programs. P. Orenstein expressed his support for increased expenditures on new IT, but encouraged offset by a decrease in office supplies/paper/postage which he calculated adds up to \$65,000 for the year. A. O’Dwyer asked about the new phone system – A. Pulver replied, half of the lines were moved to the new system, the remainder are alarm lines and those costs increased. She noted the Town is looking into other, more cost-effective alarm options.

7. Assessors’ Office

Presenter Ross Vivori stated there is a 6% increase overall related to contract services - the new assessing software the Town is required to install also needs to be tested in the field to ensure data is coming through – and that is contracted out. Everything else in the budget is level.

8. Collector/Treasurer

Presenter Alicia Dulin stated there are not many changes to the budget - items are either decreased or level. She noted the Assistant Treasurer position is now filled and the only other increase is postage.

9. Human Resources

Presenter M. Pruhenski stated this item was moved out of the Town Manager/Select Board budget. The position has been conceived as a shared role with other towns - at Town Meeting \$75,000 was approved. He stated there have been extensive efforts to fill the position, but a qualified candidate has not been identified. He confirmed the search would continue, and grant funding will be extended to June, 2023 – as a result, \$10,000 can be trimmed from the budget. A. O’Dwyer asked about the interview process – M. Pruhenski stated it is a difficult position to fill due to need for HR and municipal experience. He also clarified that 43% of cost is GB and the rest distributed among the other towns. P. Orenstein confirmed that budget covers costs over the \$75,000 grant – expense will depend on whether we hire this year. P. Orenstein also confirmed the allocation of time among the towns can be adjusted annually. M. Loubert asked how the position has been advertised – M. Pruhenski replied, on Indeed, MMA,MM-HR, town website, social media - and only one candidate had the requisite experience. He also clarified that the person would be a GB employee, and while benefits would be allocated to each town, post-employment benefits would be the Town’s responsibility. M. Loubert objected to GB providing post-employment benefits. M. Pruhenski stated he could foresee in the distant future needing to employ a full-time HR professional in GB as the field is getting increasingly complex. T. Blauvelt asked why the position is needed and what would be the responsibilities – M. Pruhenski replied, work is being divided among multiple departments and should be centralized. E. Abrahams stated the Selectboard meets with M. Pruhenski every two weeks and personnel matters come up frequently – in addition, he is not the first Town Manager to make this request. M. Loubert expressed her support for hiring an HR professional to ensure personnel matters are handled appropriately and consistently. L. Davis expressed support for shared HR staff to maximize efficiency. P. Orenstein asked if the \$75,000 grant is year-to-year – M. Pruhenski replied, it is a one-time grant.

10. Town Clerk

Jenn Messina stated salaries as budgeted reflect the standard 2% increase, but highlighted an increase for election workers as there are three elections in FY23. The increase is due to an increase in minimum wage and the need for extra election workers for cleaning voting booths due to COVID. She also stated the wardens would have an increase as well. She also provided background on the importance of the Assistant Town Clerk role and that last year it went from part to full -time, though salary had remained at the part-time rate. She emphasized the additional responsibilities that were taken on to support the salary increase. She reviewed an additional increase for equipment maintenance/repair due to the poll pads for Town Meeting. P. Orenstein praised Assistant Town Manager, Kathy, for her help in his onboarding and confirmed the budget for election

worker this year is higher than in FY21 due to COVID cleaning requirements and the minimum wage increase. J. Messina also stated she passed on new equipment to have additional salary for the Assistant Town Clerk. Chief Sorti expressed his support for a raise for Kathy. A. O'Dwyer asked if the Assistant Clerk position was part of the salary survey – M. Pruhenski stated recommended increases as a result of the salary survey have been adjusted. M. Loubert asked to receive a copy of the salary survey and stated the discussion highlights the need for an HR professional to advise on salary adjustments. S. Bannon reminded the group that salary increases be based on the position not the person. M. Pruhenski further clarified that by charter, salaries are adjusted by the Town Manager not through the budget process or Town Meeting vote.

11. Building Inspectors

Presenter Ed May stated the budget is level-funded, but with an increase in salary for a new hire in order to attract a strong candidate. P. Orenstein asked what is schedule for reviewing fees the Inspector's Office charges for permits to determine if they are at an appropriate level? E. May stated it was last reviewed in 2011. P. Orenstein suggested reviewing the fees as other related costs have increased. S. Bannon stated he will add to a Selectboard agenda to discuss.

12. Health Department

Presenter Rebecca Jurczyk stated the only increase is for the Health Inspector's salary for an additional \$11,000. She proceeded to share details about the position and recent increased duties/responsibilities such as getting FDA Food Inspector Certification which ensures the highest level of food safety for restaurants; monitoring COVID-related regulations at food establishments; permit renewals/new application management; and barn inspections. L. Davis asked what is the role of the Health Agent – R. Jurczyk stated Title 5 inspection, permits for septic systems, soil evaluations, well plans, housing inspections, health-related complaints, lodging/food inspections and COVID response. L. Davis asked about handling inspection requirements under the Short-Term Rental Bylaw - S. Bannon responded it is hard to suppose what will pass and if it did, implementation would not be until the next year. M. Loubert asked for a copy of the Health Inspector job description and asked how often job descriptions are reviewed. M. Pruhenski replied, they are reviewed when hiring – though annual review would be part of the HR position responsibilities. P. Orenstein asked that the Selectboard evaluate fees for inspections and permits. S. Bannon stated the Selectboard will look at all fees in the town and who is responsible for approving.

16. Citizen Speak Time

17. Media Time

18. Adjournment – Chairman Bannon adjourned the meeting by unanimous consent at 8:32pm.

Respectfully submitted,

Stacy Ostrow
Recording Clerk

Selectboard and Finance Committee Joint Budget Meeting
Wednesday, February 2, 2021 at 6:00pm

1. CALL TO ORDER – L. Davis opened the meeting at 6:00pm; those present via zoom: Selectboard: Ed Abrahams, Leigh Davis, Eric Gabriel, Garfield Reed. Finance Committee: Tom Blauvelt, Michelle Loubert, Meredith O'Connor, Anne O'Dwyer, Philip Orenstein. Town Manager Mark Pruhenski. Assistant Town Manager Chris Rembold, Finance Director Sue Carmel and other department heads as noted below.

2. Department

a. Conservation Commission

Presenter Shep Evans stated the budget reflects the standard increase in salary - and is otherwise flat except for land maintenance/trails which is reduced. P. Orenstein asked about time allocated to animal control – S. Evans replied it is primarily an on-call/as needed role to handle lost/found dogs and dog licensing enforcement.

b. Planning Board

Presenter Chris Rembold stated the majority of budget is for the clerk, some training and office supplies. He noted the Planning Board minutes are especially helpful, and asked for a small increase for the board clerk. M. Loubert asked if raising the salary impacts retirement benefits? C. Rembold stated it is a part-time position at approximately 250 hours/year. M. Pruhenski confirmed it position is not benefits eligible.

c. Zoning Board of Appeals

Presenter C. Rembold stated there is no change from last year's budget. The board meets as needed so the clerk's time varies and is a small expense. Other budget items include training, professional publications and office supplies.

d. Planning/Community Development

Presenter C. Rembold stated there is a change in the salary line for the Assistant Town Manager/Planning and Community Development Director. It reflects a midyear adjustment and the standard 2% increase in salary – but previously the salary was split among various departments - it is now consolidated here. The Affordable Housing Trust stipend is for Shep Evans as he provides minutes and administrative help. Contracted services are for Berkshire Regional Planning Council to fund program administration. Under Economic Development is BRPC regional planner support and he noted economic development last year included downtown rapid recovery and Cultural District activities.

e. Buildings and Grounds

Presenter Sean Van Deusen highlighted in the budget - an increase in staff for labor/operators, specifically staff for maintenance of downtown landscaping, parks, gardens – and off season for plowing and other maintenance tasks. The position would start midway in the year. S. Van Deusen stated he regularly hears concerns from residents about care/maintenance of gardens and memorials in downtown. Other budget increases are due to rising costs overall for labor, materials, energy and increases in power, gas/oil, water/sewer, building and grounds repair expenses. In contracted services is elevator repair, electrical issues, equipment and HVAC which requires costly specialized repairs. He noted in addition, there are increases in trash removal, parks/cemetery supplies and small equipment repairs as well as custodial supplies including protections due to COVID. T. Blauvelt asked about overtime expenses – S. Van Deusen replied overtime is needed for parks garbage removal after hours/weekends. A. O'Dwyer confirmed new staff is budgeted for a partial year, but it is a year-round position. S. Van Deusen stated work would include gardens/parks upkeep

such as landscaping for town hall, gazebo, war memorial, newsboy statue, senior center, libraries, courthouse, Housatonic Dome and off season – overall maintenance, building care, cleaning and transfer station help. He noted the department has been short staffed for a long time. G. Reed asked if volunteers can do landscaping maintenance – S. Van Deusen replied volunteers are used, but it is too much ongoing responsibility for volunteers. P. Orenstein asked if other towns contribute for courthouse maintenance as it is a district court – S. Van Deusen replied it is our building - there is a lease/rent paid and we have a contract to maintain the property. S. Bannon commented the new position is needed to upkeep the war memorial, libraries, etc. and we have beautiful buildings/land that need to be maintained. P. Orenstein asked if Town business owners can contribute for landscaping costs. S Bannon stated the Town had tried to get buy-in, but there was no interest.

