

- Town of Ayer
- Board of Selectmen
- Town Hall, First Floor Meeting Room
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Tuesday, February 7, 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.

7:05p.m. Selectman McCreary entered meeting

Agenda Item #1. Review & Approve Agenda-Chairman Luca requested if there was anyone present wishing to meet with the Board under Public Input.

No one stepped forward. Town Administrator requested to amend his report by adding three (3) brief additional items under his report: Arts Council Appointment, P.O. for the Police Dept., and Fy-12 Common Victuallers License approval. Selectman Fay withdrew his discussion under New Business, re Devens.

Selectman Conley requesting the Board takes up Solar Committee under Agenda Item #7.

Chairman Luca called for a motion to accept the Agenda. Selectman Fay moved the Board vote to approve the Agenda as amended, 2nd by Selectman Maxant, VOTE: unanimous, so moved.

Chairman Luca announced the Fy-13 Water & Sewer Rates Public Hearing to be held at the next Selectmen's Meeting on Tuesday, February 21, 2012 at 7:15p.m. in the Selectmen's Meeting Room, March 1, 2012 Public Hearing re Zoning By-law Amendments to the Devens Re-Use Plan to remove Vicksburg Square from the Innovation and Technology Center Zoning District to create the Vicksburg Square Redevelopment District.

Chairman Luca also announced the Health Insurance Agreement reached on 2-3-12 with the IAC discussion to follow later in the meeting re disclosure/terms. Chairman Luca announced Representative Sheila Harrington is in the building this evening conducting Office Hours and will be meeting with the Board in few minutes along with Senator Eldridge re Legislative Update and FY-13 Local Aid Estimates.

Agenda Item #2. Public Input

Fire Chief Robert Pedrazzi-stated he was before the Board this evening re an Opportunity for Town to receive Federal Grant funding-assistance to Fire-fighter Program, advising the Board to Ayer Fire Dept applying and making the first round of cuts and having a one in three chance getting the complete replacement of the Departments air-packs at the cost of \$180K and Town of Ayer cost would be only \$9K. Chief Pedrazzi advising the Board to the Department also seeking to apply for an additional grant for the hiring of a two year full-time fire-fighter's position to augment the departments day-time staff (hours to be negotiated) . Grant would fund the salary for two years along with benefits with zero pensions. Position would not cost the Town of Ayer anything for two (2) years and would have no retention period attached Chief Pedrazzi seeking the Board's support, time frame deadline for submission fast approaching 2-24-12 @5:00p.m. Selectman Maxant offering the Board's approval for position subject to grant funding for two years at no cost to the Town of Ayer. Selectman Conley advising the Board does not have to approve grant stating if the Fire Dept. is applying for the grant it would be considered a temporary position not funded by

Town of Ayer. Selectman McCreary requesting job requirements and qualifications. Chief Pedrazzi advising candidates must be Fire-fighter qualified with 1-2 years of training.

Agenda Item #3. Senator Jamie Eldridge and Representative Sheila Harrington-Legislative Update

7:15p.m. The Board welcomed State Representative Sheila Harrington to the meeting. Rep. Harrington updated the Board to her progress in the current legislative climate stating she made a strong commitment to getting back to municipal officials re important pending legislation affecting the communities she serves. Rep. Harrington stating the budget process dominates the legislative agenda regarding hard choices to which priorities will continue to receive funding and which will be cut in this economic crisis, the fact remains that we still face a serious budget gap this year. Rep. Harrington gave the Board updates re commitments to Ayer i.e. Drug Court-Supplementary budget, employee tax rate freeze, filling gap to Fuel Assistance-cut by 50%, cuts to Elderly Nutrition Program-cuts in meals/just received expressing her concern, criminal system private attorney salaries etc. Chairman Luca requesting and receiving information re MORE Grant funding formula changed- Rep. Harrington to get back to him re current funding status, Rep. Harrington gave a quick glance at the Cherry Sheet Formula, stating Ayer is not hit as hard as other districts i.e. Cape Cod.

Discussion was held re zoning change on Devens-W. Main St. Rep. Harrington feeling fears (ghetto) unfounded economic benefits out-ways concerns Trinity Financial offers beautiful restoration of historic buildings offers nice living space and economic development to area she is very supportive of project.

