

Selectmen's Meeting  
Tuesday, January 23, 2007  
Ayer Town Hall, 1<sup>st</sup> Floor Meeting Room, Main Street, Ayer, MA

**Open Session**

**Present**

Frank F. Maxant, Chairman	X
Pauline Conley, Vice-Chairman	X
Carolyn McCreary, Clerk	Absent-vacation
Gary J. Luca, Member	X
Cornelius F. Sullivan, Member	X running a few minutes late
Shaun Suhoski, Town Administrator	X
Janet Lewis, Secretary	X

**Agenda Item #1. Public Input** Chairman Maxant opened the meeting by requesting if there was anyone present wishing to meet with the Board.

1. Chairman Maxant welcomed Senator Pamela Resor and Representative Robert Hargraves' Aide-Ron Englade to the Meeting.
2. Mary Spinner-Ayer 4<sup>th</sup> of July Committee-Firework's Contract. Ms. Spinner presented the 2007 Fireworks Contract to the Board for endorsement by the Chairman. Ms. Spinner presented Tel-Star's Contract to the Board in the amount not to exceed \$8,700.00. Selectman Sullivan moved the Board approve the contract to Tel-Star in the amount not to exceed \$8,700.00, 2<sup>nd</sup> by Selectman Conley, VOTE: unanimous, so moved.
3. Selectman Conley re MMA Meeting update-Selectmen Conley advised to attending the MMA Meeting in Boston last Friday and Saturday and took this opportunity to congratulate Senator Resor for being named the Legislator of Year. Selectman Conley advising to this honor bestowed to Legislators who have done exemplary work on behalf of Massachusetts Cities & Towns promoting legislation important to municipalities. Senator Resor received this recognition for her work in Environmental Affairs specifically Chapters 60 & 61a (Tax Laws re Farm/Forestry-recreational & Water Mngt. Act.) The Board congratulated Sen. Resor on this accomplishment. Senator Resor gave the Board a brief background.

Chairman Maxant called for a motion to accept the amended agenda. Selectman Luca moved the Board approve the agenda as amended, 2<sup>nd</sup> Selectman Conley, VOTE: unanimous, so moved.

Selectman Luca moved the Board go off the posted agenda of 1-23-07 and move Agenda Item #2-Minutes to after Agenda #8, 2<sup>nd</sup> by Selectman Conley, VOTE: unanimous, so moved.

**Agenda Item #3. Communications Committee**-the Board met with Dennis Curran. Mr. Curran advised to his presence this evening before the Board was to remind citizens that census forms were recently mailed out and encouraged residents to get them in as soon as possible. Mr. Curran also advised to the Communications Committee preparing Town Report Template/Guidelines which they distributed to all Town Departments/Board/Committees/Commissions and inserting disk to keep Town Report consistent i.e same font/format size. Selectman Conley advising Mr. Curran to MMA giving annual prize for best Town Report received. Selectman Luca encouraging Committee to update names on Boards/Committees/Commissions advising to Web Page being outdated. The Board also requested the Communications Guide to Town Meeting be prepared for distribution for the upcoming Special Town Meeting on 2-10-07. Town Administrator reminded the Board to Communication Committee made up of all volunteers and commended the Committee for their public service.

**Agenda Item #4. School Committee** set back waiting for Chairman's appearance.

**Agenda Item #5. Conservation Commission-Fire Chief-Supt. of Public Works-East Main St. Dam**

The Board met with Bill Daniels, Chairman of the Conservation Committee, Robert Pedrazzi-Fire Chief and Supt. Madigan. Selectman Luca advised to this item being brought up by him to ensure that protocol is established re lowering pond levels. Fire Chief Pedrazzi responded to Fire Dept. ensuring to

boards/paddle-lock securely in place re vandalism and DPW in control of dam. Chief Pedrazzi advised to no fire safety emergency presently and relayed past history re dam being lowered to unsafe fire disaster history and reasoning behind protocols being followed by Town departments. Supt. Madigan advised to only two reasons dam should be lowered: access rain & weed control measures. Mr. Daniels advising Board to Notices of Intent (NOI) and Order's of Conditions (OOC) procedures followed properly by Conservation Commission re State notification protocol and ensuring the Board to guidelines established with Fire, DPW and ConCom.

**Conservation Agent**-Mr. Daniels advised the Board to the Conservation Commission preparing a job description for the position of Conservation Agent a non-benefited, part-time position to assist the Commission with a skilled biologist to assist with paperwork and field work/day meetings re environmental concerns. Mr. Daniels stated he was before the Board to seek permission to submit the job description to the Personnel Board for classification. The Board reviewed with Mr. Daniels the present shared office responsibilities with Planning Board and ZBA. Selectman Luca requested the Board take this matter under advisement until their next meeting in order to study the request further, 2<sup>nd</sup> by Selectmen Conley, VOTE: unanimous, so moved. Chairman Maxant stated he is against adding more staff regardless of funding.