f. Highway

Presenter Sean Van Deusen stated budget increases are due to electricity for streetlights, sewer/water, equipment maintenance/repairs for large equipment – and noted specialized repairs are costly. Additionally, street maintenance/repair costs have increased due to asphalt prices and the need for significant patching work. Contracted services increases include labor/material to fix streetlights and warning lights. Tree service is for hazardous trees threaten property/people. Gas/diesel and snow/ice supplies is an increased expense due to higher salt prices. P. Orenstein asked about tracking fee revenue for the transfer station – S. Van Deusen stated the Town takes a loss, but he has asked for a full analysis. It was also clarified that tree service is for town-owned property. A question was raised about the police detail - which is generally covered in construction contracts, though Sue Carmel clarified those costs are accounted for starting in 2021. L. Davis clarified S. Van Deusen is satisfied with the final budget even though the original budget request had been reduced.

g. Council on Aging

Presenter Polly Mann stated the budget is mostly flat, but with the standard salary increase and a slight additional increase for the Coordinator position. T. Blauvelt asked about DPW covering custodial costs – P. Mann replied the position is shared with the transfer station. A. O'Dwyer asked about the decrease in the transportation budget – P. Mann replied it is new, so more time is needed to determine exact budget. She also noted there is grant money to supplement expenses. S. Carmel stated there is a revolving fund for transportation and the hope is it will be self-supporting at some point.

h. Libraries

Presenter Amanda DeGiorgis stated that budgeted salary increases of 2% are determined by the union contract and other costs are flat. E. Abrahams clarified Friends of GB Library supplements the budget by \$6,000-8000/year. P. Orenstein asked about tracking changes in utilization of library resources to modify services – A. DeGiorgis stated they have statistics on all activity and the use of digital resources which is reported monthly to the board and State of MA. She stated resources are shifted as appropriate – i.e., currently more to digital.

i. Parks and Recreation

Presenter Sean Van Deusen stated the budget reflected increases in costs for youth program management/ Railroad Street Youth Project as well as lakes, lifeguards and the skate park. Additional salary costs will be incurred if open more and more porta potty in parks may also increase this year due to additional usage.

j. Debt Service

Presenter Sue Carmel stated this is a fixed cost for the Town consisting mostly of long-term bonds. The budget reflects a 11.4% increase which is lower than last year due to lower interest rates. S. Carmel provided background/detail on increased long-term principal, interest increases, short-term interest and debt issuance cost. P. Orenstein noted debt service practices are in accordance with state requirements, but pointed out that by nature of how the calculation works, it excludes the principal payments for debt to be issued in the spring - so the entire cost is not reflected. S. Carmel stated that the budget can only account for payments due in FY23

and the payment referred to would occur in FY24. A. O'Dwyer expressed overall concern about debt being such a sizable portion of the total budget, and incurring more debt is not as apparent since it is paid over time.

k. Retirement

Presenter Alicia Dulin stated this is not a cost that can be adjusted as the retirement assessment is calculated for us.

l. Insurance

Presenters Alicia Dulin and Sue Carmel stated the health insurance budget had been flat for the last few years. This year it was budgeted for a 4% (\$67,000) increase to cover new hires, increase in family plans, etc. She also noted Berkshire Health Group rates have increased. She stated another \$10,000-20,000 may be needed to support the new/family additions to insurance. A. Dunn confirmed a few employees have asked about enrolling in the plan.

S. Carmel covered the Wastewater Department allocation – stating it is an enterprise fund and there are related costs on the general fund side for indirect costs, i.e., staff salaries, gas/diesel, supplies, for which the enterprise fund reimburses the general fund. Budget covers standard salary increase and mid-year adjustments.

P. Orenstein asked for clarification on the health and life insurance line item – S. Carmel stated historically, this has been a cushion for the Town that can generate surplus funds/free cash. She noted Town auditors and the state are aware of it. She also stated due to level funding over the last few years, the cushion has been depleted. P. Orenstein stated, it is understood that the practice is allowed, but it is not as clear. S. Carmel stated there has been discussion about the option of creating a contingency line item to create a reserve. A. O'Dwyer asked for clarification on increased insurance costs – A. Carmel replied, this line item is to generate free cash, so putting that aside, new/family insurance additions to the health insurance plan are expected. P. Orenstein asked if the reserve impacts rating agency review - S. Carmel replied we provide the budget report and all financial and have had the highest rating. P. Orenstein stated alternatives should be considered.

m. Wastewater

Presenter Sean Van Deusen stated the budget reflects increases across the board especially for electricity to run aeration tanks, clarifiers and other large equipment and how the costs can vary depending on rain amounts. He also noted increased costs for gas/oil for generators; water to flood equipment; repairs/maintenance; and uniform rentals, vehicle supplies, gasoline and chemicals. He noted contracted services are for work on pumps and computer systems. T. Blauvelt asked if the Enterprise Fund can be used to offset increases - S. Van Deusen replied, there is a large expense this year to replace two pump stations costing \$4m plus an aeration tank for \$10m. Pipe replacements are also needed in Town. P. Orenstein asked about 2021-22 increase in health and life insurance. S. Van Deusen stated it was perhaps for additional employees, but will check into.

n. Capital

Presenter C. Rembold stated that every year the Town looks at the fleet, roads, stormwater, town buildings, and equipment that will be needed and get quotes for equipment, motor pool, special projects, cruisers and roads to use for budgeting capital requests. He proceeded to cover capital expenses by area.

- Police Department – C. Rembold stated \$173,000 is budgeted for equipment. The two cruisers are on tax levy. He explained cruisers typically last two years, to borrow long term is not appropriate so it is put on tax levy. S. Carmel stated that something like this could be a contingency line item in the future. T. Blauvelt asked Chief Sorti if there are hybrid cruisers - Chief Sorti stated currently, there is nothing that is tested and found to be reliable.
- DPW vehicles and equipment – C. Rembold stated there is equipment slated for replacement, but the Town could not get quotes in time for the final budget. S. Van Deusen stated he just got price quotes and the cost of a guardrail mower and truck with plow totals \$152,000. He emphasized the importance of a replacement schedule to keep fleet in good working order.

- Building and Grounds – C. Rembold stated there are two large projects. One is making the Ramsdel Library entrance ADA compliant. He stated most of the previously allocated funds have been used and will need the remainder plus what is requested to finish the work. The second project is for the redesign of the Town Hall building campus – including lawn, sidewalks, parking lot, lighting, sewer line and redesign of the front driveway to make a pedestrian area. The Town is also seeking a grant to help cover costs.
- Street/bridge improvements – C. Rembold stated this is mostly for design and engineering; sidewalks grants will also be pursued to supplement. The bridge engineering and repair is for several smaller bridges. He noted the Castle Street tunnel is covered under CPA funding for design and engineering. Several other projects were noted - the senior center parking lot; street improvements in the Berkshire Heights area, improvements for Main Street crossings, replacement of guardrails, sealing cracks and cemetery road repairs. G. Reed asked about cracked sidewalks and funding for the rotary – C. Rembold stated sidewalks are fixed through the street repairs budget and the rotary is funded through MassDOT. P. Orenstein asked about the street improvement other line item and confirmed it is funded by the state based on an allocation formula. L. Davis asked for historical trends on borrowing for capital requests and was pointed to slides presented by M. Pruhenski.
- Parks – C. Rembold stated the budget for Memorial Field totals \$500,000 – proposed as a split between CPA and Town borrowing, but the CPC recommended the \$500,000 be bonded through CPA so it would not be under the Town’s general funding. S. Van Deusen stated parks improvement are a standard request every year consisting mostly of basic maintenance and some improvements. E. Gabriel asked for clarification on CPA taking over funding for Memorial Field. – C. Rembold stated CPA collects funds annually. CPC is recommending using those funds for the bond; and S. Carmel clarified -it is still part of borrowing column, but the debt payment would be shown in a CPA fund not on the operating budget. A. O’Dwyer asked if the \$50,000 for park improvements should be put into the operating budget? S. Carmel clarified special articles appropriate the funds and was changed to borrowing in the capital budget four years ago. S. Bannon stated a piece of equipment can be \$20,000 so it is appropriate to borrow for it and it is not a reoccurring expense. P. Orenstein asked about criteria for sidewalk and street improvements – S. Van Deusen stated that only essential repairs are made. S. Bannon stated the Town was falling further and further behind every year in repairs and now we are seeing some catch up. C. Rembold stated for sidewalks, a priority is to make connections between segments as one of the Master Plan priorities is pedestrian and bike accessibility. A. O’Dwyer asked if infrastructure funds could be used to offset some expenses – C. Rembold replied ARPA funds are for sewer and stormwater issues only, though he expressed hope that stimulus infrastructure funds will be allocated by the state to towns. L. Davis asked if the Town could delay repairs until costs come down – S. Van Deusen replied that costs will likely increase, especially labor and noted that the longer repairs are delayed, the more costly it gets. He continued to explain the Town will get reimbursed under existing contracts if prices decrease significantly, i.e., gas.
- Wastewater – S. Van Deusen stated there are increases in the budget for internal mechanism equipment replacement; service pick-up truck replacement; and a high pressure sewer jetter/line clearer, In addition, engineering is a standalone line as there are grant funds can become available.