7:45p.m. Senator Eldridge came into the meeting. Rep. Harrington thanking the Board for their time and apologizing for having to leave due to another commitment. Discussion continued re Devens Zoning Change Selectman Conley stating she has no issue with Trinity Financial her concern being funding if Trinity Financial doesn't get. Ms Goldenfarb of Trinity Financial spoke to Trinity not turning away from project – being a high priority development, meeting all criteria feeling it will be a successful application. Selectman Fay stating Board has not stated their position. Selectman McCreary stating she does not understand Fin-Com's numbers and Board needs opportunity to meet with them. Chairman Luca stating he doesn't agree with numbers as well and supports the project. Chairman Luca reminding all to Public Hearing on March 1, 2012 at 7:00pm at the Ayer Town Hall. Selectman Maxant spoke to Vicksburg Square Historic district and keeping the historic nature/trust, read into record Historic summary. Senator Eldridge stated he has no opinion at this time.

Senator Eldridge reviewed with the Board the Fy2013 Local Aid Estimates for the Town of Ayer up \$115,683.00 over Fy2012 for total estimated receipts of \$1,125,003.00. Fy2013 Local Aid Assessment Charges \$85,951.00 up \$5,663.00 over Fy2012 and Ayer/Shirley Fy2013 Local Aid Estimates \$6,925,812.00 Down \$248,906.00 from Fy2012. The Board reviewed with Senator Eldridge pension/health insurance reform mandates and advised to no changes in near future- reforms next couple of years. Mary Spinner questioned MBTA service cuts and/or raising rates. Senator Eldridge responding to MBTA debt service taking up 1/3 of revenue and they have to either cut back services or look at raising revenue. The Board thanked Senator Eldridge for update and for coming in to meet with the Board.

Agenda Item #4. Intent to Vote to Adopt Section 21-23 of MGL Chapter 32B Mr. Pontbriand updated the Board in accordance with provisions of MGL Chapter 32B Section 21-23, the Town has sent official notification to all legally required parties on 2-2-12 regarding this intent to vote notification by certified, return receipt mail and received back on 2-3-12 announcing the Board of Selectmen's intent to vote to adopt Section 21-23 of MGL Chapter 32B. Mr. Pontbriand advising to enclosing in the Board's packets MMA Chapter 21-23 timeline and MMA highlights of the 2011 Municipal Health Insurance Reform Legislation- presented by Atty. Paul Mulkern of Milton, MA. Selectman Maxant moved the Board vote to adopt Section 21-23 of MGL Chapter 32B, 2nd by Selectman McCreary. Selectman Conley bringing the Board's attention to only approving Section 21 at their 2/3/12 meeting with IAC.

Selectman Maxant stating he was pleased with Unions cooperation and if Board adopts now we won't have to go thru process again. Selectman McCreary agreeing with Selectman Maxant, Chairman Luca called for a vote: VOTE: Selectman Maxant aye, Selectman McCreary aye, Selectman Fay aye, Selectman Conley no, Chairman Luca aye, 4-1 motion passes.

Agenda Item #5. Economic Development Director's Report- the Board met with Susan Provencher.

1. **Contract Award-Contractor for Pond Street Infrastructure Project-** Ms. Provencher updated the Board to project going out to bid in December 2011. The Town received fourteen (14) proposals. Bid Opening was held on 1-12-12 low bid coming in at \$334,300.00. Ms. Provencher advising to bid coming in much lower than budgeted \$432,101.00. Ms. Provencher stating this is a favorable position to be in because of the possibility of change orders does exist. Ms. Provencher advising once the project is completed and if there is still funding remaining the Town can request the state allow the remaining funds be placed in the Housing Rehab component of the grant. Ms. Provencher requesting the Board approves the contract for the Pond Street Infrastructure Project to R.A. Hammond Construction Corp. for the Bid Award of \$334,300.00. Ms. Provencher advising to the Contractor having ten (10) days to supply everything to the Town of Ayer. Selectman Conley moved the Board vote to execute the Notice of Award with R.A. Hammond Construction Corp. the low bidder. for the Pond Street Infrastructure Project for the Bid Award of \$334,300.00, 2nd by Selectman Maxant, VOTE: unanimous, so moved.

2. **Department Assistant Position-** Ms. Provencher revisited with the Board her request for a Department Assistant presented last August and September 2011, re need to train someone into position prior to her retirement the end of this year (2012). Ms. Provencher reminding the Board to training someone can take a lot of time learning the entire grant process. Ms. Provencher stating hiring someone experienced in CDBG would be the most beneficial way to go. Ms Provencher requesting the Board's approval to authorize the hiring of a department assistant for ten (10) hours per week, based upon grant funding awarded to the town of Ayer. Ms. Provencher advised the Board to the Town running two grants presently one CDBG and one EDF Grant and within the next few months will be requesting the new FY-13 CDBG Grant Application. Ms. Provencher advising to Ms. Berube the past Department assistant was Union position at Grade 6 Step 6 @ \$18.58/hour. Selectman Maxant moved the Board approve the hiring of a ten (10) hour a week Department Assistant for the Office Planning & Development based upon Grant Funding, 2nd by Selectman Conley for discussion stating chances of hiring someone with experience and new hire without experience will not be able to perform in position should be paid at lower range (\$15.00) per hour and position should have language to terminate on expiration of grant. Selectman Maxant accepted termination amendment, Motion to approve the hiring of a ten (10) hour a week Department Assistant for t he Office of Planning & Development based upon Grant Funding and terminating on expiration of grant and also be posted with AFSCME Contract guidelines, 2nd Selectman Conley, VOTE: unanimous so moved.

