

BOARD OF SELECTMEN MEETING MINUTES

April 6, 2009

7:00 PM

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PRESENT: Selectmen Lyndon B. Johnson, Joseph A. Sergi and Patrick J. McNabb; Robert Hanson, Town Administrator; Peggy Mazzola, Administrative Assistant; Town Accountant Theresa Walsh and several members of the Finance Committee

The meeting was called to order at 7:00 PM.

APPROVE WARRANT/SIGN PURCHASE ORDERS: The Board signed the warrants.

APPOINTMENTS/RESIGNATIONS:

Item #1 – Resignation from Agricultural Advisory Board: The Board reviewed an e-mail from Larry Murphy announcing his resignation from the Agricultural Advisory Board. The Board accepted the resignation with regret, and thanked Mr. Murphy for serving on the Agricultural Advisory Board. Mr. Johnson announced that letters of interest/citizen activity forms will be accepted to fill the vacancy.

ACTION ITEMS:

Item #1 – Budget Discussion – with Finance Committee: Finance Committee Chairman Diane Gaspar stated the FinCom took another pass at the budgets at their last meeting. All departments with bylaw employees had their budget reduced by 10% of the salaries and wages; if the department heads can find somewhere else to cut so as not to reduce wages they could do so. Unions and contract employees are unaffected by wage cuts. They cut another police officer and 1 1/3 positions at the Highway Department, and reduced the hours of the Town Engineer's secretary. Street lights will be shut off and the Community Center will be closed and buttoned up. The library staff hours were reduced. Following these reductions, there remained a \$196,000 shortfall, which will come from the retirement fund, though the FinCom is not comfortable doing that as it's a non-renewing fund. The budget as it stands right now will not require an override; if department heads wish to move a higher number than the FinCom's recommendation, it must be attached to an override. Mr. Johnson stated he thinks we need to have a discussion on an override.

Finance Committee member Chris DeSimone commented that new budget numbers are being developed that we haven't seen yet and there may be a problem; the FinCom needs a few minutes to discuss these new developments with the Town Accountant.

Mr. Sergi stated the FinCom has done a great job and have worked very hard on the budgets. Ms. Gaspar stated the idea of cutting people's salaries bothers her. Mr. Hanson remarked that cuts don't necessarily apply to salary if department heads could cut elsewhere.

Mr. McNabb asked if we have heard back from department heads on the proposed cuts. Mr. Hanson stated that the Town Accountant distributed the new numbers to department heads with instruction to return revised budgets to the office as soon as possible.

Mr. Sergi commented that shutting off street lights is a public safety issue and asked if the FinCom had received input from the Police Chief. Chief Davis stated he is not in favor of shutting off all street lights; crime will increase and he feels this should be addressed. Mr. Hanson remarked there is also a liability issue if someone has an accident at the site where there had been a street light.

Mr. Johnson asked if a new budget proposal was received from the Library. Library Director Deb Spratt stated she turned in two proposals, not going below 40 hours per week and allowing for the State's spending requirement. While she can't speak for the union, it is Ms. Spratt's understanding that the union has agreed to a one year wage freeze. One page position will be lost, but she won't have to reduce hours. Ms. Spratt is requesting that they receive book fine money to offset cuts amounting to around \$5,300. Mr. Hanson stated it is possible to have an article to address this issue on the warrant. Ms. Gaspar stated she would prefer to just put that money back in the library budget. Mr. Hanson remarked that the Conservation Commission is asking for their filing fees in an article, so the library would not be alone in

this request. Ms. Gaspar stated she would take this item to the floor at Town Meeting provided she has the backing of the Board of Selectmen.

Mr. DeSimone stated that Ms. Walsh and Associate Assessor Sue Smith are working on a problem with revenue numbers and they don't expect to have a solution until tomorrow. He feels it is best not to move forward with discussion at this time.

Item #2 – Discussion – Override Options: Mr. Johnson requested this agenda item. Mr. Johnson stated he appreciates the hard work of the FinCom, but thinks we need to discuss the possibility of an override. According to the survey, there is a 50/50 split on supporting an override, with 22% in support of a full override. Mr. Johnson feels this needs to be discussed and the public needs to be informed, and questioned where the budgets could be cut next year. Mr. Sergi stated he would hope the economy turns around and folks will be in a better position to absorb an override. Mr. Hanson suggested producing a budget that gets us to a desired balance and then offer residents the option to restore some services. At the Town Meeting, an article could be placed at the end of the warrant with a short list of items to be voted on subject to an override. Mr. Hanson suggested this list should be no longer than six items. Mr. Sergi requested the discussion be kept to procedural issues. Mr. Hanson explained the procedures involved in an override vote. Mr. Hanson explained information can be posted on the website and opinions can be included, provided they are labeled as such. The only decision the Board needs to make is which items to be included, which must be part of the warrant to be posted on April 17th.

Following a brief discussion, the Board agreed to meet on Saturday, April 11th at 8 AM to discuss new budget developments.