3. Citizen Speak Time

4. Media Time

5. Adjournment – Chairman Bannon adjourned the meeting by unanimous consent at 8:04pm.

Respectfully submitted,

Stacy Ostrow, Recording Clerk

Selectboard and Finance Committee Joint Budget Meeting via Zoom
Tuesday, February 8, 2022

1. Call to Order – S, Bannon opened the meeting at 6:00pm; those present via zoom: Selectboard: Ed Abrahams, Leigh Davis, Eric Gabriel, Garfield Reed. Finance Committee: Tom Blauvelt, Michelle Loubert, Meredith O'Connor, Anne O'Dwyer, Philip Orenstein. Town Manager Mark Pruhenski, Finance Director Sue Carmel and other department heads as noted below

- S. Bannon stated the process for next meeting is to vote on budget for each department, on capital and special articles. Next step is for the Finance Committee to hold a public hearing, followed by additional discussion/revisions, as needed, and then a final vote.

2. Department
 - a. Police Department

Presenter Chief Paul Sorti started with Police Department highlights including the new canine comfort/patrol program; parking ticket revenue; and police reform priorities emphasizing training, accountability and transparency and associated changes in police operations. He stated FY23 budget increases are under 2%, and at the same time meet the obligations/goals for police reform. He outlined three focus areas: increased patrol staffing to add a sergeant to increase coverage and supervision/accountability; hire an additional officer due to part-time status being eliminated in 2024; and add an investigator role to handle more complex, larger cases and to reduce the burden on patrol officers allowing more time on the streets. He also outlined savings that allowed the reinvestment in new positions. A. O'Dwyer clarified the new investigator was not a new hire, just an assignment of duties. P. Orenstein asked about the new accreditation officer position - Chief Sorti stated it is a stipend for new responsibilities as the Department is up for accreditation this year and police reform has set new standards. A. O'Dwyer asked how overtime expenses were reduced - Chief Sorti replied it was because of restructuring and hiring an additional officer. E. Gabriel asked if the Department would be hiring additional officers in the future – Chief Sorti stated yes, the plan is to add three new officers. L. Davis asked about a new plan for dispatch – Chief Sorti replied it is a complicated issue and needs further discussion.
 - b. Emergency Management

Chief Sorti stated there is little change in the budget from last year and noted there will be discussions on potential restructuring of the program in the future. He also requested an additional \$1,000 for equipment.
 - c. Animal Control

Chief Sorti stated there is only a minor increase - essentially no change in the budget.
 - d. Fire Department

Chief Charlie Burger stated the budget reflects adjustments due to increased costs for repairs, maintenance and parts. He noted the only new item is a subscription to Lexipol that provides standard operating guideline templates and policies for fire departments and GB Fire Department needs to update policies/SOGs this year. He also noted that the change in structure for inspections plan review and permit fees yielded \$70,000 in revenue. M. Loubert asked if salary increases are contractual – Chief Burger replied it is STEP Program cost of living increase and that the increase in overtime budget is due to backfill during vacations. P. Orenstein asked about hourly pay for call fire fighters and the increase in hydrant rentals which Chief Burger clarified is an estimate for Housatonic at a 10% increase.

e. Community Services

Presenter M. Pruhenski stated this is for grants to local nonprofits. Historically it has ranged from \$20,000-35,000 annually. A. O'Dwyer clarified history on the overall budget and P. Orenstein asked how grant-giving is promoted and who are recipients - M. Pruhenski stated a press release is issued announcing the grants and he will send a list of grantees to the boards.

f. Veterans' Affairs

Presenter S. Carmel stated the budget reflects a 5% decrease over last year. She clarified that the Veterans Services line is a contribution rent subsidy for the American Legion and VFW Post for \$9,000 each which is level funding. She noted a slight increase in supplies and that veterans' benefits had decreased over the last few years, so the request has been reduced - she also stated it is 75% reimbursable from the state. Also, Veterans District is for the Town's share of the District Agent and that has increased slightly. S. Bannon asked about the low year-to-date spend for Veterans Services - S. Carmel replied it is billed quarterly so it is a timing issue.

g. Boards and Commissions

Presenter S. Carmel stated the boards had been asked to submit budget requests. The Historic District decreased its request as last year's budget included funds for monument repairs.

h. Celebrations & Events

Presenter M. Pruhenski noted the budget reflects a \$2,500 increase for the bandstand coordinator position and a \$2500 increase in the celebrations line to install/remove banners, awards/plaques and a donation to the Holiday Stroll. P. Orenstein asked if there was a plan to recognize David Grover - M. Pruhenski stated there is a committee being formed and part of the Town budget will go to those efforts. G. Reed asked if there were banners for Black History Month - M. Pruhenski stated there are W.E.B. Du Bois banners are up on Main Street through Black History Month and there are multiple events planned.

S. Bannon stated there are 14 panelists and 11 attendees at the meeting.

i. Special Articles

Presenter M. Pruhenski outlined the Special Articles:

Community Impact Funding which is level at \$350,000; BHRSD Vocational Tuition and Transportation for \$70,000 for year three of the commitment; and Stabilization and Capital Stabilization Accounts at \$100,000 each. T. Blauvelt asked if the Town should start funding OPED liability this year - M. Pruhenski recommended establishing a trust this year and look for funding in FY24 - and for the Finance Committee to discuss. P. Orenstein agreed there should be additional conversation about pros/cons and benefits. A. O'Dwyer asked about allocation of Community Impact Funds and confirmed we follow Cannabis Control Commission guidelines. S. Bannon noted that we follow guidelines, but there is some flexibility in allocation amounts. M. Pruhenski also noted the extensive process/due diligence. P. Orenstein noted past allocation amounts and that the unallocated funds are in free cash. E. Abrahams stated the CCC will be reviewing host agreements to confirm how funds are spent and the Town has been especially thorough and meticulous.

3. Citizen Speak Time

4. Media Time

5. Adjournment - Chairman Bannon adjourned the meeting by unanimous consent at 6:47pm.

Respectfully submitted,

Stacy Ostrow

Recording Clerk

Selectboard and Finance Committee Joint Budget Meeting
Wednesday, February 9, 2022

1. CALL TO ORDER – S, Bannon opened the meeting at 6:00pm; those present via zoom: Selectboard: Ed Abrahams, Leigh Davis, Eric Gabriel, Garfield Reed. Finance Committee: Tom Blauvelt, Michelle Loubert, Meredith O’Connor, Anne O’Dwyer, Philip Orenstein. Town Manager Mark Pruhenski. Assistant Town Manager Chris Rembold, Finance Director Sue Carmel.

S. Bannon stated the process for the meeting would be to vote on different sections of the budget with the final vote after it is brought to the Finance Committee Public Hearing.

2. Review and discussion

a. Selectboard/Town Manager

M. Pruhenski restated his suggestion that \$10,000 be cut from the HR budget and shifted to the Contracted Services line to cover a subscription to the Granicus software platform would be needed for tracking/data if the Short-Term Rental Bylaw is approved at Town Meeting. M. Loubert stated she was not aware this was necessary. P. Orenstein asked if this would impact HR position funding. E. Abrahams stated concerns about tracking residents’ properties. S. Bannon stated the decision will be made at Town Meeting – the Town is just trying to prepare if enacted - if it does not pass, the funds would go to free cash. M. Loubert asked if the Finance Committee reserve could be used to fund the subscription – M. Pruhenski stated the reserve is for unanticipated expenses. E. Gabriel asked if the cost would be part of the bylaw – S. Bannon stated it would be in the budget and could change each year. A. O’Dwyer stated she would support using the reserve fund. It was confirmed the funds are for a consultant.

i. S. Bannon noted that the Selectboard and Finance Committee votes can be different, but the Finance Committee vote rules.

M. Loubert made a motion to approve the Selectboard/Town Manager budget as presented; A. O’ Dwyer seconded. P. Orenstein asked if any discussion – there was none. Roll call vote: T. Blauvelt, “aye,” M. Loubert, “aye,” M. O’Connor, “aye,” A. O’Dwyer, “aye,” P. Orenstein, “aye.” All in favor, 5-0.

E. Abrahams made the same a motion; E. Gabriel seconded. S. Bannon asked if any discussion – there was none. Roll call vote: E. Abrahams, “aye,” S. Bannon, “aye,” E. Gabriel, “aye,” G. Reed, “aye.” All in favor, 4-0.

b. Finance Committee/Reserve Fund

S. Bannon asked for any questions/discussion – there were none.

M. Loubert made a motion to approve the Finance Committee/Reserve Fund budget as presented; A. O’ Dwyer seconded. P. Orenstein asked if any discussion – there was none. Roll call vote: T. Blauvelt, “aye,” M. Loubert, “aye,” M. O’Connor, “aye,” A. O’Dwyer, “aye,” P. Orenstein, “aye.” All in favor, 5-0.

