



Article 9: FY20 Budget Adjustment

Article 9: That the Town amend the appropriation made under Article 6 of the 2019 Annual Town Meeting to transfer \$225,000 appropriated under line item 32, Reserve Fund, to line item 2, Legal Services.



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- Reserve Fund Expenditure trend:



FY15		
Appropriation	\$225,000.00	
Veterans Benefits	<u>(\$10,000.00)</u>	Unforeseen increase in number of beneficiaries
Return to Revenue	\$215,000.00	
FY16		
Appropriation	\$225,000.00	
Veterans Benefits	(\$26,500.00)	Unforeseen increase in number of beneficiaries
Building Inspections	(\$10,000.00)	Unforeseen increase in building permit activity from 873 in 2014 to 1,038 in 2015
Return to Revenue	\$188,500.00	
FY17		
Appropriation	\$225,000.00	
Veterans Benefits	(\$34,000.00)	Unforeseen increase in number of beneficiaries
Highway	(\$46,270.38)	Unforeseen demolition of building at 91 Sudbury Road
Park & Trees	(\$30,797.50)	Unforeseen cleanup from tornado on August 22, 2016 on Lexington Road
Town Meeting	(\$16,255.59)	Unforeseen change in venue for Annual Town Meeting and costs for Special Town Meeting
Legal Services	(\$30,000.00)	Unforeseen legal expenses for Balls Hill Road purchase, BFRT, and Starmet
Elections	<u>(\$11,794.15)</u>	Unforeseen two Elections: (1) Bond for new MMRVT HS; (2) Land Remediation for CCRSD
Return to Revenue	\$55,882.38	
FY18		
Appropriation	\$225,000.00	
Legal Services	<u>(\$225,000.00)</u>	Unforeseen legal expenses for Estabrook and Protracted CBA Negotiations
Return to Revenue	\$0.00	
FY19		
Appropriation	\$225,000.00	
Legal Services	<u>(\$225,000.00)</u>	Unforeseen legal expenses
Return to Revenue	\$0.00	



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Finance Committee

Agendas & Minutes

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Mission Statement & Committee Operations

The Finance Committee is the principal financial advisor to the Town Meeting. It is a deliberative rather than a decision-making body. Finance Committee responsibilities are set forth in state law (Massachusetts General Law Chapter 39, §16), a Town Bylaw (1921) and standing votes of the Town Meeting (1976 and 2011). These responsibilities include:

- Establishing a budget guideline prior to November 30 each year for the Town Manager and the School Committees;
- Conducting public hearings on finance-related warrant articles before Annual and Special Town Meetings;
- Publishing an annual report highlighting its recommendations on all finance-related warrant articles under which an appropriation or expenditure of money or the disposition of any property of the Town may be made;
- Publishing a 5-year projection detailing what the total tax burden is likely to be on the citizens of the Town;

Managing the Town's appropriated Reserve Fund, voting to disburse money from this fund, upon the request of the Town Manager, when unforeseen or extraordinary events occur.

These responsibilities are carried out with the objective of providing sound and comprehensive advice to the Town Meeting that promotes, maintains and strengthens the long-term financial health of the town within a level of property taxation that is sustainable and supportable by the residents of Concord.

The Finance Committee is made up of 15 members who are appointed by the Town Moderator to serve for up to 2 3-year terms. The Moderator also makes appointments during the year to fill any unexpired term in the event of a vacancy. Staff assistance is provided by the Town Finance Department. The Town Finance Director provides direct staff support to the Finance Committee and attends its meetings. Members of the Finance Committee observe other Town boards and committees' public meetings to assist the Committee's understanding of current and emerging financial matters before the Town.

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“Managing the Town's appropriated Reserve Fund, voting to disburse money from this fund, upon the request of the Town Manager, when unforeseen or extraordinary events occur.”



Reserve Fund Request

- Requested \$225,000 from the Reserve Fund to Legal Services on January 23, 2020.
- Finance Committee did not consider expenses “unforeseen or extraordinary” and denied the request
- Article 9 does not require a finding of “unforeseen or extraordinary” by Town Meeting
 - Simply a line item transfer



Legal Services Budget

- FY20 Town Budget=\$250,000
 - Town Counsel general matters
 - Labor Counsel general matters
 - Litigation
- Historic expenditure trend under \$250,000
- FY21 Budget=\$344,000 (proposed)



Estabrook Road Litigation

- \$100,000+/- spent 2016-2018 on legal analysis and negotiations
- \$100,000 appropriated at 2018 Special Town Meeting to fund litigation
 - Projected remaining costs at the time for discovery and resolution of case=\$250,000
- The budget has been exceeded due to significant additional historical research, expert work, and unanticipated discovery costs



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- Select Board has worked to control costs by:
 - Limiting claim to historical status of Estabrook Road to avoid additional discovery and depositions of dozens of Road uses
 - Proposed case schedule to minimize discovery costs
 - Extending multiple offers to negotiate a settlement



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- **Litigation continued:**
 - All discovery is scheduled to be completed by end of March 2020.
 - Town Counsel has prepared an estimate for pre-trial and trial in the range of \$80,000, with caveat that scope of trial is not yet determined. Most of these costs will be incurred in FY 2021.
 - If summary judgment motions are filed, Town counsel estimates an additional \$50,000 in costs near the end of FY 2020.



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