

- Town of Ayer
- Board of Selectmen
- Town Hall, First Floor Meeting Room
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Tuesday, April 17, 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	Xt	Pauline Conley, Member	X
Frank F. Maxant, Clerk	X	Robert Pontbriand, Town Administrator	X
Janet S. Lewis, Secretary	X		

7:10p.m. Open Session

Chairman Luca called the meeting to order.

Town Administrator requested the Board’s permission to remove under Agenda Item #3 Pond Street Construction per David Maher’s request to be taken up at later meeting and to take up DPW Contract after Economic Development Director’s Report

Selectman Conley requesting to take up 3 items:

1. Personnel Policy
2. Sex Offender By-law
3. Street Lights

Selectmen McCreary requesting Board not add extra items to the Agenda stating Board had opportunity last week to bring requests forward.

Announcements: Chairman Luca made the following announcements: April 19, 2012, Clean-up Day downtown Ayer-Depot Sq. 8:00a.-1pm social following clean-up at Phoenix in Shirley. Annual Town Election, Monday, April 23, 2012 at the Ayer Town Hall 7:00a.m. to 8:00p.m.

Chairman Luca called for a motion to accept the Agenda of 4-17-12. Motion to approve the Agenda made by Selectman Maxant, 2nd by Selectman Fay, VOTE: unanimous, so moved.

Chairman Luca announced this is Selectman McCreary’s last meeting thanking her for her six (6) years of service on the Board. Selectman McCreary reading I did it “My Way” fondly into the record.

Selectman Fay took this opportunity to thank everyone for all the good wishes/ letters/cards during his hospitalization and also thanking Nashoba Hospital for the wonderful care given to him during this time.

Agenda Item #1. Public Input-no one stepped forward.

Street Agenda Item #2. Public Hearing Street Acceptance-Crabtree Development, LLC

7:15p.m. The Board opened Hearing-Present for the discussion Steve Mullaney-S.J. Mullaney Eng. Inc. on behalf of Crabtree Development, LLC. Chairman Luca requested the Legal Notice be read into the record. Selectman Maxant read the notice into the record produced by Mr. Mullaney, which ran in the Nashoba Publications the week of April 6, 2012. Mr. Mullaney updated Board to Planning Board holding their Hearing on April 5, 2012, re approving layout of Fox Run Drive, Quail Run and portions of Haymeadow Lane and Old Farm Way. Mr. Mullaney reading same into the record. Selectman Conley requesting all documentation be submitted to Town Clerk for proceeding to Town Meeting on 5-14-12. Chairman Luca requesting if all abutters were notified Mr. Mullaney submitting certified copies of mailings to Ms. Lewis for record. Chairman Luca requesting if there were abutters present to speak for or against the petition. Mrs. Janine Nichipor of 95 Haymeadow Lane addressed the Board re not accepting road now more work needs to occur re paving stops, mess at end of Hymeadow today with rocks, boulders- held back by small silt barrier which does not contain mud leakage progressing downhill onto her property. Water running off in the front and back of her yard. Barrier flooded and mud going down road in a storm in 2011. Ms. Nichipor produced

pictures of site for the Board's review. Mrs. Nichapor read Supt. Nason's statement to the Board re not being his recommendation not to accept roads piecemeal and Haymeadow needs to be completed and stabilized prior to acceptance such as stabilized area on Hickory Way. Mr. Roper owner of the development and present for the Hearing requested the Board's permission to allow Mr. Mullaney to explain why Haymeadow is left the way it is. Mr. Mullaney conducted an overhead presentation of the site depicting 165 area lots and as built areas and areas presently under construction. Old Farm Way resident stated her concerns re active construction area debris in her front yard and Mr. Roper who also lives on that street explaining phase 5 will be last area developed cut off station area; work being done phase by phase. The Board again reviewed with Mr. Roper and Mr. Mullaney developers' responsibility to clean up debris-storm drains and bond release only upon completion. Chairman Luca called for a motion. Selectman Fay moved the Board vote to approve the street acceptance for Fox Run Drive, Quail Run, Haymeadow Lane between Fox Run Drive and Old Farm Way between Haymeadow Lane and Holly Ridge Road, 2nd by Selectman Maxant with notice to Town Clerk (seven days prior to notice to proceed) a report specifying the manner in which town way is laid out and a description of the location and bounds. Selectman McCreary stated whether streets are accepted issue will still be up to the voters. VOTE: unanimous, so moved. 8:00p.m. Hearing Closed Motion by Selectman McCreary 2nd by Selectman Fay, VOTE: unanimous, so moved.

