

Town of Ayer

Finance Committee

Meeting Minutes for September 28, 2022

Attendance: Kurt Fraczkowski; Sebastian Cordoba; Andrew Sealey; Jin Hong

Also in Attendance: Geof Tillotson (Town Moderator); Scott Houde (Select Board Member); Robert Pontbriand (Town Manager); Fred Aponte (Finance Manager)

Welcome and Call to Order:

Given the unique circumstances of the reconstitution of the Ayer Finance Committee, G. Tillotson called the meeting to order at 5:32pm in the First Floor Meeting Room of the Ayer Town Hall. G. Tillotson read the following statement into the record:

*This meeting of the Ayer Finance Committee will be held in-person at the location provided on this notice. Members of the public are welcome to attend this in-person meeting. Please note that while an option for remote attendance and/or participation via Zoom is being provided as a courtesy to the public, the meeting/hearing will not be suspended or terminated if technological problems interrupt the virtual broadcast, unless otherwise required by law. Members of the public with particular interest in a specific item on this agenda should make plans for in-person vs. virtual attendance accordingly. This meeting will be live on Zoom and Channel 8. The public may access the proceedings by joining Zoom (**Meeting ID# 860 8777 1519**) or by calling (**929-205-6099**). For additional information about remote participation, please contact Carly Antonellis, Assistant Town Manager at atm@ayer.ma.us or 978-772-8220 ext. 100 prior to the meeting.*

G. Tillotson asked for a motion from the Fin Com Members to approve the agenda.

Motion: A motion was made by A. Sealy and seconded by S. Cordoba to approve the meeting agenda. **Roll Call Vote:** K. Fraczkowski, Y; S. Cordoba, Y; A. Sealy, Y; J. Hong, Y. **Motion passed 4-0.**

G. Tillotson introduced S. Houde, R. Pontbriand, and F. Aponte to the Fin Com and stated that they are all here as resources for the Fin Com tonight and moving forward.

Finance Committee Member Introductions:

K. Fraczkowski stated that he is a resident, and this is the first-time volunteering for a Town Committee, and he is interested in the Town and its finances and looks forward to working with everyone.

A Sealey stated that he moved to Ayer three years ago and he is looking to get more involved with the Town.

S. Cordoba stated that he is an Ayer resident and is looking to get more involved with the Town and looks forward to being on the Fin Com.

J. Hong stated that she has been a resident of Ayer for the past 29 years and is interested in the Town's finances and to serving the Town.

Finance Committee Organization:

The Fin Com organized by selecting its officers.

J. Hong to nominated K. Fraczkowski to be Chair of the Fin Com.

A Sealy asked if K. Fraczkowski wanted the position.

K. Fraczkowski stated yes.

Motion: A motion was made by J. Hong and seconded by A. Sealy to approve K. Fraczkowski as the Chair of the Finance Committee. Roll Call Vote: K. Fraczkowski, Y; J. Hong, Y; A. Sealy, Y; S. Cordoba, Y. **Motion passed 4-0.**

S. Houde stated that the Fin Com requires a Chair and Clerk and that the position of Vice Chair is not required but is good to have in the event that the Chair is absent the Vice Chair can run the meeting or if the Clerk is absent, often the Vice Chair will take the minutes at that meeting.

A Sealy nominated S. Cordoba as Vice Chair is he is willing.

S. Cordoba said that he would be willing to be Vice Chair.

Motion: A motion was made by A. Sealy and seconded by S. Cordoba to approve S. Cordoba as the Vice Chair of the Finance Committee. Roll Call Vote: K. Fraczkowski, Y; J. Hong, Y; A. Sealy, Y; S. Cordoba, Y. **Motion passed 4-0.**

J. Hong nominated A. Sealy to be the Clerk of the Finance Committee.

A Sealy stated that he would be willing to be the Clerk.

Motion: A motion was made by J. Hong and seconded by S. Cordoba to approve A. Sealy as the Clerk of the Finance Committee. Roll Call Vote: K. Fraczkowski, Y; J. Hong, Y; A. Sealy, Y; S. Cordoba, Y. **Motion passed 4-0.**

R. Pontbriand offered for this first meeting that he would take the meeting minutes and provide the DRAFT meeting minutes to A. Sealy.

Overview of the Roles and Responsibilities of the Finance Committee:

Roles and responsibilities of the Fin Com as a Committee of Town Meeting and in the Budget Process:

S. Houde introduced himself and stated that though a Select Board Member, he is not here on behalf of the Select Board and is here this evening as a resident. He is here for educational purposes and as a resource to the Fin Com. Please do not hesitate to reach out for further info or if you have any questions. He served on the Fin Com from 2008 to 2017 of which a significant time was as Chair. He stated that when he started, he was brand new to the Fin Com just like all the members this evening.