Agenda Item #6. Supt. Nason's Report-The Board met with Supt. Dan Nason

1. **Generator Repair P.O. -Main Pumping Station-**Selectman Fay moved the Board vote to approve the contract to Bigelow Electrical dated 2-1-12 the low bidder, P.O. #20464 in the amount not to exceed \$5,803.10, and authorize the Chairman's signature, 2nd by Selectman McCreary, VOTE: unanimous, so moved. Selectman Conley questioned why Supt. Nason requires the Boards signature for supplies which is included in his Fy-12 Budget. Selectman McCreary advising to expenditures of \$5K requiring the Board's approval. Supt Nason also advising to Town Accountant not accepting bills over \$5K without Chairman's signature.
2. **Pole Petition-Groton School Rd.** Supt. Nason presented his request and approval for Verizon to relocate pole/s to allow access to the Groton School Rd. pumping station. The Board to hold Public Hearing as required to relocate pole/s and notify abutters on Tuesday, Feb. 28, 2012 @7:15p.m.

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- 3. **DPW-Department Assistant Appointment-** Mr. Nason updated the Board to full-time position of Department Assistant posted in accordance with AFSCME Contract requirements and advertised in local papers with applications received until 1-13-12 at the DPW Office. Supt. Nason advising to over eighty (80) applications received and seven candidates interviewed. Supt. Nason advising Board of the seven (7) interviewed Mr. Timothy Lahtinen of Fitchburg, MA was the strongest candidate having a diverse background including customer service, sales, construction/demolition along with pleasant demeanor and personality. Supt. Nason advising to reference checks all very positive noting his attention to detail ability to work with minimal or no supervision. Supt. Nason recommended Timothy Lahtinen to the position of Department Assistant with a starting date of employment of February 16, 2012 to include a six month trial/probationary period and successful physical examination by Town physician. The Board reviewed with Mr. Lahtinen his background and qualifications. Selectman Fay moved the Board vote to appoint Mr. Timothy Lahtinen of Fitchburg, MA to the full-time Department Assistant's position at the DPW contingent upon a six month probationary period and successfully passing Town physical, and rate of pay \$19.00/hr.2nd by Selectman Conley, VOTE: unanimous, so moved.

Agenda item #7. Town Administrator's Report-The Board met with Robert Pontbriand

1. **Appointment Cultural Council-** Mr. Pontbriand presented the Cultural Arts Council recommendation for appointment of Jennifer Hirtle of 5 Jackson Street, Ayer, MA to the Board. Janet Adamson of the Council present for the discussion advised to the Council meeting and recommending her appointment and advising to Ms. Hirtle being present earlier in tonight's meeting but having to leave due to another commitment. Selectman Conley moved the Board's appointment of Jennifer Hirtle to the Cultural Arts Council for a one (1) year appointment 2nd by Selectman Maxant, VOTE: unanimous, so moved.
2. **Nashoba Valley Technical School-**Mr. Pontbriand advised the Board to NVTs submitting draft language re Agreement to join district and advising to NVTs taking into consideration Ayer's past participation re buy in. Mr. Pontbriand stating the Board of Selectmen and Regional School Committee to decide on representation to district.
3. The Board reviewed matrix with Mr. Pontbriand re monthly updates and implementing new binder for Board's review re current and new lawsuits/claims and ABCC database
4. **DPW Superintendent Search.** Mr. Pontbriand reviewed with the Board the Superintendent of Public Works Search Process. Position advertised 1-31-12 to 2-24-12 on the MMA Web-site, 2-3-12, posted on Town of Ayer Web-site and Facebook page, ran Sunday 2-5-12 in the Lowell Sun and on Friday, 2-10-12 in Nashoba Publications. Position also being run on Web-site of N.E. Chapter of APWA. Mr. Pontbriand advising to deadline for applications 2-24-12 at 5p.m. The Board to receive a final list of candidates to serve on the Search Committee on 2-21-12 with the Committee convening its first meeting the week of Feb. 27th, 2012.
5. Selectman Maxant inquired if Property Enforcement is on 2-21-12 agenda with Building Inspector and Board of Health and if Town Administrator provided all materials to Town Counsel re potential cost & time line for the Board.
6. **Fy-13 Budget Update-**Mr. Pontbriand updated the Board to Capital Plan Final Report submitted, Water & Sewer Rate Public Hearing set for 2-21-12 at 7:15p.m. Preliminary draft budget from Governor \$110,873 in favor of Town. Water and Sewer posting of liens collected \$90K in revenue and will check with Cindy Knox and Brian Muldoon re running property tax arrears. Regional School Assessment-Ayer/Shirley submitted level funded assessment. Advisory of 2% increase \$163,815 over last year needed, financial staff meeting 2-8-12 working together re Hearing to be held by both Towns, Ms Gabree to update Board on 2-21-12. Selectman Conley questioning preliminary draft of transportation cost re Dee Bus \$50K

