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



Tuesday, April 3, 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	Absent	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.

Town Administrator requested the Board’s permission to add three items to the posted Agenda: 1. Spectacle Pond #2. Notice to Proceed-Pond Street Project 3. Gift Acceptance-Memorial Garden. Selectman Maxant wishing to add JBoS item. Chairman Luca called for a motion to approve the Agenda as amended. Selectman Maxant moved to approve the amended Agenda, 2nd by Selectman McCreary, VOTE: unanimous, so moved.

Announcements: Chairman Luca made the following announcements- Recycling Day-April 14, 2012, Town’s FY-13 apportionment will be \$284,696 re Chapter 90 Funds and congratulations to Melisa Doig, Asst. Treasurer for her nomination to the Steering Committee for the Nashoba Health Group.

Agenda Item#1. Public Input-

*Laurie Sabol-reminding all to Saturday, April 21, 2012 Earth Day and in conjunction the Recycling Committee is holding “Cleaner Ayer/Shirley Day” on Saturday, the 21st from 8-12 noon, and also promoting the Green Communities Energy Initiatives i.e. energy audits, solar installation also updating the Board to the Town’s newest trash recycling equipment-“Big Belly” being showcased -located across from Town Hall in the commuter waiting station. Ms. Sabol reminding residents to meet at Depot Sq. re clean up areas, supplies and gloves to be distributed and concluding with a social hour at the Phoenix in Shirley, MA. Selectman Conley requesting Eating establishments circling rotary be requested to join in re picking up trash from their establishments around rotary area.

*Mr. Pontbriand updated the Board to speaking with Ann Fay, Selectman Fay’s wife re Selectman Fay’s operation being very successful and Selectman Fay home resting & recuperating.

*Mr. Pontbriand advised the Board to the Two (2) new decorative flags (U.S. & State) and poles in the Selectmen’s Meeting Room being graciously donated by Mary Spinner. The Board acknowledged the gift and thanked Ms. Spinner for her generosity.

Agenda Item #2. Office of Community Development-

The Board met with Susan Provencher Lien Subordination-Case # 09-373E 11-373- 61 Washington Street, Ayer, MA Ms. Provencher updated the Board to property owner seeking to obtain a line of credit for improvements to home the outstanding liens will be equal to 70.4% of the assessed value of the property less than the 80% of the appraised value. Ms. Provencher recommended the Board’s approval of the subordination of the Town’s lien conditioned upon a line of credit not to exceed \$45K. Motion to approve made by Selectman Maxant 2nd by Selectman Conley, VOTE: unanimous, so moved.

Pond Street Construction-Ms. Provencher requested the Board’s approval for the Notice to Proceed Proposal with R.A. HAMMOND CONSTRUCTION CORP. for the Pond Street Construction with,

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completion date 180 days from start of construction (September 2012). Selectman McCreary moved the Board vote to approve the Notice to Proceed Proposal, 2nd by Selectman Maxant VOTE: unanimous, so moved.

Agenda Item #3. Rick Linde-Water Department-The Board met with Rick Linde, Foreman, Water Dept. Mr. Linde advising the Board's to routine maintenance necessary re Grove Pond Well #1 requiring two minimal repairs (well not charging down) and all four (4) wells to undergo this routine maintenance at a cost of \$3-\$4K/per well. Selectman Conley moved the Board vote to approve the repairs to Spec. Pond Well #1 to F.G. Sullivan in the amount not to exceed \$10,209.00 2nd by Selectman McCreary, VOTE: unanimous, so moved.

Water Abatement-16 Williams St.-Owner not present. Town Administrator reviewed with the Board this matter coming up previously and Supt. Nason denying request due to water entering collection system. The Board discussed prior requests whereas arguments were made re water not entering system and abatements granted. Selectman Maxant & McCreary requesting to see bill vs. normal usage. Selectman Conley requesting to have all information available for the Board's review and to reschedule this abatement request.

