

# Town of Ayer

## Board of Selectmen

### Town Hall, First Floor Meeting Room Ayer Massachusetts, 01432

#### Selectmen's Meeting Tuesday, July 20, 2010



Richard D. Gilles Chairman (Chairman Gilles)	X	Carolyn McCreary, Member (Selectman McCreary)	X
James M. Fay, Vice-Chairman (Selectman Fay)	X	Gary J. Luca, Member- (Selectman Luca)	X
Frank F. Maxant, Clerk (Selectman Maxant)	X	Jeff Ritter, Town Administrator	X
Janet Lewis, Secretary (Mrs. Lewis)	X		

7:10p.m. Open Session

Chairman Gilles opened the meeting by welcoming and recognizing Robert Pontbriand the new Town Administrator to the meeting, who was sitting in the room and of his contract being successfully negotiated.

**Public Input-** Chairman Gilles requesting if there was anyone present wishing to meet with the Board.

Pauline Conley-re Maher Insurance Settlement, Central Ave.-IDFA Loan and new Town Administrators terms of contract/salary/clause elimination being inappropriate/illegal i.e. 'just cause'.

Selectman Fay-Fire Station Re-use-Committee ready to move forward.

Chairman Gilles read into the record the Agenda of 7-20-10. Motion to approve the amended Agenda made by Selectman Luca, 2<sup>nd</sup> by Selectman Fay, VOTE: unanimous, so moved.

Selectman Fay stated the Fire Station Re-use Committee is ready to move forward with a Public Meeting and looking for a sense from the Board. The Committee would like to prepare an article for the Fall Town Meeting.

Selectman Maxant recommending keeping the building viable and find a use for it-giving public use primary consideration, referencing the Pleasant Street School's successful success story. Selectman Luca questioning upkeep cost associated to bring the building up to speed vs. selling and getting property back onto tax roles.

Selectman Fay listed possible uses for the building the Committee has been receiving: youth center, restaurant, museum, limo service etc. Selectman McCreary looking for public input & more details re cost associated with re-use. Selectman Fay advising Board to Committee to reconvene re preparing an article and Committee to come back for Board's support of Article going forward on the on Fall Town Meeting Warrant.

Pauline Conley-Questioning Gilbert & Renton invoices settlement/process whether there is sufficient funding to cover the \$127,550.00 negotiated release advertised in the Nashoba Publications and the IDFA UDAG loan re purchase of Central Avenue properties i.e. rate of interest, etc. and advised to Central Ave. properties matter in Executive Session no firm agreement, nothing committed to date. Ms Conley further questioned the Board as to when the contract was reached with Mr. Pontbriand, salary agreed upon, and the terms of the contract.

Chairman Gilles stating once the contract is signed it will be made public. Elaborating further Chairman Gilles stated Mr. Pontbriand will have a three (3) year contract starting at \$84,376.08 the first year and hired at Grade 15 Step 5 on the Classification Plan. Ms Conley inquired if the "just cause" clause was still in the Contract and informed it was and run by Town Counsel who had no problem with it.

**Agenda Item #4-Report from Interim Town Administrator**-Follow-up from Selectmen's 7-6-20 Agenda.

Mr. Ritter reported on his follow-up re previous agenda Items (BOS Meeting 7-6-10). (see attached)

**Agenda Item #5. Lisa Gabree- Financial Mgr.** The Board met with Lisa Gabree re the Fy-09 Audit-Ms.

Gabree updated the Board to Giusti, Hingston and Company's audit services expiring and of her soliciting bids for service and Guisti Hingston the lowest bidder. Ms. Gabree advising to schools regionalizing for Fy-12 so she solicited only for two years: 2010 & 2011 for a town-wide audit as well as additional audit requirements to comply with the single Audit Act and Circular A-133 relating to three programs: UDAG, MA Small Cities