E. Abrahams made the same motion; G. Reed seconded. S. Bannon asked if any discussion – there was none. Roll call vote: E. Abrahams, “aye,” S. Bannon, “aye,” E. Gabriel, “aye,” G. Reed, “aye.” All in favor, 4-0.

c. Town Accountant

S. Bannon asked for any questions/discussion – there was none.

M. Loubert made a motion to approve the Town Accountant budget as presented; A. O’Dwyer seconded. P. Orenstein asked if any discussion – there was none. Roll call vote: T. Blauvelt, “aye,” M. Loubert, “aye,” M. O’Connor, “aye,” A. O’Dwyer, “aye,” P. Orenstein, “aye.” All in favor, 5-0.

E. Abrahams made the same motion; E. Gabriel seconded. S. Bannon asked if any discussion – there was none. Roll call vote: E. Abrahams, “aye,” S. Bannon, “aye,” E. Gabriel, “aye,” G. Reed, “aye.” All in favor, 4-0.

d. Technology

S. Bannon asked for any questions/discussion – there was none.

M. Loubert made a motion to approve the Technology budget as presented; A. O'Dwyer seconded. P. Orenstein asked if any discussion – there was none. Roll call vote: T. Blauvelt, "aye," M. Loubert, "aye," M. O'Connor, "aye," A. O'Dwyer, "aye," P. Orenstein, "aye." All in favor, 5-0.

E. Abrahams made the same motion; E. Gabriel seconded. S. Bannon asked if any discussion – there was none. Roll call vote: E. Abrahams, "aye," S. Bannon, "aye," E. Gabriel, "aye," G. Reed, "aye." All in favor, 4-0.

e. Assessor's Office

S. Bannon asked for any questions/discussion – there were none.

M. Loubert made a motion to approve the Assessor's Office budget as presented; seconded. P. Orenstein asked if any discussion – there was none. Roll call vote: T. Blauvelt, "aye," M. Loubert, "aye," M. O'Connor, "aye," A. O'Dwyer, "aye," P. Orenstein, "aye." All in favor, 5-0.

E. Abrahams made the same motion; E. Gabriel seconded. S. Bannon asked if any discussion – there was none. Roll call vote: E. Abrahams, "aye," S. Bannon, "aye," E. Gabriel, "aye," G. Reed, "aye." All in favor, 4-0.

f. Collector/Treasurer

S. Bannon asked for any questions/discussion – there was none.

A. O'Dwyer made a motion to approve the Collector/Treasurer budget as presented; M. Loubert seconded. P. Orenstein asked if any discussion – there was none. Roll call vote: T. Blauvelt, "aye," M. Loubert, "aye," M. O'Connor, "aye," A. O'Dwyer, "aye," P. Orenstein, "aye." All in favor, 5-0.

E. Abrahams made the same motion; E. Gabriel seconded. S. Bannon asked if any discussion – there was none. Roll call vote: E. Abrahams, "aye," S. Bannon, "aye," E. Gabriel, "aye," G. Reed, "aye." All in favor, 4-0.

g. Human Resources

S. Bannon asked for any questions/discussion and noted the budget would be reduced by \$10,000 for a new budget of \$19,509.

i. M. Pruhenski noted this could be decreased as grant funding is being extended through FY23, but explained it is a one-time grant. He also clarified that the allocation of the HR person's time would be tracked by each town. He will also provide the boards with the job description.

A. O'Dwyer made a motion to approve the Human Resources budget as revised to \$19,509; T. Blauvelt seconded. P. Orenstein asked if any additional discussion – M. Loubert stated she would abstain pending review of the job description. Roll call vote: T. Blauvelt, "aye," M. Loubert, "abstain," M. O'Connor, "aye," A. O'Dwyer, "aye," P. Orenstein, "aye." All in favor, 4-0.

E. Abrahams made the same motion; E. Gabriel seconded. S. Bannon asked if any discussion – there was none. Roll call vote: E. Abrahams, "aye," S. Bannon, "aye," L. Davis, "aye," E. Gabriel, "aye," G. Reed, "aye." All in favor, 5-0.

h. Town Clerk

S. Bannon asked for any questions/discussion – there was none.

M. Loubert made a motion to approve the Town Clerk budget as presented; T. Blauvelt seconded. P. Orenstein asked if any discussion – there was none. Roll call vote: T. Blauvelt, "aye," M. Loubert, "aye," M. O'Connor, "aye," A. O'Dwyer, "aye," P. Orenstein, "aye." All in favor, 5-0.

L. Davis made the same motion; E. Abrahams seconded. S. Bannon asked if any discussion – there was none. Roll call vote: E. Abrahams, “aye,” S. Bannon, “aye,” L. Davis, “aye,” E. Gabriel, “aye,” G. Reed, “aye.” All in favor, 5-0.

i. Conservation Commission

S. Bannon asked for any questions/discussion – there was none.

M. Loubert made a motion to approve the Conservation Commission budget as presented; A. O’Dwyer seconded. P. Orenstein asked if any discussion – there was none. Roll call vote: T. Blauvelt, “aye,” M. Loubert, “aye,” M. O’Connor, “aye,” A. O’Dwyer, “aye,” P. Orenstein, “aye.” All in favor, 5-0.

L. Davis made the same motion; E. Abrahams seconded. S. Bannon asked if any discussion – G. Reed asked if Shep Evans had two salaries for his two roles. S. Bannon stated yes. Roll call vote: E. Abrahams, “aye,” S. Bannon, “aye,” L. Davis, “aye,” E. Gabriel, “aye,” G. Reed, “aye.” All in favor, 5-0.

j. Planning Board

S. Bannon asked for any questions/discussion – there was none.

M. Loubert made a motion to approve the Planning Board budget as presented; A. O’Dwyer seconded. P. Orenstein asked if any discussion – there was none. Roll call vote: T. Blauvelt, “aye,” M. Loubert, “aye,” M. O’Connor, “aye,” A. O’Dwyer, “aye,” P. Orenstein, “aye.” All in favor, 5-0.

L. Davis made the same motion; E. Abrahams seconded. S. Bannon asked if any discussion – there was none. Roll call vote: E. Abrahams, “aye,” S. Bannon, “aye,” L. Davis, “aye,” E. Gabriel, “aye,” G. Reed, “aye.” All in favor, 5-0.

k. Zoning Board of Appeals

S. Bannon asked for any questions/discussion – there was none.

M. Loubert made a motion to approve the Zoning Board of Appeals budget as presented; A. O’Dwyer seconded. P. Orenstein asked if any discussion – there was none. Roll call vote: T. Blauvelt, “aye,” M. Loubert, “aye,” M. O’Connor, “aye,” A. O’Dwyer, “aye,” P. Orenstein, “aye.” All in favor, 5-0.

L. Davis made the same motion; E. Abrahams seconded. S. Bannon asked if any discussion – there was none. Roll call vote: E. Abrahams, “aye,” S. Bannon, “aye,” L. Davis, “aye,” E. Gabriel, “aye,” G. Reed, “aye.” All in favor, 5-0.

l. Planning/Community Development

S. Bannon asked for any questions/discussion – there was none.

T. Blauvelt made a motion to approve the Planning and Community Development budget as presented; A. O’Dwyer seconded. P. Orenstein asked if any discussion – there was none. Roll call vote: T. Blauvelt, “aye,” M. Loubert, “aye,” M. O’Connor, “aye,” A. O’Dwyer, “aye,” P. Orenstein, “aye.” All in favor, 5-0. Selectboard: L. Davis made a motion to ; E. Abrahams seconded. S. Bannon asked if any discussion – there was none. Roll call vote: E. Abrahams, “aye,” S. Bannon, “aye,” L. Davis, “aye,” E. Gabriel, “aye,” G. Reed, “aye.” All in favor, 5-0.

m. Buildings and Grounds

S. Bannon asked for any questions/discussion – there was none.

T. Blauvelt made a motion to approve the Buildings and Grounds budget as presented; A. O’Dwyer seconded. P. Orenstein asked if any discussion – there was none. Roll call vote: T. Blauvelt, “aye,” M. Loubert, “aye,” M. O’Connor, “aye,” A. O’Dwyer, “aye,” P. Orenstein, “aye.” All in favor, 5-0.

L. Davis made the same motion; E. Abrahams seconded. S. Bannon asked if any discussion – there was none. Roll call vote: E. Abrahams, “aye,” S. Bannon, “aye,” L. Davis, “aye,” E. Gabriel, “aye,” G. Reed, “aye.” All in favor, 5-0.

n. Police Department

S. Bannon asked for any questions/discussion – there was none.

T. Blauvelt made a motion to approve the Police Department budget as presented; A. O'Dwyer seconded. P. Orenstein asked if any discussion – there was none. Roll call vote: T. Blauvelt, "aye," M. Loubert, "aye," M. O'Connor, "aye," A. O'Dwyer, "aye," P. Orenstein, "aye." All in favor, 5-0.

L. Davis made the same motion; E. Abrahams seconded. S. Bannon asked if any discussion – there was none. Roll call vote: E. Abrahams, "aye," S. Bannon, "aye," L. Davis, "aye," E. Gabriel, "aye," G. Reed, "aye." All in favor, 5-0.

o. Fire Department

S. Bannon asked for any questions/discussion.

i. P. Orenstein asked about the increase in hydrant rentals in Housatonic - Chief Burger clarified Housatonic Water Works will be negotiating a new rate, but the DPU establishes the rate. P. Orenstein commented on the optics for the Town re: the rate increase. S. Bannon added the Town can be an intervenor, but the state makes the final decision and noted if there is a substantial rate increase, the Town would come to the Finance Committee for additional unanticipated funds. M. Loubert confirmed hydrants are in working condition in Housatonic and expressed concern about approving the increase. It was also confirmed this is only for Housatonic and the GB Fire District is not asking for an increase

M. Loubert made a motion to approve the Fire Department budget with a reduction to line 53800 from \$115,000 to \$110,000 – with a final budget of \$717,295; A. O'Dwyer seconded. P. Orenstein asked if any discussion – there was none. Roll call vote: T. Blauvelt, "aye," M. Loubert, "aye," M. O'Connor, "aye," A. O'Dwyer, "aye," P. Orenstein, "aye." All in favor, 5-0.