Item #3 – Discussion – Website Postings re: Budget: Mr. Johnson requested this item, stating he did not agree to post contracts and union agreements on the website and feels this should have been discussed and voted on at a meeting. Mr. Johnson believes that people won't understand the content of the contracts. Chief Davis stated if his contract is posted as written, it is inaccurate as he has agreed to give back \$5,500 in benefits. Mr. McNabb stated if contracts are going to be posted on the website, then any concessions agreed to by the parties involved should be there too. Mr. McNabb also wants the proposed budget posted on the website, showing where cuts are being made. Mr. Hanson warned that if we publish anything incomplete it will come back to haunt us. People will look at the preliminary budget and then not realize it's constantly changing. Mr. Sergi stated it's important to get information out to the residents. Webmaster Jeff Sauer commented that he has spoken to Ms. Walsh and this would not be a simple document to create.

Item #4 – Discussion – Plowing/Rubbish at Town Buildings: Mr. Sergi requested the item regarding plowing, in an effort to save budget dollars by using in-house personnel instead of outsourcing, however this may be break-even at best. Mr. McNabb requesting the item regarding rubbish removal to look for savings; he will follow-up with Bob Lee.

Item #5 – Discussion – role and responsibilities of Town Administrator Search Committee: Mr. McNabb stated the search committee has met two times and will be meeting again on Thursday at 2 PM. At the first meeting the committee organized, with Mr. McNabb voted as Chairman, Judy Dalton Vice Chairman, Richard Potts Clerk and Michael Hartnett as Treasurer if we require such services. He stated the committee is a knowledgeable, committed group.

Mr. McNabb reviewed a preliminary list of questions for the Board. Item #1 included recommendations on the mission and objectives of the search committee. Mr. McNabb explained the committee wants to obtain a post office box for receipt of confidential resumes rather than have the resumes mailed to Town Hall; Mr. McNabb and Ms. Dalton will have access to the post office box. This will minimize the number of people viewing the resumes. Mr. McNabb stated the cost of the PO Box is \$37 for six months. Mr. Johnson stated the resumes can be mailed to Town Hall to the attention of the search committee, and

would only be opened by the committee. Mr. Sergi stated he liked the idea of the post office box, commenting that this is no reflection on the folks at Town Hall, but feels the initial phase should be conducted in secrecy to protect the confidentiality of the applicants. Mr. McNabb stated there will be a link or dedicated page on the Town's website regarding the search, and would contain information related to how the Town is conducting the search. The Board was in agreement with the items listed in #1.

Item #2 related to the search committee providing recommendations to revise the current job description. Mr. Hanson stated that by statute, the Town Administrator is a creature of the Board of Selectmen and no one else. Mr. Sergi remarked that the job requirements fall under the purview of the Board; the Board is busy with pressing issues, but he didn't object to the committee making recommendations because it is ultimately the decision of the Board. Mr. Hanson questioned whether the committee members were qualified to develop the job description. Mr. McNabb stated the committee is comprised of citizens concerned about the Town. Mr. Sergi stated if the Board is doing something blatantly wrong he would appreciate Mr. Hanson's direction. Mr. Johnson stated he does not want the search committee to rewrite the job description; the Board needs to discuss the job description and make changes if necessary. Mr. Sergi suggested this item be placed on the April 27th agenda, and if the committee wants to make recommendations to the board it should do so prior to the meeting. Mr. Johnson reiterated he does not want the committee making recommendations on changes to the job description. The Board agreed to leave this task off the list.

Item #3 relates to minimum qualifications for the Town Administrator; the search committee is prepared to provide recommendations to the Board if requested. The Board agreed that this item relates to Item #2, and not part of the duties of the search committee.

Item #4 relates to whether the Board wants to set a residency requirement. Following a brief discussion, the Board agreed it wasn't necessary to set a residency requirement.

Item #5 relates to a draft job posting to be prepared by the committee. The Board agreed they would like to review prior to posting; Mr. McNabb will have a draft posting prepared by the end of the week. Mr. Hanson suggested the committee look at other Town Administrator job postings on the MMA website. Mr. Hanson stated that many cities and towns mail copies of job postings to towns in their geographic area.

Item #6 contains a draft timeline for the selection process. The Board agreed that background checks would only be done on the finalists, and would be done by the Board and not the committee.

Item #7 relates to a preliminary budget, which Mr. McNabb stated includes the post office box rental, posting on the MMA website, and newspaper ads and postage. Mr. Johnson asked where this money would come from. Mr. Hanson stated mail would be run through the postage meter on the Selectmen's account; there is enough money in the Town Administrator's budget to cover the cost of advertising. Mr. McNabb stated the committee had discussed advertising in the Lowell Sun.

Item #8 relates to making the Town Administrator a bylaw employee instead of a contract employee. Mr. Sergi did not agree with this; Mr. Hanson stated they would not receive one application from a credible person. Mr. Sergi stated this is a contract position and should not be changed. Mr. McNabb stated the committee discussed this issue and felt obligated to bring the idea forward to the Board. Mr. Johnson stated certain positions within the Town warrant having a contract.