Grant and Federal Dept. of Education. Ms Gabree recommended the Board award the Audit Contract to Guisti Hingston & Company having provided the town with independent audit services for over 18 years and in addition Guisti Hingston also provides audit services to the Town of Shirley and with the Schools regionalizing retaining the same audit firm would facilitate a smoother transition to regionalization. Ms Gabree recommended the Board award the Town Audit services to Guisti Hingston & Company for the bid award of \$32,300.00 for Fy-10 & \$32,300.00 for Fy-11. Selectman Luca moved the Board award the two Year Town-wide Independent Audit Services Contract to Guisti & Hingston & Company for Fy-10 and Fy-11 for the Bid Award of \$32,300.00 for Fy-10 and \$32,300.00 for Fy-11, 2<sup>nd</sup> by Selectman Maxant, VOTE: unanimous, so moved. Ms Gabree advising Board to Town's Fy-09 strong financial position due to Federal Stimulus and Insurance Negotiations. The Board discussed the Management Letter weakness in Town controls finding and advised by Ms Gabree to Treasurer responding. The Board thanked Ms Gabree for coming in to meet with the Board.

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

1. Conventional Day Cab Tractor-Selectman Luca moved the Board vote to approve P.O. #19213 to Boston Freightline of Everett, MA dated 7-1-10 in the amount not to exceed \$114K recommended by Supt. Nason and authorize the Chairman's signature on the Purchase Order and Bid Award, 2<sup>nd</sup> by Selectman Fay, VOTE: unanimous, so moved.
2. Brush Chipper- Selectman Luca moved the Board vote to approve P.O. #19197 to New England Equipment of Palmer, MA dated 7-2-10 in the amount not to exceed \$15K recommended by Supt. Nason and authorize the Chairman's signature on the Bid Award and Purchase Order, 2<sup>nd</sup> by Selectman Fay, VOTE: unanimous, so moved.
3. Fy-11 Catch Basin Cleaning Award- Selectman Luca moved the Board vote to authorize the Chairman's signature on the Fy-11 Catch Basin Clean Award letter to Sam's Catch Basin Cleaning of Fitchburg, MA for the cleaning of approximately eight hundred (800) catch basins in the Town of Ayer at the rate not to exceed \$13.96 per basin recommended by Supt. Nason, 2<sup>nd</sup> by Selectman McCreary, VOTE: unanimous, so moved.
4. Fy-11 Catch Basin Disposal Award-Selectman Luca moved the Board vote to approve the Fy-11 Catch Basin Debris Disposal Award letter to Brighter Horizons Environmental, Inc. of Chelmsford, MA for the trucking and disposal of street seeping material at \$24.75/ton and trucking and disposal of catch basin material for \$26.75/ton recommended by Supt. Nason, 2<sup>nd</sup> by Selectman Fay, VOTE; unanimous, so moved.

**Agenda Item #7. Fire Chief Robert Pedrazzi-**The Board met with Chief Pedrazzi

Muirfield Mechanical-Selectman Luca moved the Board authorize the Fire Chief to implement a change out of motor controllers for the Fire Station boiler identified as part of the original repairs estimated as a result of water damage due to the May flooding emergency to Muirfield Mechanical Services, LLC of Boxborough, MA and authorize the Chairman's signature on proposal #PR4152 dated 6-24-10 in the amount of \$8,150.00, 2<sup>nd</sup> by Selectman Fay, VOTE: unanimous, so moved. Funding from pre approved UDAG Funds with 75% FEMA reimbursement back to UDAG.