L. Davis made the same motion; E. Gabriel seconded. S. Bannon asked if any discussion – L. Davis confirmed the Town would go to the Finance Committee for funds – S. Bannon stated yes, the Finance Committee emergency fund, if not approved there, it would have to come from another non-salary line item. E. Abrahams stated we should be prepared for the expense. Roll call vote: E. Abrahams, "no," S. Bannon, "aye," L. Davis, "no," E. Gabriel, "aye," G. Reed, "no." Motion failed 3-2.

ii. S. Bannon stated it should be noted this was recommended by the Finance Committee and not recommended by the Selectboard. We will have to explain at Town Meeting that it is not for the entire budget, just this line.

iii. P. Orenstein stated he would be willing to provide funds through the Finance Committee for this item.

p. Emergency Management

S. Bannon asked for any questions/discussion.

i. E. Abrahams asked if \$1,000 for equipment could be added back to the budget per Chief Sorti's request. M. Pruhenski stated he had no issue with doing so.

A. O'Dwyer made a motion to adjust equipment line 58500 to \$3,000 for a total of \$19,790; T. Blauvelt seconded. P. Orenstein asked if any discussion – there was none. Roll call vote: T. Blauvelt, "aye," M. Loubert, "aye," M. O'Connor, "aye," A. O'Dwyer, "aye," P. Orenstein, "aye." All in favor, 5-0.

L. Davis made the same motion; E. Abrahams seconded. S. Bannon asked if any discussion – there was none. Roll call vote: E. Abrahams, "aye," S. Bannon, "aye," L. Davis, "aye," E. Gabriel, "aye," G. Reed, "aye." All in favor, 5-0.

q. Building Inspectors

S. Bannon asked for any questions/discussion.

- i. T. Blauvelt asked if the Building Inspector salary was low vs peers according to the survey – M. Pruhenski replied the salary was recommended for an increase and it has not been ruled out.

A. O'Dwyer made a motion to approve the Building Inspectors budget as presented; T. Blauvelt seconded.

P. Orenstein asked if any discussion – there was none. Roll call vote: T. Blauvelt, "aye," M. Loubert, "aye," M. O'Connor, "aye," A. O'Dwyer, "aye," P. Orenstein, "aye." All in favor, 5-0.

L. Davis made the same motion; E. Abrahams seconded. S. Bannon asked if any discussion – there was none. Roll call vote: E. Abrahams, "aye," S. Bannon, "aye," L. Davis, "aye," E. Gabriel, "aye," G. Reed, "aye." All in favor, 5-0.

r. Animal Control

S. Bannon asked for any questions/discussion.

- i. E. Abrahams clarified that Shep Evans holds multiple positions in Town adding up to one full-time position.

A. O'Dwyer made a motion to approve the Animal Control budget as presented; T. Blauvelt seconded. P. Orenstein asked if any discussion – there was none. Roll call vote: T. Blauvelt, "aye," M. Loubert, "aye," M. O'Connor, "aye," A. O'Dwyer, "aye," P. Orenstein, "aye." All in favor, 5-0.

L. Davis made the same motion; E. Abrahams seconded. S. Bannon asked if any discussion – there was none. Roll call vote: E. Abrahams, "aye," S. Bannon, "aye," L. Davis, "aye," E. Gabriel, "aye," G. Reed, "aye." All in favor, 5-0.

s. Highway Department

S. Bannon asked for any questions/discussion – there was none.

M. Loubert made a motion to approve the Highway Department budget as presented; T. Blauvelt seconded.

P. Orenstein asked if any discussion – there was none. Roll call vote: T. Blauvelt, "aye," M. Loubert, "aye," M. O'Connor, "aye," A. O'Dwyer, "aye," P. Orenstein, "aye." All in favor, 5-0.

L. Davis made the same motion; E. Abrahams seconded. S. Bannon asked if any discussion – there was none. Roll call vote: E. Abrahams, "aye," S. Bannon, "aye," L. Davis, "aye," E. Gabriel, "aye," G. Reed, "aye." All in favor, 5-0.

t. Health Department

S. Bannon asked for any questions/discussion.

- i. M. Loubert asked if the salary increase for the Health Agent was contractual – M.

Pruhenski replied no, it was one of five salaries that were recommended for an increase.

A. O'Dwyer made a motion to approve the Health Department budget as presented; T. Blauvelt seconded. P. Orenstein asked if any discussion – there was none. Roll call vote: T. Blauvelt, "aye," M. Loubert, "aye," M. O'Connor, "aye," A. O'Dwyer, "aye," P. Orenstein, "aye." All in favor, 5-0.

L. Davis made the same motion; E. Abrahams seconded. S. Bannon asked if any discussion – there was none. Roll call vote: E. Abrahams, "aye," S. Bannon, "aye," L. Davis, "aye," E. Gabriel, "aye," G. Reed, "aye." All in favor, 5-0.

u. Community Services

S. Bannon asked for any questions/discussion – there was none.

M. Loubert made a motion to approve the Community Services budget as presented; A. O'Dwyer seconded.

P. Orenstein asked if any discussion – there was none. Roll call vote: T. Blauvelt, "aye," M. Loubert, "aye," M. O'Connor, "aye," A. O'Dwyer, "aye," P. Orenstein, "aye." All in favor, 5-0.

L. Davis made the same motion; E. Abrahams seconded. S. Bannon asked if any discussion – there was none. Roll call vote: E. Abrahams, “aye,” S. Bannon, “aye,” L. Davis, “aye,” G. Reed, “aye.” All in favor, 4-0.

v. Council on the Aging

S. Bannon asked for any questions/discussion.

i. A. O’Dwyer asked why the transportation budget was reduced – M. Pruhenski replied there are grant funds available.

A. O’Dwyer made a motion to approve the Council on the Aging budget as presented; M. Loubert seconded. P. Orenstein asked if any discussion – there was none. Roll call vote: T. Blauvelt, “aye,” M. Loubert, “aye,” M. O’Connor, “aye,” A. O’Dwyer, “aye,” P. Orenstein, “aye.” All in favor, 5-0.

L. Davis made the same motion; E. Abrahams seconded. S. Bannon asked if any discussion – G. Reed asked if drivers’ salaries were reduced – M. Pruhenski stated no, grant funded is being used. Roll call vote: E. Abrahams, “aye,” S. Bannon, “aye,” L. Davis, “aye,” E. Gabriel, “aye,” G. Reed, “aye.” All in favor, 5-0.

w. Veterans Affairs

S. Bannon asked for any questions/discussion.

i. P. Orenstein asked for clarification on the history of support for rent. S. Bannon stated the funds are also for veterans’ services/veterans in need. S. Carmel confirmed and noted it is paid quarterly.

M. Loubert made a motion to approve the Veterans Affairs budget as presented; A. O’Dwyer seconded. P. Orenstein asked if any discussion – there was none. Roll call vote: T. Blauvelt, “aye,” M. Loubert, “aye,” M. O’Connor, “aye,” A. O’Dwyer, “aye,” P. Orenstein, “aye.” All in favor, 5-0.

L. Davis made the same motion; E. Abrahams seconded. S. Bannon asked if any discussion – there was none. Roll call vote: E. Abrahams, “aye,” S. Bannon, “aye,” L. Davis, “aye,” E. Gabriel, “aye,” G. Reed, “aye.” All in favor, 5-0.

x. Libraries

S. Bannon asked for any questions/discussion.

i. T. Blauvelt stated he would recuse.

M. Loubert made a motion to approve the Libraries budget as presented; A. O’Dwyer seconded. P. Orenstein asked if any discussion – there was none. Roll call vote: T. Blauvelt, “recuse,” M. Loubert, “aye,” M. O’Connor, “aye,” A. O’Dwyer, “aye,” P. Orenstein, “aye.” All in favor, 4-0.

L. Davis made the same motion; E. Abrahams seconded. S. Bannon asked if any discussion – there was none. Roll call vote: E. Abrahams, “aye,” S. Bannon, “aye,” L. Davis, “aye,” E. Gabriel, “aye,” G. Reed, “aye.” All in favor, 5-0.

y. Parks and Recreation

S. Bannon asked for any questions/discussion.

i. P. Orenstein asked about funding and broad access for Lake Mansfield – S. Bannon replied it is a Town park, but there is federal funding, so it cannot be restricted to GB residents – similar to libraries, senior center, etc.

M. Loubert made a motion to approve the Parks and Recreation budget as presented; T. Blauvelt seconded. P. Orenstein asked if any discussion – there was none. Roll call vote: T. Blauvelt, “aye,” M. Loubert, “aye,” M. O’Connor, “aye,” A. O’Dwyer, “aye,” P. Orenstein, “aye.” All in favor, 5-0.