Item #6 – Discussion – with Board of Fire Engineers: Fire Chief Toby Tyler stated that the gas station at the rotary would like to reopen, but the tanks have not been used in almost three years and there is a cease and desist order from the Department of Fire Services. The Board of Fire Engineers can over-ride this order with the approval of the Board of Selectmen; however there are some liability issues to look at. Mr. Hanson suggested the owner posts a bond to cover any liability. Chief Tyler commented it would be good

for the Town for this business to reopen. Deputy Chief Peter Shattuck noted that a tank load of gasoline was dropped there. Chief Tyler stated that testing has been done on the tanks. Mr. Sergi commented that he isn't sure why they would want to take on this liability. Mr. Hanson stated that he would like to see detailed, signed and stamped test results; if the Fire Department waives the cease and desist order he would want the owner to file a hold harmless bond in a substantial amount to protect the Town. Mr. Sergi asked if other towns have done this. Mr. Hanson stated he wasn't sure how the information could be obtained. Chief Tyler stated he could check with the Fire Marshall's office.

Jeff O'Hora of Energy North Group stated he could provide the original signed testing results. He stated the company has a certificate of compliance with the State that provides 100% reimbursement in the event of a leak. They have maintained, monitored and tested the tanks since the business closed. The Fire Marshall's office has no problem with rescinding the cease and desist order, but is respecting the Fire Chief's authority. Reopening the gas station is an opportunity to generate revenue for the Town. He noted that each tank was filled half-way. Mr. Johnson asked if the issue relates to the amount of time the business was idle. Mr. O'Hora stated the cease and desist order relates to the amount of time the tanks were unused; the tanks were tested prior to filling.

Chief Tyler commented the State Fire Marshall's office told him they could rescind the cease and desist order, but the liability falls on the Town. Mr. Johnson asked what the alternative would be. Chief Tyler stated they would have to replace the tanks.

Board of Health member Scott Butcher stated from a Board of Health perspective he has concerns. Mr. Johnson remarked there is a reason for the two-year window. Mr. Sergi commented he did not feel he had enough information to make a decision. Mr. McNabb asked if the conveyance systems were tested. Mr. O'Hora stated the conveyance systems were part of the testing procedure. He stated it would cost between \$140,000 and \$160,000 to remove and replace the tanks; that cost would be tacked on to the sale price.

Mr. Johnson suggested Mr. O'Hora work with the Town Administrator and Fire Chief regarding the issue, and provide additional information to the Board.

Deputy Fire Chief Peter Shattuck stated there is a problem with their budget; due to a request by the FinCom to make further reductions, they were forced to reduce salaries for Chief Tyler and Al Deshler. Mr. McNabb stated when people call 911 they expect a response; this is a public safety issue, and he would support restoring the \$7,800. It was the consensus of the Board that it would support restoring the \$7,800.

OLD/NEW BUSINESS:

Item #1 – Any other Old/New Business: Mr. Sergi read a letter Mr. Hanson sent to Rep. Hargraves and Sen. Panagiotakos regarding municipal retirement obligations as a follow-up to discussion at a previous meeting. The proposal would provide \$450,000 in relief to the Town's budget. Mr. Sergi urged residents to contact our state representatives to support this measure.

Jeff Sauer was present to discuss the survey on the Town's website. Mr. Sauer stated that 729 people responded to at least one question on the survey, which closed at 5 PM today. Discussion ensued relative to posting the results of the survey on the Town's website. The Board agreed to review the information and have the results posted on the website by the end of the week.

Mr. Butcher stated he sat with the Town Accountant on Friday afternoon to go through scenarios if the Town doesn't vote to contract with Nashoba Boards of Health. They will have to cut staff hours and try to hire a health agent for 30-40 hours per week. Mr. Sergi asked if the Board of Health will be speaking to the article relative to Nashoba. Mr. Butcher stated the Board of Health is split on this issue, but the Board will present the article at Town Meeting. There may only be one BoH member speaking in favor

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of the proposal, however. Mr. Johnson asked if the BoH will be prepared to answer questions that came up at last year’s Town Meeting. Mr. Butcher stated he will be meeting with the director of Nashoba Boards of Health prior to Town Meeting.

Mr. Sergi asked if the recent bankruptcy filing by Charter Communications would affect the Town’s cable service. Mr. Hanson replied the bankruptcy court has authorized Charter to do business as usual.

Mr. Johnson stated he wants e-mails and off-line discussions among the Board kept to a minimum, and feels certain decisions that were made off-line should have been discussed and decided at a meeting.

NEXT MEETING: Saturday, April 11, 2009 at 8 AM; Monday, April 13, 2009 at 7 PM

ADJOURNMENT: On a motion by Mr. Sergi and seconded by Mr. McNabb, it was unanimously voted to adjourn at 10:05 PM.

Respectfully submitted,

Peggy Mazzola, Administrative Assistant

APPROVED:

BOARD OF SELECTMEN:

FINANCE COMMITTEE:

Lyndon B. Johnson, Chairman

Diane Gaspar, Chairman

Joseph A. Sergi, Clerk

Burke Bero

Patrick J. McNabb

Stephanie Cronin

Chris DeSimone

Chris Johnson

Jeanne LeBlanc

George Zacharakis