**Agenda Item #8. Finance Committee (Fin-Com)-Financial Policies and Debt Exclusion Question-**The Board met with Brian Muldoon, Chairman and Scott Houde of the Fin-Com. Mr. Muldoon opened the discussion by reading a prepared statement into the record, (see attached) requesting the Board enact the Financial Policies proposed by the Financial Policy Sub-committee and supported by the Fin-Com. The Board commended the efforts of the Sub-Committee and Fin-Com putting together the financial policy to be shared with all Town Department Heads as an excellent tool re Fy-12 Budgeting-five year projection, capital planning etc. The Fin-Com to schedule a Public Hearing in August for approval by the Board and updated with Pub. Hearing suggestions if any. The Board requested the Fin-Com place the Financial Policies as a draft on the Town's Web Site, for comment by the Town residents. The Board revisited the Capital Exclusion which failed at the Town Election in April 2010 feeling the question was missed/not seen by voters. (300 blanks were tallied

which reflects the question was not presented correctly) The Board reviewed placing the \$404,524K Capital Exclusion on the November 2010 State Election ballot. The Board reviewed maintaining the question as presented on the April 2010 Town Election Warrant or allowing voters to select which expenditure they wish to support of the eight items listed. (eight (8) separate questions). The Board requested to place the Ballot Question on the next Selectmen's agenda (8-3-10) re which format the Capital Exclusion will be presented in. The Board requested the following additional language be inserted to the language to clarify any confusion re the ballot question "to see if the Town will access a one (1) time additional sum of \$404,524K ..... "Mr. Ritter warning Board to exact language must be hand delivered to the Secretary of state's Office by 5:00p.m. on 8-4-10. The Board moved to support an eight (8) question ballot. Motion made by Selectman McCreary, 2<sup>nd</sup> by Selectman Fay, VOTE: Selectman McCreary aye, Selectman Fay aye, Selectman Maxant aye, Chairman Gilles aye, Selectman Luca no. 4-1 motion passes.

**Agenda Item #9. Town Government Study Committee Appointments-**Mr. Ritter updated the board to the last Town Gov. Study being conducted in 1999 and presented to the Board the Committee's charge for the Board's review with the objective of initial report for the Fall Town Meeting. Mr. Ritter presented the names of candidates requesting to be on the Committee: Murray Clark-former Selectman, Stephen Slarsky-former Selectman, Pauline Hamel-former Selectman, Pauline Conley-former Selectman, Lisa White-Personnel Bd., James Pinard Jr.-local business man, Thomas Horgan, citizen. Selectman Luca moved the appointment of the seven people above, 2<sup>nd</sup> by Selectman Fay, VOTE: unanimous, so moved. The Board requested a member from the Fin-Com be contacted, School Committee be contacted and Moderator appoint two citizens. Murray Clark advising to keep Committee small due to difficulty scheduling meetings when you have over five members.

**Agenda Item #11 (taken out of order) Annual Appointment Renewals (Fy-11)-**Selectman Luca read into the record appointments expiring in Fy-10 being renewed, requesting the Board pass on any that they are questioning. Chairman Gilles requesting his name be added to IT Committee, Robert Pontbriand's name be added to ADA Coordinator and MBTA Advisory Board, Ann Callahan's name added to Registrar of Voters (D) Wellman Parker Emergency Mngt. Deputy and Town Counsel being retained again for Fy-11 on a 4-1 vote. Selectman McCreary moved the Board vote to approve the list as read and amended 2<sup>nd</sup> by Selectman Luca, VOTE: unanimous, so moved. (see attached).