S. Houde reads the Finance Committee Mission Statement which is on the Town's website. He stated that the Finance Committee is a Committee of Town Meeting and that it serves Town Meeting and the residents of Ayer. The Select Board is the executive body of the Town and Town Meeting is the legislative body. The Town operates with a balanced budget and the Fin Com is tasked with reviewing and advising on the budget and financial matters on behalf of Town Meeting. The Fin Com may choose to develop its own budget or work in consensus with the Select Board and Town Administration in the development of the budget. Generally, we all try to work together to present a consensus budget to Town Meeting.

S. Houde continued that the review of the Budget is the primary responsibility of the Finance Committee. The Fin Com can make independent positions on the Budget and Warrant Articles for Town Meeting; present at Town Meeting on the Budget; and also has legal authority over the Town's Reserve Fund.

S. Houde continued that the Fin Com generally meets twice a month, and the busiest time is from January up until Town Meeting when the Committee may meet more frequently with Town Departments. The Fin Com generally has a reduced summer meeting schedule and may not even meet over the summer. Historically, the Fin Com would meet with all Town Departments as it is the best way to truly understand the Town's budget, finances, and how the Departments operate. In recent years after having met with all Departments, the Committee would at least meet with the major Departments of Fire, Police, and DPW. The Fin Com also attends a joint budget presentation with the Select Board from the Ayer Shirley Regional School District each February regarding their budget and the Fin Com and Select Board often hold Joint Meetings for the purposes of the Public Budget Forums.

S. Houde stated that the budget represents the values of the Town. It prioritized the issues and projects important to the Town and the people. There are also several special projects with financial implications that the Fin Com will want to review and be involved with. The Town has a separate Capital Planning Committee of which the Fin Com has a seat on which is charged with reviewing the Town's Capital Plan and making recommendations to the Select Board.

S. Houde stated that the Town is well run and that the Town Manager is a great resource and a huge help with the budget process and interfacing with the Town Departments. The Town Manager is charged with the preparation of the Budget in consultation with the Select Board and Finance Committee. The Town is also a member of the Massachusetts Municipal Association and the Massachusetts Association of Finance Committees, and he encouraged the Fin Com Members to get involved and to attend the annual finance committee workshop in November.

S. Houde stated that he is always available to answer any questions and will make himself available for the initial Fin Com Meetings as the Committee gets started.

K. Fraczkowski thanked S. Houde for the detailed overview and for his offer to continue to be a resource for the Fin Com.

K. Fraczkowski asked for clarification on the Town's fiscal year.

S. Houde stated that the Town operates on a fiscal year from July 1st to June 30th.

S. Houde also advised that by state law, Town Meeting can only reduce the budget, Town Meeting cannot increase the budget.

The Reserve Fund and the Reserve Fund Process:

F. Aponte introduced himself as the Finance Manager/Town Accountant. He is new to Ayer as of April but he has worked in municipal finance for over thirty years. He is also a resource to the Fin Com and looks forward to working with them.

F. Aponte presented an overview of the Reserve Fund which statutorily requires authorization from the Finance Committee to access. The Reserve Fund is a fund for the purposes of extraordinary or unforeseen expenditures which present themselves within the budget cycle after the budget has been set. The Reserve Fund is currently set at \$300,000 and requires authorization by the Fin Com to be used.

F. Aponte stated that he actively monitors all the budgetary accounts and if one begins to run low or close to a deficit, he will advise the respective Department Head and Town Manager for the purposes of notifying the Finance Committee and Select Board. The Town has a specific form that must be completed to access the Reserve Fund, and this completed form is transmitted to the Fin Com and Select Board.

R. Pontbriand added that for the majority of Town Departments, the Select Board and the Finance Committee must approve a Reserve Fund Transfer in a posted, open session meeting.

S. Houde recommended that the Fin Com review the Town's Financial Policies and the section on the Reserve Fund.

R. Pontbriand also added that during the budget formulation process, the Fin Com will be consulted on how much should be budgeted for the Reserve Fund. Historically the Reserve Fund was generally budgeted at approximately \$150,000 but with the onset of the COVID-19 Pandemic the Reserve Fund was increased to \$300,000.

J. Hong asked if the Reserve Fund has ever run out?

S. Houde advised that in his time, there was one year where it was close; however, the Reserve Fund has remained solvent and an effective tool for ensuring that the Town's unforeseen or extraordinary budgetary needs are met. The Town also has other financial reserves in the Stabilization Fund and Capital Stabilization Fund which both require authorization from Town Meeting to access and that is a whole other topic perhaps for a future meeting.

