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



Tuesday, May 17, 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	Robert Pontbriand, Town Administrator	X
Janet S. Lewis, Secretary	X		

7:00p.m. Open Session

Chairman Luca called the meeting to order.

Town Administrator Robert Pontbriand requested the Board's permission to amend the Agenda by taking up Agenda Item 6 Mohammed Khan –MART-Ayer Commuter Surface parking Lot before Agenda Item #5. Pat Kelley-Ayer/Shirley Regional School District due to Mr. Kelley attending an earlier meeting.

Selectman Conley requesting to take up Fletcher's Pond Fy-11 Treatment Funding under the Town Administrator's Report adding additional Item #5.

Agenda Item #1. Chairman Luca called for a motion to approve the Agenda as amended. Selectman McCreary moved the Board vote to approve the amended Agenda of 5-17-11, 2nd by Selectman Fay, VOTE: unanimous, so moved.

Announcements- Selectman Fay made the following announcements:

1. **Memorial Day Parade-** Saturday, May 28, 2011 -10:00a.m. Assembly point Brook Street, parade proceeding down Park St. to Main St. Pausing for Ceremony at Town Hall and then on to Pirone Park for Memorial Dedication and closing.
2. Fort Devens Museum- Saturday, May 21, 2011 -10:00a.m.- Suite 305 -Jackson Rd. re Military artifacts on display and open to the public in conjunction with Armed Forces Day activities.

Agenda Item #2. Eagle Scout Presentations- Troop #3 Ayer, MA-Chairman Luca read into the record Certificates of Recognition for three Eagle Scouts from Troop 3 recognizing their Eagle Projects-all performed for the betterment of their community.

- Eric Johnson**-painting & restoring the interior walls of the Ayer High School.
- Nicholas Blood**-restoring, forming and pouring cement for 4 new dugout foundations at Pirone Park.
- Luke Smith**-restoring the Page/Hilltop Nature & Study Trail & rebuilding the picnic tables.

The Board paused for a moment to take a picture with the Eagle Scouts and congratulated all three Eagle Scouts upon their advancement to Eagle Scout and for their contributions to the Town of Ayer.

Agenda Item #3. Public Forum-to be taken up at the end of the meeting per resident's request.

Agenda Item #4. Dr. Judith Klimkiewicz, Supt. of Schools-Nashoba Technical Vocational School District-

Ms. Klimliewicz thanked the Board for giving her the opportunity to make a presentation to the Board re the potential benefits of Ayer becoming a member of Nashoba Technical Vocational School District (NVTSD)-advising the Board to Ayer not a member but sends students to the District. Ms. Klimliewicz advised to inviting the District's School Committee Chairman & past Supt of Schools to accompany her to the meeting, and for discussion with the Board if necessary. Ms. Klimliewicz presented an overview re the advantages of joining NVTSD along with the District's history, enrollment, funding sources and budget. Ms. Klimliewicz emphasizing to the Board that vocational school graduates are more job-ready than general education or college preparatory high school graduates and in some cases than college graduates. Dropout rates are significantly

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lower than state average as well as NVTHS 100% passage of MCAS for the past six (6) years. NVTHS has the highest SAT scores in the 495 belt and the only technical school with four (4) approved advance placement courses as well offering theatre arts, music and foreign language programs. A recent study finds that they also have a better than average graduating and MCAS pass rate than similarly situated students and moreover almost all of the state's vocational and technical schools have waiting lists. Ms. Klimliewicz advising to the focus of vocational education changing from just jobs to productive careers and lifelong learning encompassing specialization in areas such as robotics, computer networking and environmental technology. Ms. Klimliewicz stating enrollment has grown not only in traditional high school students but in students coming back from college for retraining of specific skills. Vocational School enrollments booms according to the US Dept. of Education along with President Obama's focus on vocational-technical programs and expansion of Pell Grants will continue to fuel this trend. Ms. Klimliewicz gave a brief history of NVTSD –formed in 1965 through a Regional Technical School District Agreement with Chelmsford, Groton, Littleton and Westford and doors opened in 1969. In 1977 the Towns of Pepperell, Shirley, Townsend and Ayer expressed interest in joining the district; with four new towns joining the school the building would have to be expanded to accommodate all. Ayer dropped out before expansion. It was decided the new Towns would be assessed for costs of the new addition to the school due to no bond existing and any subsequent capital improvements would be apportioned to all member towns. Ms. Klimliewicz reviewed with the Board the admission process required “The District agreement” as well as MGL Chapter 71, section 14B.

