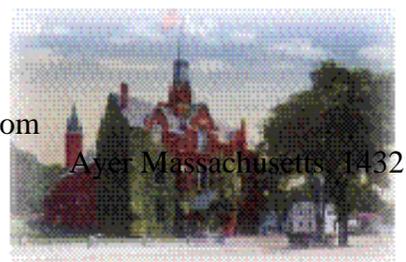


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Town of Ayer
 Board of Selectmen
 Town Hall, First Floor Meeting Room



Thursday, January 26 2012
Selectmen's Meeting on Town of Ayer Website www.ayer.ma.us

Gary J. Luca, Chairman	X	Carolyn McCreary, Member	X
James M. Fay, Vice Chairman	X	Pauline Conley, Member	X
Frank F. Maxant, Clerk	X	Robert Pontbriand, Town Administrator	X
Janet S. Lewis, Secretary	X		

7:00p.m. Open Session

Chairman Luca called the meeting to order. Selectman Fay requested the Board take up Insurance Advisory Committee (IAC) recommendation which is not on the Agenda this evening, this being a very important issue. And if time avails to take up unfinished business from 1-24-12 meeting re JBoS Update and New Business/Selectmen's Questions i.e. Tax Title request.

1. **Insurance Advisory Committee**- The Board met with Kellie Barhight, Chairman of the IAC. Ms. Barhight restated the IAC recommendation presented to the Board of Selectmen on 1-24-12 to remain with MNHG for one year with a savings of 44% (\$100K) to be placed in an Insurance Trust Account to be utilized for health care co-payments \$250.00 or more for active employees and any active retiree plan members.

After a short discussion Selectman Fay moved the Board vote to receive the recommendation of the Insurance Advisory Committee (IAC) as stated in the IAC Memo dated 1-18-12, 2nd by Selectman Maxant, VOTE: unanimous, so moved. Selectman Conley requesting the Board explain the IAC process which encompassed a discussion re advantages/disadvantages to not adopting Section 21. Chairman Luca stated the Board will work with IAC to iron out issues. Town Counsel advising Board to IAC having no legal status. Town Counsel advising just because the Board adopts Section 21 does not mean it has to enact Section 21. Selectman Maxant stating recommendation from IAC is starting point. Town Counsel recommending negotiating with all unions separately-equal to all. Selectman McCreary moved the Board authorize Town Administrator start process adopting Section 21, 2nd Selectman Fay. Town Administrator for clarification advised to 48 hour notification to all legally required parties to be sent out by certified, return receipt mail, announcing the Board of Selectmen's intent to vote to adopt Section 21 of MGL Chapter 32B. VOTE: Selectman McCreary aye, Selectman Fay aye, Selectman Maxant aye, Chairman Luca aye, Selectman Conley no. 4-1, motion passes. Mr. Pontbriand reminded the Board to Selectmen Fay & Conley the Board's reps to the IAC thanking all for their cooperative efforts.

7:45p.m. IAC discussion closed.

1. **Agenda Item #1. Town Audit Responses**-Town Administrator Robert Pontbriand opened discussion by referring the Board to his Memo of 9-16-11 to Lisa Gabree-Town Accountant, Stephanie Gintner-Treasurer, John Canney- Town Clerk/Collector and Cindy Knox- IT Systems Administrator requesting specific information pertaining to the Town Audit for Fy-11 issued by Town Auditor Giusti/Hingston in a letter dated 5-27-11. Selectman Conley suggesting the Board hear from the above individuals for ten (10) minutes each if more time is necessary the Board set back discussion for more information.

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1. The Board met with Town Accountant-Lisa Gabree re deficiencies in internal controls flagged by auditors: Ms. Gabree reviewed with the Board standard internal controls re town-wide management of payroll, purchases, disbursements, accounts receivable and cash deposits. Selectman Maxant stressing how important corrective measures be taken especially when there is turnover in staff. Selectman Maxant also expressed concern re liability issues flagged by auditors. Ms. Gabree advising the Town to continue its efforts in documenting internal control procedures and will work with the independent auditors to develop documentation of risk assessment regarding potential for fraud and/or material errors.