Agenda Item #4. Town Administrator's Report-The Board met with Robert Pontbriand

- 1.** Administrative Update-see report dated 3-28-12 to 4-3-12
- 2.** DPW Fuel Tank-Mr. Pontbriand updated the Board to meeting with the Fire Chief re the refueling tanks emergency repair, advising to the tank not needing replacement, system can be repaired. Tank has a fifty (50) year life and tank presently 17 years old this repair being an early occurrence, solution will put the town in good shape. Insurance coverage in place re meeting emergency criteria. EPA contacted and inspected re positive progress and treatment. Mr. Pontbriand thanked the Chief for all his assistance.
- 3.** Town Hall Janitorial position-Mr. Pontbriand advising to over 30 applications received and seven chosen to interview. Mr. Sherman & Mr. Pontbriand to schedule interviews starting next week.
- 4.** Automatic Climate Control Bid Opening -Bid Opening conducted on Friday, March 30, 2012 at 4:00p.m. Two (2) bids received -Automatic temperature Controls, Cranston, RI and Comfort Systems, Woburn MA. Being taken under review. Mr. Pontbriand advising the Board to bid difference between the two bidders very close (\$300.00). Mr. Pontbriand to have contract award prepared for the Board's next meeting.
- 5.** Appointment vacancies-Mr. Pontbriand announced the following vacancies:
 Personnel Board - two (2) vacancies
 Community Preservation Com.-One (1) at Large Vacancy (citizen)
 Communication Committee-Three (3) member vacancy
 Conservation Commission vacancy-Mr. Warren Ball resigned
 Dan & Pond Committee-vacancy created by Mr. Ball's resignation
 Selectman Conley advising to Board adopting Town Government Study's recommendation re appointments and requesting Boards/Committees be advised to new process. Mr. Pontbriand to meet with candidates and makes a recommendation, after meeting with Board/Committee re appointment recommendation
- 6.** Fin-Com Appointment-Marianne Zawacki-Mr. Pontbriand introduced Ms. Zawacki to the Board advising to Ms Zawacki interviewed by him on March 30, 2012 and upon the conclusion of his interview and thorough review of her credentials, and upon Ms. Zawacki's meeting with the Fin-Com and their support of her appointment, highly recommended Ms. Marianne Zawacki to the Board for appointment to the Fin-com for the vacant one (1) year term. The Board after a brief discussion with Ms. Zawacki re

her background and motivation to be appointed to the Fin-Com moved to approve Mr. Pontbriand's recommendation and appointed Marianne Zawacki to the vacant one year term on the Finance Committee (Fin-Com). Motion to approve made by Selectman McCreary, 2nd by Selectman Maxant, VOTE: unanimous, so moved. The Board thanked Ms. Zawacki for her willingness to serve the Town and looked forward to working with her in the near future

7. Veteran's Reserve Fund Transfer-Mr. Pontbriand presented the Veterans Agent-Michael Detillion's request for a Reserve Fund Transfer in the amount of \$16,100.00. Mr. Pontbriand advising to Fin-Com meeting on 3-30-12 and unanimously voting to approve this request. Mr. Pontbriand advising to Mr. Detillion doing an excellent job getting veterans back to work taking his position very seriously and aggressively. Mr. Pontbriand advising the Board to Meeting with George Ramirez (MADEV) later this month re being delinquent (\$19K)to resolve this issue. Mr. Pontbriand recommended the Board approve the Reserve Fund Transfer in the amount of \$16,100.00 requested by Mr. Detillion. Selectman Conley moved to approve the Reserve Fund Transfer to Veterans Benefits Line Item 01547-53170 dated 3-29-12 in the amount of \$16,100.00, 2nd by Selectman McCreary VOTE: unanimous, so moved.
8. Fy-13 Capital Plan Article for 5-14-12 Annual Town Meeting Warrant- Mr. Pontbriand reviewed with the Board the Capital Planning Committee's recommended Fy-13 Capital Plan expenditures. (see attached) The Board reviewed the General Fund Articles: **Town Hall** carpeting, **Fire Dept.**-Service truck & thermal camera, **Police**-entrance security system, **DPW-Highway**: 6 wheel dump truck w/plow & spreader, Street signage, & truck lift, **Water Dept**: valve replacement, 1ton cab & chassis utility, Cross country water main transmission engineering, water distribution model update, **Sewer** RAS pump controls replacement, hydro-jetter, W Main pump station construction, **Solid Waste**- 1 ton dump truck w/plow, garage storage facility. The Board voted to support all but the following: Street signage to be funded under UDAG if appropriate. Mr. Pontbriand advising to this item under the Homeland Security Act Mandate. Town currently is not in compliance. Chief Pedrazzi urging the Board to address due to grant availability/eligibility may be in jeopardy. Selectman Maxant suggesting "civic pride" funded by residents. Fire Chief stating Mutual Aid problems locating streets, GPS does not work well better to utilize street signs this is a matter of public safety. Selectman Conley advising to Town having ten (10) years to resolve, town missed deadline Jan 2012, again urging the Board to fund signs from UDAG (\$65K)Town is at end of time and remove this item from Capital Plan and fund thru UDAG. Chairman Luca reminding Board to Town Meeting turning down twice do we go against will of people. Ms. Spinner suggesting the Board move forward with a one year tax exclusion. Selectman McCreary suggesting people did not realize the importance of the signs. Selectman Conley requesting to find out if funding the street signs is authorized under UDAG and get it done. The Board also requested to remove the Fire Dept. thermal camera and the DPW Truck Lift from Fy-13 Capital Budget Requests and fund from Capital Stabilization. The Board requested this matter be placed before both Boards: Fin-Com & Board of Selectmen on April 10, 2012 for formal approval. The Board took up the buy-in cost re Nashoba Valley Regional Technical School being placed on Fall Town Meeting Meeting Warrant which is over and above tuition fee cost (1/2 million debt exclusion).
9. Fy-13 Budget & Town Meeting schedule-Mr. Pontbriand updated the Board re his tentative schedule :
4-4-12 Town Administrator & Town Accountant meet with Fin-Com
4-10-12 Joint Meeting of Fin-Com & Board of Selectmen
After 4-10-12 set up meeting with both Towns of Shirley & Ayer re Regional to meet with Fin-Com
Public Hearing re Fy-13 Budget – looking at April 17th or 18th
10. Public release of HRA MOA from Executive Session-Selectman McCreary moved the Board vote to ratify MOA –HRA between the Town of Ayer and the Town Hall Union, DPW, Fire, Police Superior Officers and Patrolmen for 2-1-12, 2-3-12, 2nd Selectman Conley, VOTE: unanimous, so moved.