requesting why go through all new bus contract, Mr. Pontbriand to get numbers by 2-8-12, Mr. Pontbriand advising to School Committee recommended Transportation Contract.

- 7. Electronic Policy-Mr. Pontbriand advising to Ms Knox incorporating all changes re personal information data.
- 8. Mr. Pontbriand presented the Police Radio Communications Upgrade Project to the Board prepared by Lt. Brian Gill who advised to 2011 Spring Town Meeting approving \$125K to upgrade the APD Communication infrastructure and of his obtaining a grant through the State 911 Dept. to offset the cost of the Dispatch Console by \$23,623.00 bringing the total for the project up to \$148,623.00 which would allow the department the final necessary component to its communications infrastructure (the main repeater) Mr. Gill stating two companies offered quotes and based upon cost and quality of product he recommended Beltronics of Hollis, NH and submitted four (4) P.O. reflecting the cost:
 P.O. #2272 dated 1-23-12 Adtec Inc. of Gilbert, SC \$63,688.80
 P.O. #2273 dated 1-23-12 Beltronics Inc. Hollis, NH \$23,746.88
 P.O. #2274 dated 1-23-12 Beltronics Inc. Hollis, NH \$36,083.08
 P.O. #2275 dated 1-23-12 Beltronics Inc. Hollis, NH \$15,438.80
 Selectman Conley moved the Board approve the above recommendation by Lt. Gill, 2nd by Selectman Fay, VOTE: unanimous, so moved.
- 9. 2012 Common Victueller’s License Renewal-Ah gin Wong 210 West Main Street, Ayer, MA after a brief discussion re restaurant re-opening without license the Board moved to approve the renewal of Ah Gin Wong’s 2012 Common Victueller’s License effective from 2-7-12 to 12-31-12 motion to approve made by Selectman Conley 2nd by Selectman Fay, VOTE: unanimous, so moved.
- 10. Town Government Study Committee scheduled for 2-28-12 one item meeting re implementation of Committee’s recommendations: Charter, Fin-Com be appointed by Moderator, Reduce Board of Selectmen from 5 to 3 members and Tax Collector & Treasure be appointed positions instead of elected.

Agenda Item #8. JBoS-Role of JBoS –position of Ayer Board of Selectmen is to bring back information.

Agenda Item #9. Selectmen’s Questions/New Business

Selectman Conley –requesting Tax Title overview with Town Treasurer be scheduled for 2-21-12 or 1st meeting in March 2012.

Selectman McCreary-Solar Sub Committee-Selectman McCreary advised the Board to Green Communities Com. working with Energy Committee and Committee looking at many activities and one facet being solar, to which the Committee establishing an Ad-Hoc Com who is reviewing information. Selectman Conley requesting meetings follow Open Meeting Law guidelines i.e. posting of meetings, minutes, etc. Selectman Fay stating his feeling if group-adhoc is not formally appointed not appointed

Mr. Pontbriand announced Presidential Primary is March 6, 2012 Election at Town Hall from 7am to 8p.m. and Board doesn’t meet on elections. Mr. Pontbriand proposed the Board of Selectmen meet on March 13, 2012 and March 27, 2012 and on February 21st and 28th 2012

Selectman Maxant spoke to MPO Sub-Region 3 dinner on Devens and of not attending due to making point that MADEV is bad for entire region. Chairman Luca disagreeing.

9:55p.m. Selectman Fay moved to adjourn the meeting, 2nd by Selectman Conley, VOTE: unanimous, so moved.

9:55p.m. Meeting adjourned.

DATE: _____

Frank F. Maxant, clerk

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