

MEMORANDUM – OFFICE OF THE TOWN ADMINISTRATOR

TO: Board of Selectmen
FROM: Carter Terenzini, Town Administrator
RE: Administrator's Weekly Report
DATE: September 15, 2016
CC: All Departments



The following is intended to provide information where a full memo may not have been warranted or supplement the provided information.

Business Meeting: N/A

Weekly Report: We have reached out to several roofing contractors for estimates of the repair needed immediately for the leak in the roof near the vent pipe for the toilet which follows the pipe all the way down into the basement where we store the supplies for the ambulance. We've asked for estimates for a repair to get us through the winter/spring and what – if any – other work is needed so we can try to crank the bigger picture work into the upcoming budget cycle. It is very likely there will be a need before year end to transfer funds to the Town Building Maintenance Account to cover this and other repairs. I've completed the OPEB analysis and sent the Draft off to our vendor for review. We've begun to collect a listing of all surplus equipment for a potential sale this fall yet. This process will then be translated into a policy consistent with MGL Ch. 30B for submission to you at the same time as the sale proceeds. This will allow us to address the concerns of the Inspector General (attached) over our disposal of timber materials. The Town Treasurer and I had a lengthy conference call with the DOR Director of Local Accounts and Manager of State House Notes relative to BANs for the school design (\$500k) and PD (\$970k). They've given us a list of suggestions and we are pursuing those. We began a review of the lands adjacent to the Cemetery and the so-called Sadie's Pit for a presentation to you in October relative to cemetery expansion and future sources of sand. The Draft Warrant containing the staff sponsored articles for the Fall Town Meeting is off to Town Counsel for review. We did receive two more so far which we will review with you on 09/26 for your consideration. We finalized a questionnaire for you for the upcoming retreat and are researching possible locations off-site.

Administration & Finance

Town Accountant: Worked with Jeffrey & Jeffrey and Carolee to make sure our Accounts Receivable balances to what they show for each levy year. Vendor Warrant. Finalizing with Carter the transfers and Special Town Meeting Warrant.

Treasurer/Collector: Nothing to report this week. (out of office)

Assessor: Completed, submitted and received approval from DOR DLS forms LA15, LA4, LA13 & LA13A. This is the first step working towards the tax rate recap sheet for FY17. Motor Vehicle #5 & 5A Commitments were processed. Met with Carter and the financial team to work on the "punch list"

for the auditors. Completed and delivered the paperwork to the Town Accountant required by my office. Continue receiving and working on Chapter Land applications and reviewing Statutory Exemption applications.

Town Clerk: This week we finalized the certification of the State primary. Met with the financial team to go over punch list for the auditors. Worked on getting requested documents together.

Highway & Grounds

Highway Department: Tree work, paint crosswalks and stop lines mowing, screen loam for TC.

Cemetery & Parks: Nothing to report this week.

Public Safety

Templeton Police Department: Nothing to report this week.

Templeton Fire/EMS: Performed 3 tanker inspections, 4 Sm/Co inspections. Had a webinar class to learn how to perform the required state EMS reporting, I now have us caught up to 12/2015. Had the EMS computer system overhauled and upgraded to bring our systems back up to date.

Development & Inspectional Services

Board of Health: Met with Matthew LeClerc at Valley View Farm with regard to plans for opening a venue for public functions and becoming a public water supply and use/upgrade of current septic system; plans in process. BOH participated in the rabies clinic at Dr. Nygard's in the capacity of re-licensing past due residents (low turnout). BOH filed for administrative search warrants at Gardner District Court for three properties in the Abandoned Housing Initiative; Clerk Magistrate has requested an affidavit from the accompanying officer; officer has been contacted and provided a template from AG's Office/BOH Agent will re-file for warrants prior to next BOS meeting once affidavits have been received. Continued work with Building Commissioner and Water Superintendent on Patriots Rd. property complaints. Attended Montachusett Public Health Network (MPHN) meeting in Westminster, program will continue to support the 11 local cities/towns. Agent participated in a local public health webinar for Substance Use Disorder. Agent witnessed a perc and performed inspections on two new septic system installations.

Human Services

Council on Aging/Senior Center: Nothing to report this week.

Library Director: Nothing to report this week.

Community TV: This week TCTV recorded the Select Board meeting of Sept. 12 , and the Planning Board New School Hearing Re-opening of Sept. 13 and Police Building Hearing of Sept. 13. We provided a DVD copy of the Planning Board meeting of July 26 for a resident's public records request. We also met with the school on its internship program for TCTV.

Important Dates to Remember

Selectmen's Meeting, September 26, 2016, 6:30 p.m.

Department Head Meeting, September 27, 2016, 9:00 a.m.



