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



Ayer Massachusetts 1432

Tuesday, May 3, 2011

Gary J. Luca, Chairman	X	Carolyn McCreary, Member	X
James M. Fay, Vice Chairman	X	Pauline Conley, Member	X
Frank F. Maxant, Clerk	X		
Janet S. Lewis, Secretary	X	Robert Pontbriand, Town Administrator	X

7:00p.m. Open

Chairman Fay opened the meeting.

- Selectman Luca requested the Board amend the Agenda by adding an additional item #3. Position reclassification under Agenda Item #4. Supt. Nason’s Report.
- Town Administrator requested to add additional item/s to his report under Agenda Item #5: Item #7. Lupus Awareness Month and Item #8. Selectmen’s calendar. Chairman Fay advising to Proclamation by Board –Lupus Awareness month being taken up under Announcements.
- Mr. Pontbriand also requesting the Board goes off the posted Agenda and takes up Agenda Item #5 Town Administrator’s Report before Agenda Item #4. Supt. Nason’s Report due to Supt. Nason attending a meeting and not being available until later in the evening.
- Selectman Maxant requesting to speak to letter received by Board from resident on Shirley Street re the Shirley Street bridge under Selectmen’s Questions/New Business

Agenda Item #1. Announcements-Chairman Fay made the following announcements

Chairman Fay welcomed back to the Board newly elected member Pauline Conley-The Board congratulated Ms. Conley upon her successful election to the Board and to her surprise welcomed back Selectman Conley by singing Happy Birthday to her upon her 59th birthday.

1. Selectman McCreary congratulated Chairman Fay upon his successful re-election to the Board. Chairman Fay took this opportunity to congratulate and thank the Federal Government and US Military-Navy Seals upon their recent successful mission the capturing/killing of Osama bin Laden and bringing him to justice. Chairman Fay sharing briefly with the Board his family’s personal military moments/picture..
2. Chairman Fay on behalf of the Memorial Garden Committee urged recent enrollees on the Memorial Plaque to remit brief bio to himself or Ruth Rhonemus who is preparing the historical record of the plaque for housing at the Ayer Library.
3. Chairman Fay announced the winner of the 4th of July Committee’s “Mother’s Day” Basket drawn Earlier today-Irene Coyle of Williams St., Ayer, MA and updating the Board to recent fundraising Efforts.
4. Chairman Fay read into the record A LUPUS Proclamation declaring the month of May 2011 as LUPUS Awareness month in the Town of Ayer. The Board endorsed the Proclamation and wore LUPUS Awareness pins for the rest of the meeting. Selectman Luca generously picking up the cost of the LUPUS Awareness pins for the Board.

Mr. Pontbriand took this opportunity to speak to his loss of his father to LUPUS and Janet’s loss of her sister to LUPUS and her son battling the disease presently and how many other local townspeople were affected by this disease and encouraging everyone to write to their State Senators to increase funding for safer more effective treatments for LUPUS patients.

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- 5. Selectman Luca advised to the Post Office conducting their annual Loaves & Fishes Food Drive on Saturday, May 14, 2011 urging residents to support the drive by placing canned goods on their door step for pick-up by mail carriers and also advising to drop off box at Post Office.

Agenda Item #2. Re-Organization of the Board of Selectmen-Chairman Fay updated everyone to the re-organization of the Board conducted annually at the Selectmen's first meeting following the Town Election. Selectman Conley requesting the Board fill the posts with a single slate nomination for Chair, Vice-Chair and Clerk. Chairman Fay opened the floor for nominations for Chairman-Selectman Maxant moved to nominate Gary Luca as Chairman, 2nd by Selectman Conley. Chairman Luca called for nomination for Vice-Chair, Selectman Conley nominated Jim Fay, 2nd by Selectman Maxant, Selectman McCreary nominated Selectman Conley for Clerk, 2nd by Selectman Fay, Selectman Conley declining and nominating Selectman Maxant who also declined, nominating Selectman McCreary, who also declined; after three (3) unsuccessful nomination attempts Selectman Maxant re-considered his earlier nomination and accepted nomination as Clerk, 2nd by Selectman Fay. Selectman Conley moved the slate of officers: Chairman-Gary Luca, Vice-Chair James Fay, Clerk-Frank Maxant, 2nd by Selectman Fay, VOTE: unanimous, so moved. Chairman Luca thanked and complemented Selectman Fay for his past tenure as Chair and welcomed back Selectman Conley. Chairman Luca requested the Board be respectful of each other and not to cut anyone off, and stated he invites public participation.