Agenda Item #3. David Maher Director of Planning & Economic Development-The Board met with David Maher who introduced Patricia Thorpe from North Middlesex Savings Bank re Chamber of Commerce-"Business after Hours" event and requested use of the Ayer Town Hall's Great Hall for May 9, 2012 from 5-8p.m. to showcase businesses, networking and to promote business development to the communities served by the Chamber. This year the Chamber invited Mr. Maher to work with other business owners to set up displays, etc. Set up would include refreshments, a caterer to be hired to provide buffet. Ms. Thorpe requesting a One Day Beer & Wine License for this event advising to the Jack-O-Lantern providing beer & wine served by employees who are TIPS certified. Ms. Thorpe advising to cover potential liability issues the Bank would purchase a one-day event insurance policy the cost of the policy \$450.00 to be paid by North Middlesex Savings Bank with all liability assumed by NMSB. Ms Thorpe stating the Great Hall is a beautiful place, local, and large enough to set up displays and to host the function. The Board debated the issue of alcohol use in the Town Hall. Selectman McCreary moved to approve the One Day Beer & Wine License, 2nd by Selectman Fay for discussion. Selectman Maxant stated his concerns being undesirable having alcohol in the Town Hall and not liking the sense of it. Selectman Conley questioning why the Bank was not utilizing the tent it placed up between the two buildings a year ago and also not in favor of having alcohol in the Town Hall. Chairman Luca called for a vote: Selectman Maxant no, Selectman Conley no, Selectman Fay no, Selectman McCreary yes, Chairman Luca yes, 3-2 motion fails.

Agenda Item #4. DPW Union Proposal Regarding Resolution to Payroll Accruals Issue Mr. Pontbriand presented the Board the Union's proposal re: the long standing "payroll accruals issue" stating he supported the proposal after meeting with Pam Martin-DPW Office Manager, Melisa Doig-Asst. Treasurer and Doug Jaspersen, DPW AFSCME Steward. Mr. Pontbriand advising to Executive Session votes upon closure is to be released in Open Session. Mr. Pontbriand reviewed with the Board the proposal re eliminating monthly accruals and as of July 1 each employee is credited fifteen (15) sick days new hires to be prorated from date of hire thru June 30th. Also on July 1 each employee shall receive lump sum vacation time as determined by Article 21 Section 1A of Union Contract-new hire to be prorated thru June 30. Unused vacation time will be brought back up to two weeks maximum at the end of each fiscal year. Employees will give one week notice of desired vacation time consisting of one week or longer. It will be understood in the initial year Fy-13 some employees will exceed the maximum twenty five (25) days of vacation time allowed by Article 21 Section 2A this time will be used in Fy13 by December 31, 2012. Mr. Pontbriand advising to this agreement

not altering Article 21 Section 5 of the Union contract upon separation of employment the employee will be compensated for all unused vacation nor does this agreement alter Article 24 Section 1 Personal days of the Union contract. Upon acceptance and approval of this agreement the proposal will go into effect 7-1-12. Selectman Conley moved to approve the DPW AFSCME 93 Collective Bargaining Agreement as read by the Town Administrator effective July 1, 2012, 2nd by Selectman Maxant, VOTE: Selectman Fay aye, Selectman Maxant aye, Selectman Conley aye, Selectman McCreary aye, Chairman Luca no, 4-1 motion passes.

Agenda Item 5. Presentation of Power Purchase Agreement and Net Metering Warrant Article

Selectman McCreary introduced Green Community Members Jeremy Callahan and Emma Kosiack to the Board re Net Metering Credit opportunities and Power Purchase Agreement. Selectman McCreary stating the Green Communities is seeking the approval to enter into an alternate energy power purchase and/or net metering credit purchasing agreement/s including solar energy and related net electricity metering credits for terms of more than three years on such terms and conditions as the Board deems in the best interest of the Town and to authorize the Selectmen to take all actions necessary to administer and implement such agreements. Selectman McCreary advising to five (5) companies submitting and Town Meeting must vote to approve long term contract. The Committee reviewed with the Board savings projections over the 20 year period. The Committee to look over all the proposals and bring forward their choice to the Selectmen for approval. Selectman McCreary moved the Board include Net Metering Article on May 14, 2012 Annual Town Meeting Warrant, 2nd by Selectman Maxant, VOTE: unanimous, so moved.