GASB #54-recommending the Town Accountant obtain a copy of the GASB 54 and become familiar with the reporting requirements. Ms. Gabree advising Board to attending presentation re GASB 54 in March 2011, has ordered and is currently reviewing publication of GASB54 and will attend training when available. Ms Gabree advising to Town in 2011 voted to accept the provisions of MGL C32B, S20 to create Other Post Employment Benefits Liability Trust Fund to meet the Town's obligation under GASB 45 to fund the Town's future obligation and raised and appropriate \$10K recognizing the \$10K is a token amount meant to recognize the town's liability advising to looking at a more realistic funding plan while balancing the need to provide municipal services under a severely challenged economic condition.

Town Treasurer-Stephanie Gintner-Cash Deposits and Investments-Town's Investment Policy-Unclaimed Checks, Insufficient Funds.-Selectman Maxant opened the discussion by reading into the record the Town's investment policy critiqued in the Auditor's Report citing Town deficiencies and recommendations i.e. including a minimum rating a bank must have in order for the Treasurer to invest in noting these are being done. Selectman Conley stating the Fin-Com's Financial Policies and Town Government Study Committees recommendations should be included in structure. The Board reviewed unclaimed checks issued by the Town re: vendor/payroll accounts carried as reconciling items. The auditors noting the Treasurer made good progress reviewing and accounting for these old outstanding checks; eliminating many from the outstanding list restating the need for this to be ongoing and monitored frequently by the Treasurer. Auditor suggesting the Treasurer makes a list of checks outstanding for more than a year and forwarded to Town Accountant to be closed to the unreserved fund balance in the Town's General Fund. The Board reviewed with the Treasurer the Auditors findings a significant number of NSF checks which the town has not received payment suggesting the Town review its policy relating to collecting these monies due the Town. Selectman Fay suggesting the Deputy Collector is involved in collection or to pursue in small claims court. The Board requesting the Treasurer submit list of bad checks to Selectmen along with list of Vendor/Payroll checks not cashed. Ms. Gintner advising Board to checks not claimed takes three (3) years before Town can take possession. Selectman Conley stating problem is not new to Board of Selectmen. Board has been dealing with this issue for decades. Selectman Maxant read statute Town must hold for three years before reverting back to cash.

Town Collector-John Canney-Property Tax Accounts, old Motor Vehicle Excise Tax Balances Mr. Canney reviewed his audit response of 10-14-11 with the Board. The Board advised Mr. Canney to the audit response reflecting the town's motor vehicle excise tax has levies dating back for many years that are uncollectible but individuals owing those amounts should be tagged at the DMV; as a result the DMV will not renew licenses until outstanding bills are paid. The Auditors recommending the Town write off the old motor vehicle excise tax balances (if revenue is collected on one of these balances if will be credited to Old Motor Vehicle Excise Tax Account, the general ledger should only reflect levies back five to seven years. The Board suggesting three (3) Town offices should work on this issue: Town Accountant, Treasurer and Board of Assessors. Selectman Maxant

suggesting collection agency i.e. Deputy Collector bill can be added to bill, joint effort necessary. The Board requesting a conscious effort is made to collect revenue, have Fin-Com look at and work into Financial Policies and addressing another liability concern re reflecting property tax and r.e. tax receivables shown in the general ledger as liability accounts, suggesting that refunds for overpayments have yet to be made requesting the Clerk refund overpayments as soon as possible. Mr. Canney advising to problem with wrong account numbers process takes a long time verifying there is a credit balance.