**Agenda Item #4 School Committee** -The Board met with Lori Nielsen Supt of Schools and Daniel Sallet, Chairman of the Ayer School Committee. Town Accountant Lisa Gabree sitting in on discussion. Supt. Nielsen opened the discussion by addressing the Selectmen's letter of 1-10-07 re independent internal audit request expectations and scope what does the Board want the School to look at/looking to achieve. Selectman Luca advising to the Board's request for an independent internal audit management review be conducted to see where deficiencies are and how to repair them when the need to appropriate additional funds to one department arises. The audit will serve as well to put to rest any questions concerning the School Departments budget past and present. Mr. Sallet responded that a School financial audit is done annually by outside auditing firm as well as school being part of town-wide audit annually. Mr. Sallet advising to misinformation re school funds frozen/reports not submitted erroneous. Mr. Sallet requested a formal written scope of audit be submitted to the School Committee addressing specifically what school is to look at and what Board of Selectmen is looking to have done. Mr. Sallet requested if the Board has list of firms and what amount of money is to be spent on this audit and who will pay for it. Ms. Gabree suggesting to defer this to auditor. Selectman Luca again stating this action taken to get everyone on same page to work together to get the best education possible with funding available. Mr. Sallet advised to School Committee to bring back audit proposal when finalized to the Board of Selectmen to be sure it is correct in scope of work to be performed. Supt. Nielsen suggested the Tri-Board conduct another meeting prior to the Special Town Meeting for residents and run through presentation by School Committee for Town Meeting suggesting 2-7-07 @ 7pm or 2-5-07. Selectman Conley shared good news with School Com. re MA School Building invoices being authorized for Town of Ayer in the amount of \$500K to be released in March 07 to Debt Service, unfortunately this funding not able to assist with 07 financial deficit. Selectman Conley advising to this information received at the MMA Meeting.

**Agenda Item #6. Supt. Madigan's Report-**

1. **Sewer Billing abatement-Cains Foods**-Selectmen Sullivan moved the Board vote to approve Supt. Madigan's request in a memo dated 1-11-07 to abate the amount not to exceed \$11,400.00 for the period of 12-12-05 to 12-1-06 reflecting the volume of water that goes into their product and does not go to the Town's sewer which represents 17.4% water used in product, 2<sup>nd</sup> by Selectman Conley, VOTE: unanimous, so moved. Selectman Conley expressed her concerns re establishing policy and suggested Cains submit quarterly report re how much water is used in product in the future to determine how much to deduct on future sewer bills. Chairman Maxant questioning why abatement now. Supt. Madigan reported when Board requested DPW review this issue came up with SIU's. Selectman Sullivan taking this opportunity to congratulate Joe Sampson of Cains as good Corporate citizen very helpful with SIU's rate setting and thanked Mr. Sampson for getting all SIU's on same page.
2. **Sewer Billing abatement-43 Park Street**-Selectman Sullivan moved the Board vote to approve Supt. Madigan's request in a memo dated 1-11-07 to abate the amount not to exceed \$2,569.79 which

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represents the amount of water that was lost when the water line broke and did not enter the Town's sewer system 2<sup>nd</sup> by Selectman Conley, VOTE: unanimous, so moved. Selectman Conley requesting Supt. Madigan ensure correct amount is used reflected on water sewer billing from 6-29-05 through 1-12-06.

3. **DL Maher Contract-Redevelopment of Grove Pond Wells # 1&2** Selectman Sullivan moved the Board vote to approve the contract with Boart Longyear Company DL Maher Division for the amount not to exceed \$39,592.50 funding for this work included in the Water Dept.'s operating budget, 2<sup>nd</sup> by Selectman Luca, VOTE: unanimous, so moved. Selectman Conley requesting Supt. Madigan increase the liability coverage from \$100K to \$1 million dollars on Attachment A. Supt. Madigan to submit a new Attachment A reflecting increase of liability to \$1 million dollars.
4. **Sewer System Extension Application-Elizabeth Estates**-Selectman Sullivan moved the Board approve the Sewer Extension Application for Elizabeth Estates as outlined in a memo from Supt. Madigan dated 1-8-07 subject to DEP approval and satisfactory agreement insuring the limits of the Town's ownership and responsibility, Developer and homeowner before water/sewer permits are issued re individual residential Grinder pumps and sewer service lines and the individual water booster pumps, 2<sup>nd</sup> by Selectman Conley VOTE: unanimous, so moved.
5. **Proposed Grove Pond Well #3**-Selectman Sullivan moved the Board vote to authorize Tata & Howard to proceed with the preparation of the request for site exam and pump test proposal at he Test Well No 2-06 location, 2<sup>nd</sup> by Selectman Luca, VOTE unanimous, so moved.