Agenda Item #3. Public Input-

Agenda Item #5. Town Administrator's Report-(taken out of order per earlier request of Mr. Pontbriand)

1. Ayer/Shirley Regional School District Lease Agreement-Mr. Pontbriand advising Board to Lease Agreement vetted through Town Counsel and District Counsel for a term of twenty (20) years with an option of an additional twenty (20) years for a maximum of forty (40) years at zero rent. Mr. Pontbriand reviewed the entire Agreement with the Board. Selectman Maxant requesting to insert language to Page 3 of the Agreement under Article V. (5) Alterations and Additions to read as follows: Section 5.2 Compliance with Laws: School District shall comply with all applicable laws, regulations and accepted practice including but not limited to the following to be inserted before first sentence following sub-title Compliance with Laws. Selectman Conley question how amendment will impact Town of Shirley and advised by Chairman Luca the contract allowed to be amended at any time. Selectman Conley agreeing with Selectman Maxant to good phase to be included. Selectman Maxant placing this amendment in the form of a motion subject to approval by Town of Shirley, 2nd by Selectman Conley VOTE: unanimous, so moved. Selectman Conley requesting the Board add Town of Ayer as additional insured to Section 9.3 General Requirements, 2nd by Selectman Maxant, VOTE: unanimous, so moved. Selectman Conley moved the Board vote to approve the Ayer/Shirley Regional School District Lease Agreement as amended in sections 5.2 & 9.3, 2nd by Selectman Fay, VOTE: unanimous, so moved.
2. Johnson Controls Energy Audit Invoice-Mr. Pontbriand gave the Board a brief history update of Johnson Control's Investment Grade Audit performed for the Town & School Dept. and used by Energy Committee, WWTP, Green Committee/Program. Audit containing three (3) binders and multiple CD's. Mr. Pontbriand requesting funding source advising to original audit \$25K and due to audit not completed on time reduced to \$22,500.00. Mr. Pontbriand stated audit done in good faith and Town benefited and question now before the Board is how to pay \$22,500.00 suggesting UDAG Program Income stating total savings from energy bills will replenish UDAG in utilities alone. Selectman Maxant happy to hear UDAG will be replenished and suggested the Board vote to approve the use of UDAG funds to pay for Johnson Controls Energy Audit, Selectman McCreary seconded for discussion. Selectman McCreary stating that was the objective/intention when we

didn't have a funding source, just in energy saving would repay the audit urging Selectman Maxant to place his recommendation into a motion. Selectman Maxant moved his request into the form of a motion. Selectman Fay agreeing with Selectmen Maxant and McCreary. Selectman Conley requesting time frame to repay UDAG and advised through Fy-13. Chairman Luca called for a motion to support paying Johnson Control's Energy Audit in the amount of \$22,500.00 from UDAG Program Income and to replenish UDAG through energy savings through Fy-13 VOTE: unanimous, so moved.