**Agenda Item #10. Jason Stanton-GIS-MRPC re Ayer Maps & Updates utilizing Fy-10 Funding.** Mr. Stanton presented the Town of Ayer's street parcel mapping issues via overhead projector. (see attached conclusion re street map created in 2005 for Fire Dept based on parcel data with minor adjustments based on review process for zoning map). Mr. Stanton met two months ago with Chief Pedrazzi, Dan Nason and David Maher re options which turned in to larger discussion re importance of accurate up to date parcel data who advised a presentation be given so that everyone is on the same page. Mr. Stanton advised to old street map last updated in 2007 based upon parcel data which had issues spatial accuracy extremely poor last updated 2004/2005 and does not match up on other GIS data available. Mr. Stanton reviewed with the Board areas in Town spatial accuracy/inaccuracy as well as temporal issues. Data does not line up with any of the hundred free & valuable data sets currently available including updated streets and zoning data and would not line up with any data to be created in the future i.e. water/sewer infrastructure, future state orthophoto & other data projects. Mr. Stanton concluded with updating the current street map would not be cost effective the cost of updating outdated and inaccurate parcel data would be to expensive. In addition the street data updated for the zoning project was not exhaustive inventory of all streets in Town. Mr. Stanton recommended in the short term don't update the old parcel-based street map move away from this format to a street orthophoto based map and recommended the Town perform an exhaustive inventory of all streets in town from as well as updating from scratch the towns parcel data so that it is spatially accurate and current to Assessor's records. The ball park cost in 2006 according to DOR based upon Town of Halifax -3,024 parcels was \$10,857 probable cost for a level II vote. Parcel based zoning data addresses all needs, Selectmen, Town clerk, Planning Board, ZBA, Building



Commissioner. Selectman McCreary suggesting the above Departments may have money in their budgets to help fund update. The Board stating the need for hard numbers re funding availability and resources as we are 5/6 years behind updating map. The Board thanked Mr. Stanton for coming in to meet with the Board and for his update.

**Agenda Item #12. Town Administrator's Report**

**Certificate of Designation of Depositories**-Mr. Ritter presented the Town Clerk's Certificate of Depositories Request recommended by the Town Clerk-John Canney for approval and endorsement by the Chairman.

**Board of Health -No Smoking Signs**-Mr. Ritter updated the Board to complaints coming by residents re the location of the no smoking signs at the Town Hall,. Selectman Fay and Selectman Maxant both agreeing signs being an eye sore, distasteful and if the Town must have one make different ones/smaller. Mr. Ritter aware that this is a Board of Health issue but seeking the Board's input. Selectman McCreary agreeing suggesting the signs be placed in a less conspicuous place. The Board requested Mr. Ritter send the Board of Health a letter to request they revisit/remove signs and to express the Board's displeasure of signs requesting to removed/relocate or make smaller. Selectman McCreary making motion 2<sup>nd</sup> by Selectman Fay VOTE: Selectman Maxant aye, Selectman McCreary aye, Selectman Luca no, Selectman Fay aye, Chairman Gilles no 3-2 motion passes.

Mr. Ritter updating the Board to Open Meeting Bulletin Board status. The Board compared quotes re \$3K and \$1,200.00 bulletin boards and requested Job Corp be contacted as soon as possible re \$1,200 version and to pursue with Dan Sherman re location. Selectman Maxant questioning status of Mike Pattenton's offer to build one for the Town, and to check with him first before contacting Job Corp.

Selectman Luca took this opportunity to publicly thank Mr. Ritter for his service to the Town of Ayer serving as Interim Town Administrator, job done well. The Board echoed Selectman Luca's remarks.

Carried over to next Selectmen's Meeting:

- Donation to Polycom Conference telephones
- Custodian, Department Asst., IT positions
- Sustainable Development-letter of support

**Agenda Item #13. New Business/Minutes**

Selectman Maxant moved the Board vote to approve the minutes of 7-6-10, 2<sup>nd</sup> by Selectman Fay, Vote unanimous, so moved.

Selectman Maxant moved the Board vote to approve the minute of 7-1-10, 2<sup>nd</sup> by Selectman McCreary, VOTE: unanimous, so moved.

Selectman Maxant moved the Board vote to approve the Executive Session Minutes of 7-6-10, 2<sup>nd</sup> by Selectman McCreary VOTE: unanimous, so moved.

9:35p.m. Selectman McCreary moved the Board adjourn the Meeting 2<sup>nd</sup> by Selectman McCreary, VOTE: unanimous, so moved.



Date: 9/1/10 *Approved 8/3/10*

Frank F. Maxant, Clerk  
AYER BOARD OF SELECTMEN