**Agenda Item 7. Special Town Meeting Motions**-Town Administrator Suhoski announced 2-10-07 Special Town Meeting Warrant approved by Town Counsel and posted. Mr. Suhoski reviewed with the Board the Town's funding options i.e. using Free Cash and/or Stabilization re Fy-07 shortages. Ms. Gabree, Town Accountant advised to the School looking for \$150K from the Reserve Fund and another \$300K from Free Cash and/or Stabilization, in addition to the Selectmen looking for \$200K in additional funds for litigation from either Free Cash or Stabilization. Ms Gabree advising to using either of the two funding sources to provide for current operating deficits is not favorable signs to outside financial reviewers. Using Free Cash or Stabilization seems to be the only readily available revenue sources to meet obligations but both having disadvantages. The use of Fy-08 Free Cash in Fy-07 diminishes a revenue source that the Town has relied upon to balance its budgets. Stabilization is there to enable the Town to meet adverse financial circumstances using non recurring revenues to meet recurring expenditures is considered unwise financial practice by rating agencies which may feel that the level of reserves are inconsistent with the Town's current credit rating. The rating agencies will want to know what steps the Town is taking to return to structural balance (recurring revenues equaling or exceeding expenditures) and to what extent the town is dedicated to rebuilding its reserve position and to what levels. Suggesting the establishment of reserve policies to provide framework for dealing with ongoing financial pressures from year to year while maintaining a reasonable financial position which would give assurances to rating agencies that the Town understands the importance of reserves and their relationship to the Towns overall financial health and credit status. Ms Gabree advised to Funding available: Stabilization \$1million plus, Capital Stabilization \$280K, and \$600K Free Cash. Selectman Conley suggesting the use of Stabilization Funds her preference and re-build Free Cash depleting Free Cash will force Override or cuts across Town. Selectman Sullivan urging the use of Free Cash his preference and bank Stabilization and draw off interest using Stabilization as funding resource. Chairman Maxant offering his selection being use of Free Cash first. Selectman Conley moved the Board vote to use Stabilization Funds to funds Articles 6&8, 2<sup>nd</sup> by Selectman Luca VOTE: Selectman Conley aye, Selectman Luca aye, Chairman Maxant aye, Selectman Sullivan no 3-1 motion carries.

### **Agenda Item #8 Town Administrator's Report-**

1. Police Chief's Contract-Selectman Conley questioning why Press Release on this contract and not others and no need to re-vote of Executive Session. Town Administrator responded purpose is to share factual information/cleaner way to facilitate information referring to erroneous information re Fire Chief's Contract distributed to press. Selectman Sullivan moved the Board approve the Press Release re the Police Chief's Contract, 2<sup>nd</sup> by Selectman Luca, VOTE: Selectman Sullivan aye, Selectman Luca aye, Chairman Maxant aye, Selectman Conley no vote, 3-0 motion passes.

2. Order of Taking-Fire Station Parcel-Park St & West Main Street Parcel B containing 3,206 sq. ft. Mr. Suhoski advised this parcel a wedge of land missed due to a land swap between Routhier (F&P Willow Trust) & Berry trustees of J&A Realty Trust.. The Board took this under advisement for one month to research current information re Trustees of J&A Realty Trust and to advise them the Board is clearing this title with an Order of Taking.
  3. Selectmen's Budget- Mr. Suhoski reviewed with the Board the Selectmen's Fy-08 Budget depicting a 0.39% increase, Town Hall a 5% increase over Fy-07 and Town Counsel level funded. Mr. Suhoski advised the Board to recording secretary being implemented in Budget for Fy-08 re minute taking paid per diem for 7-10-07. Budget to be submitted to Fin-Com for review.
  4. Mr. Suhoski advised the Board to Rate Committee being re-activated re looking at increasing rates re Water/Sewer-Committee make-up to include Town Accountant, Fin-Com Representative, Selectman, Town Administrator and representative of SIU's.
  5. Selectman Luca moved the Board postpone minutes to 2-7-07, 2<sup>nd</sup> by Selectman Conley, edits to Clerk by Monday.
- 10:00p.m. Selectman Luca moved to adjourn the meeting, 2<sup>nd</sup> by Selectman Conley, VOTE: unanimous, so moved. Executive Session moved to 2-6-07 Selectmen's Meeting.

DATE: \_\_\_\_\_