3. Energy Committee Update-Mr. Pontbriand updated the Board to the Committee meeting monthly re multiple projects/Town Hall envelope-i.e. windows, generator, HVAC and of recent the investigation of solar field being a good venture for the Town. Mr. Pontbriand advising to a lot of interest from vendors since post Muni-Sun to wit Constellation Energy submitting proposal vetting three options for the Town to pursue: 1. A behind the meter PPA for the Water Treatment Plant 2. A Net-Metering facility (goes through the meter) on one of the capped landfills and 3. A solar land lease on the 2nd landfill to generate additional revenue for the Town. Selectman McCreary cautioning the Board to Federal & State tax incentives expire/go away the end of F-12 and to take advantage of plan which would involve a Lease Agreement and support a Special Town Meeting in June-July-1st week in August time frame. The Board continued this discussion to their next meeting and requested Constellation's presence at this meeting to discuss their proposal/plan with the Board. Mr. Pontbriand advising to Town not having to go through procurement process as Constellation is Town's current electric utility vendor. Selectman McCreary moved the Board proceed with plan to take advantage of Federal & State incentives by investigating Solar PV Project Plan, 2nd by Selectman Fay, VOTE: unanimous, so moved.
4. Update of 14 Williams St., 128 Washington St. and 71 Sandy Pond Rd. Present for the Discussion Hugh Ernisse owner of 14 Williams St. and 128 Washington St. and Mark Velardi owner of 71 Sandy Pond Rd. Mr. Pontbriand updated the Board to progress being made on larger items re above properties and meeting with property owner tomorrow morning re Westford Rd. property (McNiff) complaint/s. Mr. Ernisse updated the Board to trash gone, human waste/food waste gone, on both properties. Mr. Ernisse commented on minutes of 5-3-10 –still contending not having seen letters (certified letters) sent by Building Inspector to him and wishing to have the Board remove reference to hypodermic needles found in trash, and level-2 sex offender being offensive and inappropriate to be stated in minutes. Mr. Ernisse also took issue with Zoning By-law/s being contradictory. 71 Sandy Pond Rd.-Mark Velardi-clarified illegal shed (garage) on his property as portable/temporary structure. Mr. Velardi stated he is laid off from work and doing all work on house/property himself. Vehicles on property are all registered and used by him i.e. plow truck (plows snow in winter) can't find a job. Mr. Velardi stated he heats with wood, does not run business from his home. Mr. Velardi advised Board to his land unusable due to water in rear of his house (runoff). Mr. Pontbriand and Mr. Vellante to make site visit on Thursday at 10:00am to look at issues remaining to be resolved and water issue.
5. Fy-12 Capital Projects-Mr. Pontbriand reviewed with the Board the four Fy-12 Capital Projects placed on 4-25-11 ballot and only one passing that being the radio upgrades for the DPW, AFD,& APD. Mr. Pontbriand stating now the problem is how to pay for the other three items that failed i.e. street signs, DPW dump truck & lift, generator and HVAC system for Town Hall. The Board considered CPC funds for the Town Hall generator and HVAC system, and lease to buy option for truck and signs perhaps Capital Stabilization, this new sign mandate having penalty if not being in place by the end of Fy-12 as this being considered a public safety issue. Cannot do ourselves due to

special equipment necessary. Mr. Pontbriand to review other funding areas for consideration and report back to the Board.

6. Selectmen's Salary-Selectman Conley advising the Board to her having no intention of accepting a salary for the three years she is elected. Selectman Conley stated her intention to request her salary be placed in the 4th of July Fireworks Budget. This placed in the form of a motion to have the Town Accountant remove her salary from Dept. 100 line item 1. Selectmen's Salary and move to Dept. 100 line item 11 Fireworks, 2nd by Selectman McCreary, VOTE: unanimous, so moved.
7. Selectmen's Meeting Schedule-Mr. Pontbriand reviewed with the Board the Selectmen's remaining calendar year meeting dates: May 5-17-11, June 6-14, 6-28, July 7-19, Aug. 8-2 & 8-16. The Board requested this be placed on Website.