- A proposal to admit another Town may be initiated by a vote of a majority of the District Committee or by petition signed by a least 10% of the registered voters of any one of the member towns & certified by the Town Clerk.
- The District Secretary will deliver a notice in writing to the Board of Selectmen of each member Town that a proposal to amend the District Agreement has been made (a copy of the vote of the proposal/petition must be attached).
- The proposal must be voted on at an annual or special town meeting of all member towns. The amendment will take effect upon its acceptance by two-thirds of the member towns through a majority vote.

School Committee Members-Section 1 School Committee members are appointed through an appointing committee comprised of the member Town Moderator as Chairman, Selectman and local School Committee members with an alternate member for each town in the event a member cannot make a meeting.

Membership costs-Total savings between Chapter 74 non-residential tuition rate and projected assessment for Ayer would be a minimum of \$125K in the first year using the current DESE numbers with no additional fee for transportation. Ms. Klimliewicz reviewed with the Board NVTHS Fy-12 Town Assessments which included Ayer should Ayer become a member and incorporating Ayer taking responsibility for the remaining years on the current project (capital improvement). A per pupil cost was projected at \$12,379. The Board thanked Ms. Klimliewicz and party for coming in to meet with the Board and for the excellent presentation. Selectman McCreary wishing the Board to take to the next step and continue dialog- research partnership and copy School Committee with report. Chairman Luca echoing same and adding cost benefit/savings by joining. The Board requested the report be posted on the website for residents.

Agenda Item #6. Mohammed Khan-Ayer Commuter Rail Parking Surface Lot-Funding Proposal

The Board met with Mohammed Khan, Administrator-MART-Present for the discussion Pauline Hamel and Peter Johnston MRPC Town representatives. Mr. Pontbriand advised the Board to Mr.Khan present this evening to discuss the cost analysis re West Main Street location and to present a funding proposal for the Ayer Commuter Rail Parking Surface Lot. Mr. Khan reviewed with the Board the financial analysis for the West Main Street Platform location totaling \$25,113,554.00. Well over the \$3.2 million earmark.

Mr. Khan reviewed with the Board the Federal earmark \$3.2 million and \$800K local earmark challenge and reviewed with the Board his meeting on 5-4-11 with Senator Eldridge, Congresswoman Tsongas's aid Brian Martin and George Kahale of MRPC re presenting the following proposal to Jeffrey Mullen of DOT for a total cost of \$4million. (\$3.2 earmark plus \$800K local contribution)

- Town of Ayer \$266,667
- MART \$266,667
- MA-DOT \$266.667

Under this proposal the Town would provide \$266,667 from various funds provided to the Town i.e. UDAG, State Economic Development assistance and possibly DCR (recreation) as well as providing some essential service to the commuter lot **primarily** snow removal and general security though the Ayer Police Dept during peak hours and MART to provide private security company to provide service for approximately eight (8) hours in consultation with the Ayer Police Dept.

MART to provide \$266,667 borrowed from parking revenue over the next six year period which also proposes to pay off the loan in six years. MART to provide overall lighting, monitoring devices i.e. cameras in the parking lot, insurance and liability for the users of the lot and overall management and operation of the lot. Mr. Khan stated after the payment of the bond the entire revenue from the parking lot will be credited to Ayer after appropriate expenditures are deducted.

DOT- The Town of Ayer. Senator Eldridge and Congresswoman Tsongas would approach Secretary Mullen to provide \$266,667 in transportation bond money to be used for this project. Mr. Khan also stating to try to reduce the property acquisition through construction bidding and increase parking spaces from 190 to 200. Mr. Khan stating this includes temporary parking near the post office utilized during the construction with the hope of continued parking after construction to bring in additional revenue as well as the rail trail site. The Board took comments from the residents/business owners present: Chuck King asking if the lot was worth putting people out of business when Town doesn't have a right of way, Martin Wallace still questioning DOT having said no three times to the town –spinning our wheels repeatedly and project not getting done questioning why Town keeps putting proposal forward. Selectman McCreary defending Town's proposal and advising to DOT saying no due to a lot of demands on their resources. Selectman Fay stating right of way access do-able if the price is right. Atty. Thomas Gibbons questioning cost to provide parking for out of towners and cost of project not including acquisition of Central Ave. lots (\$150K to \$200K). Dennis Curran speaking to out of towners statement and Town welcoming them. Selectman McCreary moved to approve the new financing proposal presented by Mohammed Khan, seeking additional funding through DCR & State Economic Development Funds 2nd by Selectman Fay who stated what really sold the plan to him was the repayment of UDAG Funds through parking revenue over six years. VOTE: Selectman McCreary aye, Selectman Fay aye, Selectman Maxant aye, Selectman Conley no, and Chairman Luca recusing, 3 ayes-1 no 1 recusing, motion passes.