Selectman Conley moved to release the Executive Session Minutes of 2-1-12 and 2-3-12 re the HRA/MOA, 2nd Selectman McCreary, VOTE: unanimous, so moved.

11. Health Fair-Mr. Pontbriand thanked Melissa Doig for all her work putting together the Town’s Health Fair on Thursday, April 5, 2012. This year especially whereas the employees and retirees had opportunity to speak with HRA’s re changes to their health care.

12. Candidates Forum- Mr. Pontbriand advised to Forum being requested /conducted by APAC this being a traditional event pre election opportunity for candidates. In the past the Communication Committee conducted. Selectman McCreary moved to support the Candidates Forum being conducted at the Ayer Town Hall prior to April 23, 2012 Election. Proposed date re Forum April 12, 2012.

13. Eagle Scout Donation to Memorial Garden-Selectman Fay updated the Board to Jordan Rodriguez Eagle Scout –Troop 3 donating \$250.00 to the Memorial Garden fund in memory of his late grandfather Manual Velez. Selectmen Fay requesting the Board’s approval of the donation. Selectman Maxant moved the Board vote to accept the donation by Jordan Rodriguez to the Memorial Garden Committee, 2nd by Selectman Conley VOTE: unanimous, so moved.

Agenda Item #5 JBoS-Selectman Maxant stated his request for a tri-town effort for the disposition of the entire 4,400 acre Devens Regional Enterprise Zone. Selectman Maxant wishing to advise MADEV you’ve done a great job to this point but that we’ll take it from here. Selectman Maxant requesting to place Home Rule Petition on the 4-15-12 ATM Warrant requesting the legislature to return governmental jurisdiction of the DREZ back to the historical boundaries of the Towns of Ayer, Shirley & Harvard. Selectman Conley suggesting our State Representative shepherd this for us and initiate legislation.

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

Selectman Conley-Meeting schedule-Selectman Conley requesting to have some consistency re meeting at a certain time stating her dismay re Thursday’s meeting set at 6:30p.m. and not 7:00p.m. and difficulty when meetings are called earlier than 7:00p.m. Mr. Pontbriand advised to historically it has always been the Chairman who sets Agenda with Town Administrator. Selectman Conley requesting to who decides time of meetings; and why someone is arbitrarily setting the time of the meetings without a full board’s authority. Chairman Luca advising to his going to great lengths to inform Board members re meetings, decisions have to be made and few problems occur. Selectman McCreary stating what the Board is doing is fair and how Chairman &Town Administrator schedule meetings is fine with her.

Selectman McCreary-Selectman McCreary updated the Board to the Green Communities working with power companies re solar –net metering, twenty year contract. Savings over the next twenty (20) years significant. Selectman Conley requesting minutes of Green Communities Meetings and questioned why they are not on web-page and following procurement. Selectman McCreary advising to different procurement for energy. Selectman McCreary gave the Board a brief back ground re Committee role and meeting criteria re solar and potential savings. Selectman Maxant requesting to see math.

Chairman Luca- Special Town Meeting Section 5 -allowing outside speakers requesting changing Town of Ayer By-law and let people decide on allowing professional people/knowledge, speak on subject/s at Town Meeting. Allowing all information to be heard and if someone asked a question there would be someone there who could answer question, unfair to people in audience not able to get all the information they need to vote on. Selectman Conley advising to Section 5 speaks to who can attend doesn’t address who can speak.

10:30p.m. Selectman McCreary moved to adjourn the meeting, 2nd by Selectman Conley, VOTE: unanimous, so moved.

Date: _____

Frank F. Maxant, Clerk

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4-3-12

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