L. Davis made the same motion; E. Abrahams seconded. S. Bannon asked if any discussion – there was none. Roll call vote: E. Abrahams, “aye,” S. Bannon, “aye,” L. Davis, “aye,” E. Gabriel, “aye,” G. Reed, “aye.” All in favor, 5-0.

z. Boards and Commissions

S. Bannon asked for any questions/discussion – there was none.

M. Loubert made a motion to approve the Boards and Commissions budget as presented; T. Blauvelt seconded. P. Orenstein asked if any discussion – there was none. Roll call vote: T. Blauvelt, “aye,” M. Loubert, “aye,” M. O’Connor, “aye,” A. O’Dwyer, “aye,” P. Orenstein, “aye.” All in favor, 5-0.

L. Davis made the same motion; E. Abrahams seconded. S. Bannon asked if any discussion – there was none. Roll call vote: E. Abrahams, “aye,” S. Bannon, “aye,” L. Davis, “aye,” E. Gabriel, “aye,” G. Reed, “aye.” All in favor, 5-0.

aa. Celebrations and Events

S. Bannon asked for any questions/discussion – there was none.

M. Loubert made a motion to approve the Celebrations and Events budget as presented; T. Blauvelt seconded. P. Orenstein asked if any discussion – there was none. Roll call vote: T. Blauvelt, “aye,” M. Loubert, “aye,” M. O’Connor, “aye,” A. O’Dwyer, “aye,” P. Orenstein, “aye.” All in favor, 5-0.

L. Davis made the same motion; E. Abrahams seconded. S. Bannon asked if any discussion – E. Abrahams stated he would recuse. Roll call vote: E. Abrahams, “recuse,” S. Bannon, “aye,” L. Davis, “aye,” E. Gabriel, “aye,” G. Reed, “aye.” All in favor, 4-0.

bb. Debt Service

S. Bannon asked for any questions/discussion – there was none.

A. O’Dwyer made a motion to approve the Debt Service budget as presented; T. Blauvelt seconded. P. Orenstein asked if any discussion – there was none. Roll call vote: T. Blauvelt, “aye,” M. Loubert, “aye,” M. O’Connor, “aye,” A. O’Dwyer, “aye,” P. Orenstein, “aye.” All in favor, 5-0.

L. Davis made the same motion; E. Abrahams seconded. S. Bannon asked if any discussion – there was none. Roll call vote: E. Abrahams, “aye,” S. Bannon, “aye,” L. Davis, “aye,” E. Gabriel, “aye,” G. Reed, “aye.” All in favor, 5-0.

cc. Retirement

S. Bannon asked for any questions/discussion – there was none.

M. Loubert made a motion to approve the Retirement budget as presented; T. Blauvelt seconded. P. Orenstein asked if any discussion – there was none. Roll call vote: T. Blauvelt, “aye,” M. Loubert, “aye,” M. O’Connor, “aye,” A. O’Dwyer, “aye,” P. Orenstein, “aye.” All in favor, 5-0.

L. Davis made the same motion; E. Abrahams seconded. S. Bannon asked if any discussion – there was none. Roll call vote: E. Abrahams, “aye,” S. Bannon, “aye,” L. Davis, “aye,” E. Gabriel, “aye,” G. Reed, “aye.” All in favor, 5-0.

dd. Insurance

S. Bannon asked for any questions/discussion and noted A. Dulin requested an increase of \$10,000-20,000 for line 51740. Discussion focused on concerns about additional family/new employee health insurance needs and the reserve funds built into this line which has been diminishing over time due as it has not been replenished and costs have increased. For FY23, the increase will cover additional/new employee health benefits and keep the excess at a similar level.

P. Orenstein commented there should be more clarity on this line.

A. O’Dwyer made a motion to increase the Insurance budget line 51740 by \$20,000 to \$17,083 for a revised total budget of \$1.876m; T. Blauvelt seconded. P. Orenstein asked if any discussion – there was none. Roll call vote: T. Blauvelt, “aye,” M. Loubert, “aye,” M. O’Connor, “aye,” A. O’Dwyer, “aye,” P. Orenstein, “aye.” All in favor, 5-0.

L. Davis made the same motion; E. Abrahams seconded. S. Bannon asked if any discussion – E. Abrahams asked S. Carmel to build in a cushion on its own line. Roll call vote: E. Abrahams, “aye,” S. Bannon, “aye,” L. Davis, “aye,” E. Gabriel, “aye,” G. Reed, “aye.” All in favor, 5-0.

ee. Wastewater

S. Bannon asked for any questions/discussion.

i. P. Orenstein asked why the health and life insurance line increased by one-third – S. Carmel stated she would look into it.

A. O’Dwyer made a motion to approve the Wastewater budget as presented; T. Blauvelt seconded. P. Orenstein asked if any discussion – there was none. Roll call vote: T. Blauvelt, “aye,” M. Loubert, “aye,” M. O’Connor, “aye,” A. O’Dwyer, “aye,” P. Orenstein, “aye.” All in favor, 5-0.

L. Davis made the same motion; E. Abrahams seconded. S. Bannon asked if any discussion – there was none. Roll call vote: E. Abrahams, “aye,” S. Bannon, “aye,” L. Davis, “aye,” E. Gabriel, “aye,” G. Reed, “aye.” All in favor, 5-0.

ff. Capital

1. Police

S. Bannon asked for any questions/discussion.

i. E. Gabriel asked about funds for the police cruisers – S. Carmel explained the funds are coming out of the operating budget.

T. Blauvelt made a motion to approve the Police Department capital request as presented; A. O’Dwyer seconded. P. Orenstein asked if any discussion – there was none. Roll call vote: T. Blauvelt, “aye,” M. Loubert, “aye,” M. O’Connor, “aye,” A. O’Dwyer, “aye,” P. Orenstein, “aye.” All in favor, 5-0.

L. Davis made the same motion; E. Abrahams seconded. S. Bannon asked if any discussion – there was none. Roll call vote: E. Abrahams, “aye,” S. Bannon, “aye,” L. Davis, “aye,” E. Gabriel, “aye,” G. Reed, “aye.” All in favor, 5-0.

2. Vehicles and Equipment

S. Bannon asked for any questions/discussion and stated this is for a roadside mower and a truck – S. Carmel recommended borrowing the funds. It was confirmed that vehicles last 8-10 years.

A. O’Dwyer made a motion to approve the capital request for Vehicles and Equipment as presented; A. O’Dwyer seconded. P. Orenstein asked if any discussion – there was none. Roll call vote: T. Blauvelt, “aye,” M. Loubert, “aye,” M. O’Connor, “aye,” A. O’Dwyer, “aye,” P. Orenstein, “aye.” All in favor, 5-0.

L. Davis made the same motion; E. Abrahams seconded. S. Bannon asked if any discussion – there was none. Roll call vote: E. Abrahams, “aye,” S. Bannon, “aye,” L. Davis, “aye,” E. Gabriel, “aye,” G. Reed, “aye.” All in favor, 5-0.

3. Buildings and Grounds

S. Bannon asked for any questions/discussion.

i. A. O’Dwyer asked for clarification on the proposed changes to Town Hall front area and parking accessibility – S. VanDeusen stated the plan is to provide more green space and parking would be the same/improved. In response to a question about approvals/funding, C. Rembold stated the plan had been reviewed by the Historic District and Parks and Recreation - and funding would be borrowing and/or pursuing grants.

A. O’Dwyer made a motion to approve the capital request for Buildings and Grounds as presented; T. Blauvelt seconded. P. Orenstein asked if any discussion – there was none. Roll call vote: T. Blauvelt, “aye,” M. Loubert, “aye,” M. O’Connor, “aye,” A. O’Dwyer, “aye,” P. Orenstein, “aye.” All in favor, 5-0.

L. Davis made the same motion; E. Abrahams seconded. S. Bannon asked if any discussion – there was none. Roll call vote: E. Abrahams, “aye,” S. Bannon, “aye,” L. Davis, “aye,” E. Gabriel, “aye,” G. Reed, “aye.” All in favor, 5-0.

4. Street and Bridge Improvements

S. Bannon asked for any questions/discussion.

i. G. Reed asked which streets are being improved - C. Rembold provided details.

A. O’Dwyer made a motion to approve the capital request for Street and Bridge Improvements as presented; T. Blauvelt seconded. P. Orenstein asked if any discussion – there was none. Roll call vote: T. Blauvelt, “aye,” M. Loubert, “aye,” M. O’Connor, “aye,” A. O’Dwyer, “aye,” P. Orenstein, “aye.” All in favor, 5-0.

L. Davis made the same motion; E. Abrahams seconded. S. Bannon asked if any discussion – there was none. Roll call vote: E. Abrahams, “aye,” S. Bannon, “aye,” L. Davis, “aye,” E. Gabriel, “aye,” G. Reed, “aye.” All in favor, 5-0.

5. Parks

S. Bannon asked for any questions/discussion and stated the only change is for Memorial Field improvements where \$500,000 is under borrowing, but paid out of CPA proceeds.

A. O’Dwyer made a motion to approve the capital request for Parks as presented; T. Blauvelt seconded. P. Orenstein asked if any discussion – there was none. Roll call vote: T. Blauvelt, “aye,” M. Loubert, “aye,” M. O’Connor, “aye,” A. O’Dwyer, “aye,” P. Orenstein, “aye.” All in favor, 5-0.