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SEP 12 AM 7:56

September 2, 2016

Carter Terenzini
Interim Town Administrator
Town Hall
160 Patriots Road
Room 6
East Templeton, MA 01438

Re: Boynton Library Logging Surplus Disposal

Dear Mr. Terenzini:

Thank you for taking the time to speak with me and Rose Roy on August 10, 2016. As you know, the OIG received a referral regarding a contract for the logging of land owned by the Boynton Public Library ("BPL"). The information suggested that the contract may not have complied with the competitive procurement requirements of the Uniform Procurement Act, Chapter 30B of the Massachusetts General Laws ("Act"). The contract may also have led to lost revenue for the Town of Templeton.

As I explained on our telephone call, the OIG learned that a forester contacted the BPL Director in June, 2014, offered to log the BPL's land located on South Road in Templeton and purchase the harvested timber. The forester provided the Director with a quote of approximately \$5,275 for the timber. The Director and the BPL Board reportedly approved the transaction without independently estimating the value of the timber or soliciting quotes from other foresters.

The OIG conducted an estimate of the value of the timber based on the amount, wood type, time period and local stumpage price survey. According to the UMass Amherst Southern New England Stumpage Price Report, during the relevant time period for the type of wood harvested from the BPL land, values ranged from \$5,072.52 to \$15,687.25 with a median price of \$10,322.11. The forester paid Templeton approximately \$5,875, which was more than his initial quote but less than both the median and maximum values for the timber. Based on the OIG's estimates, Templeton could have been paid up to approximately \$9,800 more for the surplus timber.

The Uniform Procurement Act governs every contract entered into by a governmental body for the procurement of supplies, services and real property, and the disposal of supplies and real property, unless an exception applies. M.G.L. c. 30B, § 1. The purpose of public bidding statutes, such as the Act, is "to prevent favoritism, secure honest methods of letting contracts in the public interest, obtain the most favorable price and treat all persons equally." *Cataldo Ambulance Service, Inc. v. City of Chelsea*, 43 Mass. App. Ct. 26, 30 (1997).

Under the Act, a “supply” is defined as “all property, other than real property” M.G.L. c. 30B, § 2. Transactions involving the right to remove standing wood and timber are subject to the rules governing the sale of surplus supplies contained in Section 15 of the Act.

Under Section 15, the disposal of surplus supplies with an estimated net value of less than \$10,000 requires a governmental body’s procurement officer to use written procedures approved by the governmental body. For the disposal of surplus supplies estimated to be worth more than \$10,000, the procurement officer must “offer such supply through competitive sealed bids, public auction, or established markets.” M.G.L. c. 30B, § 15. In order to comply with the Act, the procurement officer must estimate the value of the surplus supply prior to offering it for sale. *See id.*

The OIG concluded that the BPL Director likely violated the Act by failing to estimate the value of the surplus timber prior to contracting for its disposal. If the value of the timber was indeed less than \$10,000, the BPL Director should also have followed “written procedures approved by the governmental body” for its disposal. M.G.L. c. 30B, § 15. However, the OIG has learned that the Town has no such procedures. Accordingly, the BPL Director had no such procedures to follow. When we spoke, you indicated that the Town is in the process of adopting written procedures for the disposal of surplus supplies, which is a positive step toward complying with the Act.

If the timber was estimated to be worth more than \$10,000, the BPL Director was obligated to “offer such supply through competitive sealed bids, public auction, or established markets.” *Id.* Whether the timber was worth more or less than \$10,000, the BPL Director and the BPL Board reportedly did not follow any competitive process for the disposal of the timber, likely in violation of the Act.

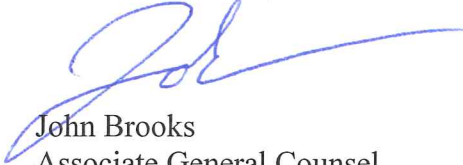
Accordingly, the OIG recommends that the Town (1) adopt written procedures governing the disposal of surplus supplies valued at less than \$10,000; and (2) ensure that all Town personnel properly estimate the value of surplus property using commercially reasonable methods prior to contracting for its disposal.

Please also note that the OIG offers procurement training through its Massachusetts Certified Public Purchasing Official Program. The OIG also provides Chapter 30B procurement assistance by phone at (617) 722-8838.

Additionally, for future reference, the Department of Conservation and Recreation (“DCR”) recommends hiring a forester as an agent to act on behalf of a city or town when harvesting timber. DCR also has a Service Forestry Program that can offer guidance with the timber harvesting process. Please contact its director, Jennifer Fish, at (413) 545-5753 for assistance with timber disposals.

Please do not hesitate to contact me at (617) 722-8899 if you have any questions. Thank you for your attention to this matter.

Sincerely,



John Brooks
Associate General Counsel
Office of the Inspector General

cc: Jacqueline Prime, Director, Templeton Boynton Library
Library Board of Trustees, Templeton Boynton Library
Board of Selectmen, Town of Templeton