Agenda Item #5. Pat Kelley-Ayer Shirley Regional District Feasibility Study-(set back on the Agenda due to conflict in Mr. Kelley's schedule) The Board met with Pat Kelley and Dan Gleason of the Regional School District re a brief presentation to the Board re the May 21, 2011 Election to authorize the Regional School District to borrow \$750K for the School Building Feasibility Study and seeking the Board's position re the study. Mr. Kelley opened the presentation by stating the only way to know what is needed and what actual cost is to renovate the building is to do the study. NEASC Requirement-warning status reviewed by Mr. Kelley advising to the facilities' being an impediment to the delivery of curriculum/improved curriculum-S.T.E.M. recommendation. Mr. Kelley advising study will save money addressing inefficiencies in system and also bring school into "Green Community" status. Mr. Kelley reviewed with the Board the community benefits: -successful marketing tool for the Town- students will remain in the District- (presently 1/2 of the 6th grade class transferred to Parker) new families will be attracted to community-more efficient (green) system-community

pride-better activities-more local business investment. Mr. Kelley ran through renovation feasibility study comparison and analysis of neighboring communities Ayer/Shirley lowest per foot (\$4.83) for the Middle/High School –documentation supplied by MSBA. Mr. Kelley also stated funding benefits if project is approved Ayer funding estimated at 18%, Shirley 15% and MSBA at 67% of the cost. If not approved Ayer would be paying 24%, Shirley 19% and MSBA 57% of the cost. Mr. Gleason stating approving now vs. later incurs a 26% increase or \$4.14 million. Mr. Kelley requested the Board vote their support for the Feasibility Study. Selectman Maxant stated his position re his financial responsibility to the Town and urging Committee to come back to Board with a reasonable cost for the study. Selectman McCreary moved the Board vote to support our schools and formally endorse the Feasibility Study, 2nd by Selectman Fay who also spoke in favor of project. Selectman Conley not having enough information to support at this time and advised to Regional School Committee conducting 5-18-11 forum. Chairman Luca stating he was satisfied with going forward –investment in Town/capital cost-infrastructure. VOTE: Selectman McCreary aye, Selectman Fay aye, Selectman Maxant no, Selectman Conley no –needs more information, Chairman Luca aye, 3-2 motion passes.

Agenda Item #7. Supt. Nason’s Report-the Board met with Supt.Nason

1. D.L. Maher-new pump motor Grove Pond Well #1. Replacing motor. Selectman Conley moved the Board vote to approve Grove Pond Well #1’s rebuilt motor in the amount not to exceed \$11,145.00, 2nd by Selectman Fay, VOTE: unanimous, so moved.
2. WACKER Vibratory Roller-Lawn & Ground Equipment-Selectman Fay moved the Board vote to approve Model RD12A-90 to Tri County Contractor Supply Inc.’s invoice in the amount not to exceed \$13,542.52, 2nd by Selectman Maxant, VOTE: unanimous, so moved.
3. National DPW Week-Supt. Nason took the opportunity to publicly thank all the vendors and business, for their contributions for making the Ayer Dept. of Public Works Day so successful. Supt. Nason highlighted demonstrations conducted by various counterparts/Employees i.e. recycling-Tessa Davis, John Loomer-water conservation etc. elaborating on school children and residents taking tours of the DPW facilities and participating in program. The Board took this opportunity to publicly thank Supt. Nason for overseeing program and activities.
4. VHB Stormwater Funding overage. Selectman Maxant taking issue with consultant not notifying the Town the contract had gone over the allocation, consultant’s obligation/role to Town. . Supt. Nason to review/update Board at their next meeting 6-14-11.
5. DPW Office Manager reclassification- present for discussion Pamela Martin, DPW Office Manager. Town Administrator Robert Pontbriand brought the Board up to date re reclassification process re Ms. Martin. Selectman Fay taking issue with “Confidential inclusion” going way beyond job description. New classification “Operations Manager” incurs all responsibilities including: supervisory, operations outside job description, feeling responsibilities should not include supervisory i.e. licensed personnel outside scope of Operations Manager, rename position. Ms. Martin does not have license/s cannot supervise. Selectman Fay stating on the bigger scale the Town does not have the money to support reclassification. Selectman Maxant agreeing and stating once classification is approved the Town is obligated to pay that amount. Mr. Pontbriand stating by virtue of approving person to go from one level of supervision to another must be compensated in new role. Selectman Maxant inquiring if reclassification is approved could it be approved with different increase than requested and advised by Mr. Pontbriand per Town Counsel Board can’t approve what cannot pay for. Selectman Conley adding her concerns with four (4) elements to reclassification: 1. Operations questioning if that includes foreman’s supervision? 2. How does she supervise without license, not qualified to make decisions-Supt. Nason more qualified to have employees answer to. 3. Puts Town at risk 4. Job Description “Confidential” –questioning how Office Manager involved in Collective Bargaining & Grievances-adding component to Grievance Procedure. Job Description –Master’s Degree in Science necessary. Selectman Conley questioning GRID re Grade 11 what