L. Davis made the same motion; E. Abrahams seconded. S. Bannon asked if any discussion – there was none. Roll call vote: E. Abrahams, “aye,” S. Bannon, “aye,” L. Davis, “aye,” E. Gabriel, “aye,” G. Reed, “aye.” All in favor, 5-0.

6. Wastewater

S. Bannon asked for any questions/discussion – there was none.

A. O’Dwyer made a motion to approve the capital request for Wastewater as presented; T. Blauvelt seconded. P. Orenstein asked if any discussion – there was none. Roll call vote: T. Blauvelt, “aye,” M. Loubert, “aye,” M. O’Connor, “aye,” A. O’Dwyer, “aye,” P. Orenstein, “aye.” All in favor, 5-0.

L. Davis made the same motion; E. Abrahams seconded. S. Bannon asked if any discussion – G. Reed asked, and it was clarified that the trucks last 10 years and retained earnings are enterprise funds free cash. S. Bannon added there is a capital replacement plan projected out 8-10 years. Roll call vote: E. Abrahams, “aye,” S. Bannon, “aye,” L. Davis, “aye,” E. Gabriel, “aye,” G. Reed, “aye.” All in favor, 5-0.

P. Orenstein asked about authorized older capital and recommended a procedure to do “housekeeping” of the list or have an expiration where funding needs to be reapproved. S. Carmel stated the process requires a vote at Town Meeting to rescind. S. Bannon asked if there could be a warrant article each year to stay on top of it – perhaps too late for this year. C. Rembold stated there could be a policy where staff looks at it every year.

gg. Special Articles

1. Community Impact Funding

S. Bannon asked for any questions/discussion.

It was clarified that funds would come from free cash and approved at Town Meeting.

Town Manager handles review/distribution.

A. O’Dwyer made a motion to approve Community Impact Funding as presented; T. Blauvelt seconded. P. Orenstein asked if any discussion – there was none. Roll call vote: T. Blauvelt, “aye,” M. Loubert, “aye,” M. O’Connor, “aye,” A. O’Dwyer, “aye,” P. Orenstein, “aye.” All in favor, 5-0.

L. Davis made the same motion; E. Abrahams seconded. S. Bannon asked if any discussion – there was none. Roll call vote: E. Abrahams, “aye,” S. Bannon, “aye,” L. Davis, “aye,” E. Gabriel, “aye,” G. Reed, “aye.” All in favor, 5-0.

2. BHRSD Vocational Tuition and Transportation

S. Bannon asked for any questions/discussion – there was none.

M. Loubert made a motion to approve BHRSD Vocational Tuition and Transportation as presented; T.

Blauvelt seconded. P. Orenstein asked if any discussion – there was none. Roll call vote: T. Blauvelt, “aye,”

M. Loubert, “aye,” M. O’Connor, “aye,” A. O’Dwyer, “aye,” P. Orenstein, “aye.” All in favor, 5-0.

L. Davis made the same motion; E. Abrahams seconded. S. Bannon asked if any discussion – there was none.

Roll call vote: E. Abrahams, “aye,” S. Bannon, “aye,” L. Davis, “aye,” E. Gabriel, “aye,” G. Reed, “aye.” All in favor, 5-0.

3. Stabilization

S. Bannon asked for any questions/discussion – there was none.

M. Loubert made a motion to approve Stabilization as presented; T. Blauvelt seconded. P. Orenstein asked if

any discussion – there was none. Roll call vote: T. Blauvelt, “aye,” M. Loubert, “aye,” M. O’Connor, “aye,”

A. O’Dwyer, “aye,” P. Orenstein, “aye.” All in favor, 5-0.

L. Davis made the same motion; E. Abrahams seconded. S. Bannon asked if any discussion – there was none.

Roll call vote: E. Abrahams, “aye,” S. Bannon, “aye,” L. Davis, “aye,” E. Gabriel, “aye,” G. Reed, “aye.” All in favor, 5-0.

4. Capital Stabilization

S. Bannon asked for any questions/discussion – there was none.

M. Loubert made a motion to approve Capital Stabilization as presented; T. Blauvelt seconded. P. Orenstein

asked if any discussion – there was none. Roll call vote: T. Blauvelt, “aye,” M. Loubert, “aye,” M.

O’Connor, “aye,” A. O’Dwyer, “aye,” P. Orenstein, “aye.” All in favor, 5-0.

L. Davis made the same motion; E. Abrahams seconded. S. Bannon asked if any discussion – there was none.

Roll call vote: E. Abrahams, “aye,” S. Bannon, “aye,” L. Davis, “aye,” E. Gabriel, “aye,” G. Reed, “aye.” All in favor, 5-0.

- S. Bannon raised the issue of the free cash allocation to offset increases – looking at how much free cash is being used, what is left and projections for next year. Focusing on tab 2, S. Carmel explained the Town is using \$4.1m to reduce the tax levy to offset property tax increases and keep it under a 4% increase for next year. She also stated \$608,000 of free cash is being used for Special Articles/capital equipment – total recommended \$4.708m out of this year’s certified free cash. She also pointed to Tab 5 for historical information on free cash in prior fiscal years. There was additional discussion on state DOR and CCC views on allocation of cannabis revenue. P. Orenstein and M. Loubert asked for further discussion on the topic and S. Bannon agreed to add to the March 1 agenda.
- Regarding a vote on the school assessment, S. Bannon stated the school budget would be presented tomorrow and the Selectboard will vote when a warrant is set, and the Finance Committee votes at a regular meeting. He added the school district increase will likely come in under the requested 5%.
- P. Orenstein offered to work with S. Carmel on a presentation of free cash.

3. Citizen Speak Time

4. Media Time

5. Adjournment – Chairman Bannon adjourned the meeting by unanimous consent at 8:19pm.

Respectfully submitted,

Stacy Ostrow
Recording Clerk

Unused Free Cash and Community Impact Fees Finance Committee Discussion Notes

TOPIC: The recent budget process indicated that the Town's available Free Cash balance at the end of FY2023 is approximately \$1.75 million. Much of this amount is attributable to the Community Impact Fees payable by the retailers to the Town (equal to 3% of revenue).

To frame the discussion, below are the three sources of guidelines governing the Town's use of these funds.

1. The Department of Revenue: The unused community impact funds are free cash to be used at the Town's discretion

Excerpt from p. 2 question 5 of the Local Finance Opinion that was issued by the Division of Local Services in September 2018 that governs the accounting treatment of community impact fees. (Included in the packet)

"There is no general law that establishes a different accounting treatment for (1) revenues generated by the local sales excise on retail sales of marijuana for adult use or (2) payments made under community host or other agreements with marijuana establishments or medical marijuana treatment centers. Therefore, the money belongs to the general fund and can only be spent by appropriation. G.L. c. 44 § 53. "

2. Cannabis Control Commission Oversight

- The Town established the Community Impact Funding committee which "is responsible for reviewing grant applications and making recommendations to the Town Manager on awarding community impact funding to town departments and local organizations collected from the sale of marijuana products in accordance with Massachusetts Cannabis Control Commission (CCC) guidelines."
- Extensive additional guidance included in the publication "Guidance for Municipalities on Equity and Host Community Agreements" November 2021.
<https://masscannabiscontrol.com/wp-content/uploads/2022/01/Guidance-for-Municipalities-on-Equity-and-Host-Community-Agreements.pdf>

3. The Host agreements with each retail establishment (using Theory Wellness as the model) includes the language copied below from clause 3 page 1:

3. The Town shall use the above referenced payments in its sole discretion, but shall make a good faith effort to allocate said payments for road and other infrastructure systems, law enforcement, fire protection services, inspectional services, public health and addiction services and permitting and consulting services, as well as unforeseen impacts upon the Town.

Possible Next steps:

- Continue current treatment of these funds
- From the Local Finance Opinion question 7

“7. Is there a way under state law that a municipality may dedicate payments made by a marijuana establishment or medical marijuana treatment center for later appropriation for particular purposes?”

Yes. A municipality may use a local acceptance option to dedicate all, or a portion of at least 25%, of the collections of the excise on retail sales of marijuana or payments from a community host and other agreement payments to a general or special purpose stabilization fund established under G.L. c. 40 § 5B. For the procedure that must be followed to accept and use this local option, see Section II of Informational Guideline Release (IGR) No. 17-20, Stabilization Funds. Under this option, these collections and payments may be dedicated to stabilization funds because they are not earmarked for a particular purpose under current state law. In addition, the excise on marijuana retail sales is not a locally assessed tax or excise specifically excluded from dedication. “

- Other options?



Local Finance Opinion

LFO-2018-3
September 24, 2018

TOPIC: Money from Marijuana Establishments and Medical Marijuana Treatment Centers

ISSUE: Accounting treatment of local option excises on retail sales of marijuana for adult use and impact fees and any other payments required or received from marijuana establishments and medical marijuana treatment centers in connection with their operation

This LFO addresses questions and provides guidance regarding the municipal finance law and accounting treatment of money from marijuana establishments and medical marijuana treatment centers. It does not address how payments by those establishments or treatment centers are treated for purposes of host community agreements.