Agenda Item #6. Citizen Petition Place Holder/s re Disposition of Devens Selectman Maxant reviewed with the Board his two Home Rule Petitions seeking legislative approval to return governmental jurisdiction of the DREZ to the Towns of Ayer, Shirley and Harvard. Selectman Maxant stating his legislation seeks to eliminate the Governor's appointed Devens Enterprise Commission and the three towns regain local control over projects within their political boundaries. Selectman Maxant stating this legislation also does away with Sections of Chapter 498 of the Acts of 1993 that gave powers to MADEV if adopted by the three towns they would have the effect of restoring the way this state has operated from the beginning allowing towns to determine land use within our communities. Selectman Luca questioning if people care more about disposition than development. Selectman Conley questioning Selectmen Maxant why he was bringing this matter up now stating she asked him a year ago to dust off this legislation, -you suggested a three town request to the legislature to restore the political bounds. Selectman Maxant stated he took another look at it, we had the authority we delegated it through the adoption of Chapter 498 with regard to Ayer then the jurisdictional authority comes back to Ayer. Selectman Conley stated she would feel more comfortable with one person pushing it through i.e. State Representative. Conley questioning JBOS support. Chairman Luca advising better time to file a Home Rule Petition is January when the next legislation session committee members are elected if filed now it would sit until January or until April. Selectmen Maxant stated he is seeking procedural advice from State Senator Jamie Eldridge's Office re the timing for filing the legislation.

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

- Mr. Pontbriand updated the Board to Fin-Com/Selectmen's Joint Meeting re Fy-13 Budget/Warrant scheduled for 4-18-12 also advising to the Regional School District meeting as well on the 18th.
- Deadline for 5-14-13 Annual Town Meeting Warrant 4-25-12 for submission to printer.
- Fin-Com Public Hearing on the Fy-13 Budget scheduled for May 2, 2012 at 7:00p.m. Ayer Town Hall. Selectman Conley advising to Board making final decision on Budget at the 4-18-12 joint meeting with the Fin-Com. The Board discussed the Fin-Com's reduction to the Board of Selectmen's stipend being the only budget reduced by 50%. Selectman Fay spoke to the value of the position-stating none of the Board members works for money-common good. Selectman Conley advising to Town Meeting sets salary Selectman McCreary urging the stipend remain the same at last year include the budgeted stipend in the Fy-13 budget as was in Fy-12.

Mr. Pontbriand advised to petition articles closed at 5:00p.m today, Selectman Fay moved to extend the meeting twenty minutes, 2nd by Selectman Maxant, VOTE: unanimous, so moved.

Selectman Conley stating the Fin-Com/Board of Selectmen resurrecting the SHAVE Program, requesting to add statutory language. Mr. Pontbriand advising to Special Town Meeting prior to Annual Town Meeting. The Special Town Meeting will have an article paying bills of prior year and an article for Fire Dept. Supplemental appropriation re the Ambulance Enterprise Fund supplementing the amount of indirect costs from the ambulance surplus (free cash).

Selectman Conley for the record advised to not donating money to the 4th of July Committee (her Selectmen' stipend) as she did not receive money, no tax credit/income. Article 1 of the Special Town Meeting is transfer of money only from one line item to another.

Selectman Fay moved to close the May 14, 2012 Annual Town Meeting Warrant, 2nd by Selectmen McCreary, VOTE: unanimous, so moved.

New Business/Selectmen's Questions- Selectman Conley advising the Board to the revised Personnel Policy does not include reclassification process adopted in 2002-2003 requesting to have them included in new Personnel Policies. Chairman Luca stating Personnel Policy is new and improved version. Selectman Fay stating if changes were adopted in 2002-2003 and gap exist close it.

10:20p.m. Selectman Fay moved to adjourn the meeting 2nd by Selectman Conley, VOTE: unanimous, so moved.

10:20p.m. Meeting adjourned.

Frank F. Maxant, Clerk

Date: _____