Agenda Item # 2. Cindy Knox-IT Coordinator-Auditor's requested Written Security Program re customer information/confidentiality (WISP-Written Information Security Program) protection being implemented to the extent possible in conjunction with Com of MA new regulations, protection against threats to the security and unauthorized access which may result in substantial harm to any customer/s. Ms. Knox presented and reviewed with the Board the Town's Electronic Policy with the intent to be distributed to all Town employees for sign off and town wide training purposes. Ms. Knox stated currently town email address is attached to all town employees emails and as such becomes the property of the town which covers the issue. All employees issued secured password protection that prevents access to personnel information re resident's accounts/information. The Board also reviewed with Ms. Knox social media activities i.e. Face book, U-Tube, etc. un-authorized restrictions to be included. Selectman Conley also addressed concerns re Town Hall computers accessed after hours and identity theft security is included in Policy. Selectman Conley requesting Department Heads & Fin-Com review policy and Board take under advisement , 2nd by Selectman Fay, VOTE: unanimous, so moved.

Mr. Pontbriand requesting the Board goes off the Agenda at this time to take up the Appointments to **the Dam and Pond Committee**. Mr. Pontbriand introduced Marina Giovannini of 8 Old Sandy Pond Rd. and Michele Riggs of 28 Calvin St., to the Board and advised to Lauri Nehring of 35 Highland St. unable to be present this evening but also expressing interest to be appointed to this Committee. Ms. Giovannini and Ms. Riggs both spoke re their background and interest to serve on this committee. Mr. Pontbriand advising to the 1st meeting of the Dam & Pond Committee being scheduled for 1-30-12. Selectman Fay moved the Board vote to appoint Marina Giovannini, Michele Riggs and Lauri Nehring to the Dam & Pond Committee, 2nd by Selectman Conley , VOTE: Selectman Conley aye, Selectman Fay aye, Selectman McCreary aye, Chairman Luca aye, Selectman Maxant abstained. 4-0 motion passed. The Board thanked all for volunteering their service to the Town. The Board requested the Committee designate membership for 1 & 2 year positions and update the Town Administrator after their meeting on the 30th.

Agenda Item # 3. Town Government Study Committee –rescheduled

Agenda Item #4.Town of Ayer Safety Issues-The Board met with Chief Murray per follow-up re recent safety concerns expressed by resident- Mr. Dan Gleason in January to the Board of Selectmen. Mr. Gleason expressed his concerns re increase in drug activity in Town, and a growing concern in the community re a lack of safety, mainly for property leading to assault and robbery, and the general impression of Ayer as a community. Chief Murray opened by stating he is always available to speak with residents re any issue i.e. safety concerns and welcomed residents to stop by the Police Station prior to contacting the Board of Selectmen. Chief Murray stated there is no increase in activity and the Town does not have a serious crime problem, recent events does paint an unpleasant picture. Chief Murray stating we can do better re drug activity in town and towards that effort he has met with Supt. Mock and school staff to offer his assistance. Selectman Conley advised the Board to contacting Mr. Gleason and shared exchanged emails by her & Mr. Gleason

with the Board (3) and proposed establishing a Safety Committee to include the Police Chief, Sergeant, Detective, 2 Selectmen, 2 Ayer/Shirley Regional School Committee members, 2 parents, 2 high school students and ideally a probation officer from ADC. This Committee's charge would be:

- to find funding for a school liaison officer,
- establish immediate education programs middle/high school students
- add elementary school programs once the two above programs are in place
- encourage Neighborhood Watch Programs
- Monitor implementation, add all elements, make needed changes

Chief Murray stated he shares the same concerns as the Board and spoke to Neighborhood Watch being a very successful tool in crime prevention and mentioned success story of Devenscrest Neighborhood Watch stating we all have to work together, work as a community to get the word out. Chairman Luca spoke to his meeting with Town Administrator, Chief of Police, Fire Chief & School Officials re safety issues last week as well echoing Chief Murray it is a community problem.

Agenda Item #5. Town Administrator's Report-

1. **WWTP System Upgrade Change Order-**Mr. Pontbriand updated the Board to Comfort Systems BCM Controls Corp. controller & I/O Modules to be in compliance with DOE Project Guidelines (made in American guidelines met). Mr. Pontbriand recommending the Board reimburse UDAG advising to Grant covering - \$3K back to the Town of Ayer from administration. Selectman McCreary moved the Board approve Comfort Systems USA Invoice #3906 dated 12-27-11 in the amount not to exceed \$6,652.00 and authorize the Chairman's signature, 2nd by Selectman Conley, VOTE: unanimous, so moved.