1. What is the general rule about accounting for money received by a city, town or district officer or department?

All money received or collected by a city, town or district from any source is credited to its general fund and can only be spent after appropriation unless a general or special law provides for an exception and different treatment, *i.e.*, a general or special law expressly reserves the revenue stream for expenditure for a particular purpose or allows expenditure by a municipal or district department or officer without appropriation. G.L. c. 44 § 53.

2. What money could a marijuana establishment or a medical marijuana treatment center generate for a municipality?

Municipalities may (1) impose a local excise on the retail sales of marijuana for adult use and (2) negotiate impact fees or other payments under a community host or other agreement with a marijuana establishment or medical marijuana treatment center in connection with its siting and operation in the municipality.

3. How does a municipality impose a local excise on retail sales of marijuana for adult use?

A city or town may impose a local excise on the retail sale of marijuana for adult use by accepting G.L. c. 64N, § 3. Acceptance is by majority vote of the community's legislative body, subject to charter. The maximum excise rate communities may impose is 3%. If a city or town in which a marijuana retailer is located accepts G.L. c. 64N, § 3, all sales by the marijuana retailer that are subject to the state excise on marijuana retail sales will also be subject to the host community's local excise. The excise does not apply to the sale of marijuana or marijuana products by a medical marijuana treatment center. G.L. c. 64N, § 4. See Bulletin 2018-3, Local Excise on Retail Sales of Marijuana for Adult Use.

4. How does a municipality obtain impact fees or other payments from a marijuana establishment or medical marijuana treatment center?

A marijuana establishment or a medical marijuana treatment center that wants to operate or continue to operate in a municipality must execute a community host agreement with the municipality. G.L. c. 94G, § 3(d). The community host agreement must include, but is not limited to, all responsibilities of both parties with respect to the operation of the establishment or center within the municipality. The agreement may include payment of a community impact fee by the marijuana establishment or medical marijuana treatment center in order to mitigate the costs imposed upon the municipality by the operation of the establishment or treatment center within its borders. G.L. c. 94G, § 3(d).

5. Is there an exception to the general rule for money related to the operation of a marijuana establishment or medical marijuana treatment center?

No. There is no general law that establishes a different accounting treatment for (1) revenues generated by the local sales excise on retail sales of marijuana for adult use or (2) payments made under community host or other agreements with marijuana establishments or medical marijuana treatment centers. Therefore, the money belongs to the general fund and can only be spent by appropriation. G.L. c. 44 § 53.

6. How do accounting officers treat money related to the operation of a marijuana establishment or medical marijuana treatment center?

Accounting officers must credit all of the following to the general fund:

1. Collections from local option excises on retail sales of marijuana for adult use and
2. Payments made by a marijuana establishment or medical marijuana treatment center regardless of the characterization of the payments by the parties.

State law governs the municipal finance and accounting treatment of payments made by a marijuana establishment or medical marijuana treatment center, not a host community or other agreement between the municipality and the establishment or treatment center. It is not within our regulatory purview to determine the nature of those payments for purposes of G.L. c. 94G, § 3(d). For municipal finance law purposes, however, payments made by an establishment or treatment center under a host community or other agreement in connection with, or to mitigate the costs imposed by, the location and operation of the establishment or treatment center within the municipality are in the nature of exactions or mitigation payments that belong to the general fund. They cannot be reserved in or credited to a separate gift or grant account, trust fund, revolving fund or other special revenue fund and cannot be spent without appropriation or appropriated as an available fund. They belong to the general fund because no general law establishes a different accounting treatment for money related to the operation of these establishments or treatment centers specifically or from exactions or mitigation payments generally.

We understand that some of these agreements have characterized all or some of the payments as gifts or gifts in the nature of trusts. However, a payment made by a private party to a municipality in connection with a regulated activity, contract or other municipal action is not a gift, donation or grant within the meaning of and for the purposes of G.L. c. 44, § 53A. Therefore, it may not be accounted for in a separate account and spent without appropriation. These payments lack the donative intent that is an essential characteristic of the genuine gift required by that statute. A gift is ordinarily defined as a

voluntary payment of money or transfer of property made without consideration. Although a private party's decision to engage in a regulated activity or contract with a municipality may be one of choice, it is doing so with the expectation of receiving valuable consideration in return, *i.e.*, a privilege or benefit, or some municipal action or authorization. In this case, the execution of a host agreement is a condition precedent to being able to operate or continue to operate as a licensed marijuana establishment or registered medical marijuana treatment center. It is doubtful that any payments the establishment or treatment center agree to make are for a purpose other than to obtain the necessary host agreement. "[T]he nature of a monetary exaction must be determined by its operation rather than its specially descriptive phrase." Emerson College v. Boston, 391 Mass. 415, at 424 (1984), quoting Thomson Electric Welding Company v. Commonwealth, 275 Mass. 426, at 429 (1931).

7. Is there a way under state law that a municipality may dedicate payments made by a marijuana establishment or medical marijuana treatment center for later appropriation for particular purposes?

Yes. A municipality may use a local acceptance option to dedicate all, or a portion of at least 25%, of the collections of the excise on retail sales of marijuana or payments from a community host and other agreement payments to a general or special purpose stabilization fund established under G.L. c. 40 § 5B. For the procedure that must be followed to accept and use this local option, see Section II of Informational Guideline Release (IGR) No. 17-20, Stabilization Funds. Under this option, these collections and payments may be dedicated to stabilization funds because they are not earmarked for a particular purpose under current state law. In addition, the excise on marijuana retail sales is not a locally assessed tax or excise specifically excluded from dedication.

8. How will the Bureau of Accounts treat balance sheet reservations of payments from a marijuana establishment or medical marijuana treatment center when certifying free cash?

The Bureau of Accounts will close balance sheet reservations of payments from marijuana establishments or medical marijuana treatment centers when calculating the available funds of a municipality (free cash). G.L. c. 59, § 23. This is consistent with its policy with respect to similar payments made under host, development or other agreements with other private parties that also belong to the general fund.

9. What agency has regulatory jurisdiction over issues related to the operation of marijuana establishments or medical marijuana treatment centers?

The state's Cannabis Control Commission determines whether marijuana establishments or medical marijuana treatment centers meet licensing or registration standards required to operate. Questions regarding the interpretation of the statute, regulations and other guidance related to the implementation of marijuana for adult use or medical purposes should be directed to the Commission.



Kathleen Colleary, Chief
Bureau of Municipal Finance Law

Great Barrington Finance Committee
 Future Topics of Discussion
 March 2022

DRAFT

<i>Topic</i>	<i>Timing</i>
Assign new representative to Community Preservation Committee	
Clarify guidelines for Unused free cash generated by Cannabis tax revenues	current
Research implementation of funding trust for postretirement medical benefits (OPEB TRUST)	March – Sept 2022
Review of locating budget reserves within health & life insurance line item	Discuss with town staff
Housatonic Water Works – financial impact of any proposed change of control/ownership	To be determined
Monument High School – financial impact of proposals to renovate or rebuild	To be determined
Invite Assessor, town collector and possibly others to speak about their departments	
Budget Policy review and update	Sept – November 2022
FY 2024 Budget	January 2023

**Funding the Town's Liability for other post-employment benefits (OPEBs)
Finance Committee Discussion Notes**

The cumulative Total OPEB Liability for all Massachusetts entities that reported is approximately \$56.1 billion.

- The aggregate funded ratio is 5.9%.

Source: The Massachusetts Public Employee Retirement Administration Commission
<https://www.mass.gov/info-details/opeb-summary-report>

Entity	OPEB Liability in thousands	Amount Funded (%)
Commonwealth	\$22,105,511	6.4%
Alford	No plan	
Dalton	\$4,496	56.2%
Egremont	\$770	17.5%
Great Barrington	\$20,598 As of 6/30/2020	0.0%
Lee	\$24,698	2.0%
Lenox	\$22,334	23.5%
New Marlborough	No plan	
Sheffield	No plan	
Stockbridge	\$3,720	103.1%
West Stockbridge	\$878	0.0%
Williamstown	\$20,601	2.4%

Additional Information

State Procedures to Create a Fund

<https://www.mass.gov/doc/igr-2019-10-other-post-employment-benefits-liability-trust-fund/download>

**TOWN OF GREAT BARRINGTON, MASSACHUSETTS
OTHER POSTEMPLOYMENT BENEFITS PROGRAM
FINANCIAL REPORTING AND DISCLOSURES Governmental Accounting Standards Board
Statement 75
Disclosures as of June 30, 2019**

https://www.townofgb.org/sites/g/files/vyhlf636/f/uploads/2019_gasb_75_report_final_9-17-2019.pdf

**Commonwealth of Massachusetts Special Commission to Study Retiree Healthcare and Other Non-Pension Benefits
Final Report Submitted January 11, 2013**

<https://www.wrrb.org/wp-content/uploads/2013/11/opeb-commission-final-report-2013.pdf>

**OPEB Advisory Committee Andover, Massachusetts March 31, 2016
Options for Managing Other Post Employment Benefit Costs**

https://www.andovermaretirement.com/sites/default/files/fileattachments/general/page/366/opeb_report_final_03_31_2016.pdf

Survey of State & Local Government OPEB Liabilities

<https://reason.org/policy-study/survey-of-state-and-local-government-other-post-employment-benefit-liabilities/>