Overview of the Open Meeting Law; Public Records Law; and Working with Town Departments.

R. Pontbriand introduced himself and said that he is a full-time resource for the Finance Committee, and he looks forward to working with the Finance Committee and invited each of the Members to stop by his Office anytime.

R. Pontbriand presented an overview of the Massachusetts Open Meeting Law of which the Finance Committee must adhere to. The Finance Committee is a public body and can only meet and act with a quorum of members in a duly posted, public meeting. All meetings must be officially posted with the Town Clerk at least 48 hours prior to the meeting. All meetings must occur in a public place and

accessible to the public. The meeting agenda must contain at a minimum the date, time, and location of the Fin Com Meeting as well as the specific agenda topics to be discussed or acted on at the meeting.

R. Pontbriand continued that the Open Meeting Law is State Law and must be adhered to. Any violations of the Open Meeting Law will render any actions or votes taken as illegal. The key take away are: The Fin Com is a public body as defined by the Massachusetts Open Meeting Law; The Fin Com can only meet with a quorum of Members present; It must meet in a posted public meeting in a public place of which the public can attend. All meeting agendas are posted by the Town Clerk. The official posting location is the outside bulletin board of Town Hall. The Town also posts all the agendas on the Town's website.

R. Pontbriand advised that under the Open Meeting Law it is imperative that Fin Com Members avoid any deliberations outside of a duly posted Fin Com Meeting. That means that Fin Com Members cannot discuss or deliberate outside of the Fin Com Meeting regarding Fin Com or Town business. This also includes the use of email regarding Fin Com business. Members cannot email back and forth regarding Fin Com business or take any actions via email as this would constitute deliberations.

R. Pontbriand stated that the Town has various resources regarding the Open Meeting Law on the Town's website and the Fin Com should review them. He as well as the Assistant Town Manager, Carly Antonellis and the Town Clerk, Susan Copeland are available as resources with respect to any questions or issues with the Open Meeting Law.

R. Pontbriand stated that the other law that the Finance Committee must adhere to is the Massachusetts Public Records Law. The Public Records Law legally requires that the Fin Com maintain and periodically review and approve meeting minutes of their meeting. The minutes at a minimum must record the date, time, and location of the meeting; the members in attendance; reflect the general content of any discussion/deliberation; and record any motions and votes taken by the Finance Committee. The meeting minutes are public record and must be filed with the Town Clerk. The meeting minutes will also be posted on the Fin Com webpage on the Town's website. It is a good practice for the Fin Com to review and approve the meeting minutes from their previous meeting at their current meeting.

R. Pontbriand also advised that under the Public Records Law any emails of the Committee Members are considered public record. Therefore, Fin Com Members should only use their Town-issued email accounts for Fin Com and Town Business. If you use any personal email accounts, you run the risk of your personal emails and personal email account becoming subject to the Public Records Law.

Proposal for a Future Joint Meeting of the Finance Committee and Executive Bi-Board:

R. Pontbriand stated that he and S. Houde thought it would be a good idea to invite the entire Finance Committee to a future Executive Bi-Board Meeting for the purposes of working together moving forward. The Chair and Vice Chair of the Fin Com are standing members of the Bi-Board, but the Bi-Board Meetings are public meetings and open to all members to attend.

R. Pontbriand stated that the Executive Bi-Board is an advisory committee subject to the Open Meeting Law and Public Records Law. The Bi-Board is advisory in nature and has no authority to make formal decisions. It is a forum designed and dedicated to reviewing and discussing significant

budget and financial matters. The members are a Select Board Member; Fin Com Chair; Fin Com Vice Chair; Town Manager; Assistant Town Manager; Finance Manager; and the Treasurer/Tax Collector.

Scheduling of Next Meeting:

The Fin Com scheduled its next meeting which will be a hybrid format meeting for Thursday, October 23, 2022 at 5:30pm in the First Floor Meeting Room of the Ayer Town Hall.

Adjournment:

Motion: A motion was made by A. Sealy and seconded by S. Cordoba to adjourn the Finance Committee Meeting at 7:04pm. Roll Call Vote: K. Fraczkowski, Y; S. Cordoba, Y; A. Sealy, Y; J. Hong, Y. **Motion passed 4-0.**

The Finance Committee meeting adjourned at 7:04pm.

Minutes recorded and submitted by R. Pontbriand, Town Manager

Minutes reviewed and approved by the Finance Committee on _____

Signed: _____
Andrew Sealey, Clerk, Finance Committee