Agenda Item #6. New Business/Selectmen's Questions-

Position Reclassification-Assistant Treasurer-Mr. Pontbriand advised the Board to request by Ms. Doig dated 1-20-12 received re reclassification to Benefits/Payroll Manager due to her old job description significantly out of date and duties of her position changing more to payroll, benefits and health insurance. Ms. Doig further requesting her reclassification be submitted to the Personnel Board, Ms. Doig advising to her direct supervisor's approval being the Board of Selectmen per the Board's vote on 12-20-11. Mr. Pontbriand stated several of the Board members have expressed the need to reclassify this position in terms of job description and who the position reports to, stating it is the will of the Board. Mr. Pontbriand advising he was very aware of the tight budget but that is not the prime issue. Selectman Fay moved the Board approve the request for reclassification is submitted to the Personnel Board, 2nd by Selectman McCreary. Selectman Maxant stating he is firmly on the fence and falls back to basic principals he cannot support or fund-chain broken, and does not like concentrating authority in any one place, position falls under the Treasurer placing more authority under the Selectmen and less on the Department Head, stating the Selectmen's move was in the wrong direction and he cannot support, problem temporary-more personal/people change. Chairman Luca spoke to position changing and if the Town votes to adopt the recommendations made by the Town Government Study Committee the key financial offices would fall under the Financial Manager's Control. Selectman Conley stated she was definitely not on the fence...more incensed, and advised she cast the no vote on the 2-1 vote at the December meeting disagreeing with the shift of supervision to the Town Administrator, stating the Board does not have the authority requesting to hear from Ms. Gintner. The Board did not invite Ms. Gintner to respond. Selectman Conley re-stating the appointing authority is the Treasurer. Selectman Fay questioned Mr. Pontbriand if this was in order or not, Mr. Pontbriand stated it appears to be out of order confirming the Treasurer is the appointment authority. Selectman

Fay withdrew his earlier motion and Selectman McCreary following his withdrawal regretfully removed her 2nd on the motion. Motion to reclassify lost.

Reclassification of Facilities Manager-Mr. Pontbriand presented the Board Dan Sherman’s re-class encompassing his transition assuming the DPW maintenance function for all DPW buildings. The Board all agreeing to Mr. Sherman’s work ethics performing exceptional work i.e. Town Hall generator upgrade, Energy Committee –facilitating Grant projects with Dept. of Energy, Fire Station projects and opportunity to enhance his position. Ms. Spinner speaking on behalf of Mr. Sherman stating he is grossly underpaid for all he does for the Town. Mr. Pontbriand advising to Director of Facilities Maintenance would report to the Town Administrator. Selectman McCreary agreeing stating Mr. Sherman is doing job now. Selectman Conley requesting current job description and proposed changes advising to his position re-classified in 2007 to Facilities Manager. Mr. Pontbriand to submit current and proposed job descriptions to the Board. Selectman Maxant stated he was aware Mr. Sherman was doing work above and beyond and remunerated when possible through grant/s. Selectman McCreary moved the Board submit Mr. Sherman’s reclassification to the Personnel Board, 2nd by Selectman Fay. Selectman Conley requesting Board receive prior job description before submitting to Personnel Board. Selectman McCreary stating she is comfortable with Mr. Pontbriand assembling documentation for submission to Personnel Board and wishing to keep process moving. Chairman Luca called for a vote: Selectman Fay aye, Selectman McCreary aye, Selectman Conley no, Selectman Maxant no, Chairman Luca aye, 3-2 motion passes.

10:10 Selectman Fay moved to adjourn the meeting, 2nd by Selectman McCreary, VOTE: unanimous, so moved.

DATE: _____

Frank F. Maxant, Clerk
AYER BOARD OF SELECTMEN