Agenda Item #4 taken out of order to accommodate Mr. Nason's earlier meeting-

1. Media Replacement Contract-Spectacle Pond-The Board approved the Contract with Kinsmen Corporation of Hooksett New Hampshire dated 5-3-11 in the amount not to exceed \$121,500.00 for the filter media replacement at the Spectacle Pond Water Treatment Facility with amendment made by Selectman Conley to Certificate of Liability Insurance to add the Town of Ayer to Umbrella Policy issued by Acadia Insurance Co., 2nd by Selectman Maxant. VOTE: unanimous, so moved.
2. PanAm Loading Facility Project Update-Supt. Nason advising the Board to his concern to level of protection not the same as in Phase I and urging the Board to send letter recommending PanAm Southern utilize the Stormceptor stormwater management system for capturing pollutants. Supt. Nason stating his concern re higher flows off site increase velocity flushing out everything captured over three years. Selectman McCreary requesting PanAm be required to use Stormceptor having strong argument where this facility sits on top of the Town's aquifer and if necessary take to next level i.e. DEM, EPA, State & Federal Representatives, write a good technical description of quality of protection necessary. The Board requesting to make personal plea first to PanAm Southern before going to next step. Supt. Nason to prepare letter for Board's review.
3. Shirley Street Bridge-Selectman Maxant advising to letter received from Shirley Street resident addressing safety concerns re the Shirley Street bridge specifically truck limit. Supt. Nason advising to meeting with resident and will take a look at and report back to the Board.
4. Job Description DPW Office Manager to DPW Operations Manager.-Mr. Pontbriand updated the Board to the Office Manager's job position removed from Union to Confidential Employee position and the request for this position to be reclassified from Office Manager to Operations Manager. Reclassification was presented to Personnel Board and the Personnel Board completing its review on 4-29-11 classifying the position at a Grade 11. Mr. Pontbriand noting the Personnel Board advising to the position falling right on line for Grade 10 and wishing this to be noted. Selectman Conley expressed her concerns re new position on fast track re reclassification process and four (4) other people in "Confidential Employee" positions in Town, and being done so fast process doesn't flow. Chairman Luca wishing to have clarified if Board is following procedure, wants to be clear with Unions re pay raise & how it will effect non-vested employees-funding not clear. Selectman Conley stating her concern re supervisory responsibility and no comparable positions locally. Selectman Conley stated process not followed and read into the record 2003 reclassification policy. A lengthy discussion followed re supervisory -day to day tasks, experience, responsibilities, need for Asst. Engineer vs. Operations Manager. Supt. Nason spoke to no need for Asst. Eng. only administration i.e. Contracts, grievances, etc. Selectman Conley questioning salary currently at \$54K and new position would be \$10K higher questioning where is money coming from. Selectman Fay moved the Board re-look at reclassification in the future, don't have money right now will relook when money is available, 2nd by Selectman Maxant, VOTE: unanimous, so moved.

5. DPW Proclamation-Public Work's Week May 15-21, 2011 Supt. Nason inviting everyone to tour DPW facilities and advising to Page/Hilltop students scheduled to tour facility during the week. 10:00p.m. Selectman Maxant moved the Board extend the meeting to 10:30p.m., 2nd by Selectman Fay, VOTE: unanimous, so moved.

Agenda Item #6. JBoS –Selectman Fay advising to Trinity holding Vision Session/s on Saturday, May 7, 2011 at 9:00a.m. at the Ayer Town Hall re Vicksburg Square Housing presentation and at 1:00p.m. in the Harvard Town Hall. Trinity holding informational meetings with Selectmen prior to session.

Agenda Item #7. New Business/Selectmen's Questions-Selectman Fay thanked Selectman Conley on behalf of the Committee for her generous contribution to the 4th of July Celebration/Fireworks, Mr. Pontbriand echoing Selectman Fay.

Minutes-Selectman Maxant moved the Board vote to approve the Minutes of 4-5-11 with edits, 2nd by Selectman Fay VOTE: unanimous, so moved. Selectman Maxant requesting the Board's decision re Mr. Ernisse request to remove language from the 4-19-11 meeting. Chairman Luca advising to minutes reflecting accurately what transpired and not to remove language, with that Selectman Maxant moved the Board vote to approve the Minutes of 4-19-11, 2nd by Selectman Fay, VOTE: unanimous, with Selectman Conley abstaining from both the minutes of 4-5-11 and 4-19-11 as she was not on Board .

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

10:30p.m. Meeting adjourned.

Date: _____

Frank F. Maxant, Clerk