

TOWN OF ASHBURNHAM
BOARD OF SELECTMEN MEETING – MINUTES
TUESDAY, JANUARY 20, 2009
FAIRBANKS MEMORIAL TOWN HALL – AUDITORIUM
AS AMENDED

This meeting was aired live on local cable television Channel 8.

PRESENT: Chris Gagnon, Chair, Jonathan Dennehy, Member, Maggie Whitney, Clerk and Sylvia Turcotte, Assistant to the Town Administrator. Kevin Paicos, Town Administrator was not in attendance.

- I. APPROVAL OF AGENDA: At 6:30 p.m. Gagnon read the agenda noting Correspondence would be added as a topic. Dennehy motioned to approve the agenda as amended and was seconded by Whitney. Motion carried.
- II. CORRESPONDENCE: Gagnon read a letter from Police Chief Barrett noting the outstanding service of Sergeant Robert Brennan in his absence during the December Ice Storm.

Gagnon then proceeded to read a letter recently received from Gerard Perry of the DOR which basically stated their congratulations on the Town's tax rate certification and also their concerns and recommendations on the hiring of an Interim Town Administrator. (Letter is attached to these minutes.) He went on to state that the letter also gave them a heads up on the FY10 tax rate procedure that would be required. Gagnon asked for permission from the members of the Board to respond with their thanks and also to ask for corrections on the address for Town Hall listed with the DOR. All members approved this request.

Gagnon then noted a letter received from Dick and Mary Coswell stating their appreciation of the Light Department during the Ice Storm and power outage.

Gagnon noted a letter from the Fredericks on a leak in the oil tank at the Piano Museum building and the inevitable replacement of the oil tank. The Fredericks noted that they would need to forego the replacement of storm windows due to this unexpected costly repair. Gagnon noted the Selectmen's thanks for their immediate response. Whitney motioned their support of the Fredericks actions and Dennehy seconded stating he applauded their quick response. Motion carried. Dennehy stated that copies should be forwarded to both Kevin Paicos and Town Counsel of the agreement negotiated with the Fredericks.

Gagnon stated that a letter of interest was received from Valorie Daigle to serve as Interim Town Administrator.

He also stated that a letter was received from John MacMillan on behalf of the Village Center District Zoning Committee requesting the services of Eric Smith on the very complicated Zoning By-Law change. He noted that Smith would be forwarding a solid proposal to the Board asking for their approval. He stated that the \$600 consulting fee for Smith would be taken from the Planner's salary account. MacMillan noted that this was only fair to Smith

and it would be money well spent. Gagnon stated that he would talk to Paicos about where it could be financed. Dennehy stated that they would not vote on this at this time.

III. INTERIM TOWN ADMINISTRATOR: Gagnon noted that the direction and leadership of the town was in question at this time. He stated that he was tired of the accusations and that they have to face the facts that they need to find an Interim Town Administrator and a permanent Town Administrator.

Gagnon noted that each member of the Board had made efforts to find an Interim Town Administrator. He stated that they checked the MMA listing of retired Town Administrators and have reached out with no response or luck.

Dennehy stated that he had spoken with Norm Thidemann who did an excellent job as ITA while here in 2005 during the time after Katie Nunez and Kevin Paicos.

He stated that Thidemann was working for FEMA in Texas and had been there since last year. He noted that Thidemann did express an interest under the right terms and that he would discuss these terms with the Board in Executive Session. He noted that they should have a back up plan in case Thidemann's terms cannot be met and that they had a limited timeframe to do so.

Gagnon noted that they should consider a casual investigation with personnel internally as the Town does have talented people in their employ. He noted that Town Counsel thought this was a good idea and that he is considering internal options.

Whitney read the section of the statute which stated "qualified officer of the Town".

Gagnon stated that they should discuss a timeline and that they would need to go into Executive Session for this discussion.

Gagnon discussed the buyouts of Paicos departures and also any comp time versus the remainder of the Town Administrator salary budget line. He noted that he had instructed the Town Administrator's assistant as well as the Treasurer to advise him of anyone who filed for unemployment benefits.

Gagnon explained the outcome of the Board's meeting with Labor Counsel regarding Boushell's unemployment benefits. Discussion followed on this topic.

IV. TOWN ADMINISTRATOR, KEVIN PAICOS' DEPARTURE: Whitney motioned to accept the resignation of Kevin Paicos as Town Administrator as received on January 14, 2009 and was seconded by Dennehy. Motion carried.

A discussion followed on the departure costs for Paicos. Dennehy noted that they should discuss this with Paicos first and then if there was an issue they could go to Labor Counsel. Town Counsel, Deb Phillips, who was present, noted that it should be relatively inexpensive. Gagnon noted that they would need to have a replacement set before Paicos leaves and that they might have a timeline set after their Executive Session this evening.

It was noted by Gagnon that they had three options at this time, Norm Thidemann, Val Daigle or internal workings with qualified employees in the town's employ. He added that they would need to go over the dollars with Town Counsel.

Dennehy noted that by the following Monday they should have a good idea and Whitney noted that the ad should go in as soon as possible for the permanent Town Administrator.

- V. GENERAL BUDGET DISCUSSION: Gagnon stated that the Revenue/Expense Report would be given out at the next meeting on Monday and that this meeting would be mainly financial.

~~Whitney motioned to have all expenses over \$100 approved by the Town Administrator and Gagnon responded that this had already been done by the Town Administrator and it would be redundant at this time.~~

Whitney made a motion to require the Town Administrator to seek approval by a majority vote of the Board of Selectmen to spend any funds in the excess of \$100. The motion was not seconded.

Whitney made a motion to suspend any and all labor contracts currently in negotiations with the Town Administrator and require the Town Administrator to receive approval by a majority vote of the Board of Selectmen prior to the extension of any existing personnel contracts or the implementation of any new personnel contracts. The motion was not seconded.

Bill Johnson, Advisory Board Chairman stated that he had concerns on the FY09 budget as there was not enough money to cover the Town Accountant and Town Administrator salaries and that Snow & Ice was also a huge concern, especially with the possible 5 to 10% cut in local aid. There was some discussion on how Town funds were being managed.

Johnson noted that "if the Town Administrator doesn't do his job, then terminate him but take some action". Gagnon stated it was duly noted.

Dennehy stated that he does not share Johnson's lack of faith in Paicos and he noted that it was not wise to terminate him at this time. He stated that Paicos would deliver what they needed. He stated that they would be doing the Town a grave disservice to terminate Paicos and that they should be calm and not jump to conclusions. He added that they need a smooth transition and they should "show calmness under fire" as this is the sign of true leadership.

Whitney noted that she didn't understand why it was taking so long for the budget to be produced. Gagnon stated that they were promised a rough draft of the budget on Monday.

Ron Reed noted that this was premature as they still had no clue on the state aid cuts. He noted that they should work with Paicos to get all the information they could. Dennehy agreed and stated that they should make the most of Kevin's last days here and work together with him.

Gagnon noted that he agreed with all of the comments made but that they did have a quandary. He noted they would continue this discussion on Monday at their next meeting.

VI. EXECUTIVE SESSION: At 8:05 p.m. Dennehy motioned to enter into Executive Session to deliberate upon matters which, if done in open meeting could detrimentally affect the position of the Town regarding strategy with respect to collective bargaining and contract negotiations with non-union personnel and to not reconvene into open session. Whitney seconded and the motion carried.

VII. ADJOURNMENT: At 9:30 p.m. Dennehy motioned to adjourn and was seconded by Whitney. Motion carried.

Respectfully submitted, (*as amended*)
Sylvia Turcotte
Executive Assistant to the Town Administrator