step and advised to Step 3 approximately \$10K increase she is making currently \$50K to \$60K salary. Selectman Maxant stating his concern re supervisory requiring strong background and being uncomfortable with. Selectman Fay offering FY-11 no increase, no increase in FY-12 and relook in FY-13. Supt. Nason offering the Board budget options for FY-12 stating salary increase originally in FY-12 budget and money removed. Supt. Nason advising to \$50K found in unexpected growth and applied directly to stormwater for FY-12 with an additional \$30K from Highway for catch basin cleaning totaling \$85K of which there is a projected balance of \$22K of which could fund Ms. Martin's reclassification. Selectman Maxant stating Town Meeting set FY-12 Budget and does not wish to be dishonest/misrepresentation. Selectman Fay feeling compensation way beyond value, suggesting \$1K increase. Supt. Nason feeling \$1K not sufficient. Chairman Luca feeling Pam doing work already should budget for- plan for, reclassification needs tweaking i.e. supervisory. Selectman Conley moved the Board postpone reclassification for balance of FY-11, FY-12 reconsider in FY-13, 2nd by Selectman Fay, VOTE Selectman Fay aye, Selectman Maxant aye, Selectman Conley aye, Selectman McCreary no, Chairman Luca no. 3-2 motion passes.

Agenda Item #8 Town Administrator's Report-

1. Memorial Day Observance-Mr. Pontbriand presented the American Legion's request to conduct a parade and ceremony on Saturday, May 28, 2011 at 10:00a.m Motion to approve made by Selectman Maxant, 2nd by Selectman Conley, VOTE: unanimous, so moved.
2. Mr. Pontbriand requested the Board's approval of amendment to the School Building Lease approved on May 5, 2011 re the Lease being amended to state Town of Ayer will be responsible to plow Town of Ayer School property and to clarify that Town of Shirley responsible to plow Town of Shirley school property, Motion made by Selectman Conley, 2nd by Selectman Fay, VOTE: unanimous, so moved.
3. FY-12 Appointments-Mr. Pontbriand & Janet working on to be presented at 6-14-11 Selectmen's meeting.
4. Constellation Energy Proposal-Mr. Pontbriand updated the Board to Solar Grid extended to 2012 with a proposal to be submitted in four (4) weeks re Engineering cost analysis re three sites. Lease to be presented/issued at Fall Town Meeting re design phase and installation.
5. Flanigan's Pond RFP- Mr. Pontbriand advising Board to RFP's due in on Friday and ACT of Sutton MA among companies seeking work for the weed control program. Selectman Maxant stated his dismay re being mislead, thinking the petition was to be withdrawn and article the last one on ATM Warrant which passed by a vote of 42-41 after midnight; a wonderful example of artistic manipulation, thinking it inappropriate. Selectman Conley stating the bid is out and opening on Friday we are obligated to do what has been decided. Selectman McCreary disagreeing stating her intention to support and take to Town Meeting to get Town's peoples feeling about it, but then got told that it needs to be done now making it possible to go on warrant. Selectman Luca feeling differently stating the pond's needs have been voiced for a couple of years now, did they play the system, maybe they did but their intention was to do it this year and next. Selectman Fay stated due process was done whether it passed late at night or not. The people voted for it.

11:00p.m. Selectman McCreary moved the Board adjourn open session to enter into Executive Session re MOA 2nd by Selectman Fay for discussion requesting the Board vote to extend the meeting to 11:15p.m. Re Exemption #3 MOA. Selectman Conley objecting stating improper to convene an Executive Session without posting at last minute, not an emergency. Selectman Maxant offering to have Selectmen schedule another meeting.

11:05p.m. Selectman Fay moved the Board vote to extend the meeting and post another meeting for Executive Session for Friday morning 5-20-11 at 9:00a.m. re exemption #3-MOA 2nd by Selectman McCreary, VOTE: unanimous, so moved.

• 5-17-11

11:10p.m. Selectman Fay moved the Board adjourn, 2nd by Selectman McCreary, VOTE: unanimous, so moved.

11:10p.m Meeting adjourned

_____date:_____

Frank F. Maxant, Clerk

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5-17-11