

TOWN OF AYER SELECTMEN MEETING MINUTES
Tuesday, March 26, 2013

The Selectmen's Meeting can be viewed in its entirety on the Town's Website at: www.ayer.ma.us

Chairman Fay called the meeting to order at 7:05p.m.

Present: Chairman-James Fay, Vice-Chairman Pauline Conley, Clerk-Christopher Hillman, Members-Gary J. Luca and Frank Maxant, Town Administrator Robert A. Pontbriand, and Janet Lewis Secretary.

Agenda Additions-

Town Administrator

8.7 Army Right of Entrance-Environmental Assessment, related to the ongoing environmental monitoring of the Shepley Hill Landfill Superfund Site.

8.8 MOU/FSA-HRA finalized with all Town Collective Bargaining Groups and Mr. Pontbriand requesting to make public disclosure.

8.9 Shriver Job Corp. Renewal Agreement

Ms. Conley-New Business/Selectmen's Questions

1. Grant Training

2. Habitat - 76 Central Ave., Ayer, MA

3. Selectmen's 2-19-13 Minutes

Mr. Maxant-request to go off the posted Agenda to take up later items prior to the Public Hearing and dispose of Agenda Item #3, no 2nd, motion lost. Mr. Luca moved to leave Agenda as presented, 2nd by Mr. Hillman, Vote unanimous, so moved.

Announcements **Mr. Fay** called for a Moment of Silence for longtime resident and respected Town Employee Wellman Parker, retired Fire Chief, Electrical Inspector, Emergency Mngt. Director, who passed on Friday, March 15, 2013. Ms. Conley called for a moment of Silence for John J. Tobin of Abington, MA brother-in-law of Chairman Fay who passed away on March 23, 2013, recipient of the French Legion of Honor Chevalier from Henry Bertrand-Pradviel, Deputy Consul of the Consulate General of France the highest civilian award equivalent to the U.S. Medal of Honor for his military service in Northern France during WWII.

Agenda Item #1. Public Interest Mr. Fay requested if there was anyone present wishing to meet with the Board under Public Interest. Murray Clark, School Building Committee, re high School Project. Mr. Clark met with the Board to request the Selectmen's support waiving the Town's permitting fees for the Ayer Shirley High School Project. Mr. Clark stated it was the schools understanding that permitting fees have not been charged in cases of other significant projects owned by the Town of Ayer and asking the same consideration be applied in this instance. Mr. Luca moved the Board vote to waive the Building Permit fees except the Electric, Plumbing & Gas Inspectors fees, 2nd by Mr. Hillman VOTE: unanimous, so moved. Mr. Maxant feeling this being unfair to Town of Ayer Taxpayers, Ayer paying and Shirley again not paying anything.

7:15p.m. Agenda Item # 2 Public Hearing -Fy-2014 Water & Sewer Rates- Mr. Hillman opened the Public Hearing by reading the Public Hearing notice into the record published in the Nashoba Publications the week of March 15, 2013 and on the Town's Website. Mr. Fay turned the discussion over to Lisa Gabree who conducted an overhead presentation re the criteria for rate increases for water/sewer. (see attached). Overhead presentation included: Enterprise Funds, Tasks, accomplishments, septage capacity, selling future capacity, establishing targets re water/sewer capital stabilization funds, water & sewer expenses & revenues, fees review, and impact to residents.

Water Rate: Selectman Conley moved the Board vote to approve the Fy-2014 Water Rate for Step 1 Users to \$2.41
for step 2 Users to \$3.00

For Step 3 Users to \$3.45 as recommended by the Committee, 2nd by Mr. Maxant, VOTE: Unanimous, so moved.

Sewer Rate: Ms. Conley moved the Board vote to approve the Fy2014 Sewer Rate

for Step 1 Users to \$6.49

for Step 2 Users to \$7.18

for Step 3 Users to \$8.17 as recommended By the Committee, 2nd by Selectman Maxant, VOTE: unanimous, so moved.

Mr. Hillman suggesting the Committee re look at increasing the tie-in and shut-off fees in future.

8:00p.m. Mr. Luca moved the Board close the Hearing, 2nd by Ms. Conley, VOTE:

unanimous, so moved.

Agenda Item #3. Properties Enforcement-Atty. Greg Corbo, Town Counsel K&P

3.1 The Board met with Atty. Greg Corbo, Town Counsel from K&P. Mr. Hillman prior to Atty. Corbo starting his discussion requested Mr. Maxant to recuse himself due to his Conflict of Interest. Mr. Maxant refused stating his attitude has remained unchanged for twenty years and he has nothing to do with people involved. Mr. Hillman advising to Mr. Maxant refusing to recuse himself from an earlier Executive Session re same. Selectman Hillman stating he totally disagrees with Mr. Maxant. Mr. Fay advising to Board earlier forgoing the Executive Session mentioned feeling a discussion including Mr. Maxant would be inappropriate. Ms. Conley stating tonight's discussion would be generic not relating to anyone's property.

Atty Corbo advised the Board to the various empowerments of officials re targeted properties i.e. Board of Health-Public Health concerns, Building Inspector- Town By-laws, State Building Codes & State Law re dangerous structures, Conservation Commission re wetlands, and Police & Fire re general policing powers stating some overlap and entities should work together. Atty. Corbo advising the Board to having the flexibility to tailor the remedy to meet the situation, the court route is swift and effective, the court doesn't like to be ignored. Atty. Corbo advising regarding out-lying and recalcitrant property owners the Town should expect it to be a time consuming process and not expect results over night, but results are ultimately achieved. There is no magic bullet to clean targeted properties but the town's approach should be consistent and ensure people are treated in like fashion without singling out one person at the exclusion of others. Atty. Corbo explained for Mr. Maxant the definition of "Nuisance" as the persistent use of property which interferes with the rights of others by causing injury via sight, sound or smell, the definition is intentionally vague to be incorporated to a particular community. Mr. Fay requesting "White Paper" of property enforcement discussion from Atty. Corbo for the Board's review.

Agenda Item # 4 George Bacon, Chairman Ayer Historical Commission-re Town Flag

Chairman Fay presented the flag prepared by Jeri Love for the Board's consideration. Mr. Fay requesting the communities assistance to submit more renderings to the Historical Commission. The Board discussed the present flag currently displayed in the Hall of Flags at the State House being a white flag with the Town's seal in black depicting g the Town's 225th Birthday, with gold fringe. The Board reviewed the process of submission to the Historical Commission and timeline for presentation at Town Meeting for the voters to decide. The Board requested to check on the official submission status of Town's flag wishing not to dishonor the Town's original flag. Mr. Bacon to check on regulations at the State House.

Agenda Item #5. Kevin Kidder-Livery License Letter to Port Authority-The Board met with Kevin Kidder

The Board reviewed with Mr. Kidder's his Livery License status. Mr. Kidder advised to transporting clients to and from the airport only and seeking a letter from the Board of Selectmen to their having no objection to his doing business in Town of Ayer and authorizing this service. Mr. Luca moved to approve Mr. Kidder's letter authorizing his Livery Service in the Town of Ayer, 2nd by Ms. Conley, VOTE: unanimous so moved. (change typo in letter from Kenneth Kidder to Kevin Kidder).

Agenda Item #6. Board of Selectmen Position Letters/ on recent E-mail communications-The Board took an official position re recent communications (letters, emails) sent to State Offices/Officials from Mr. Maxant i.e. land in Town of Shirley-collateralization of land, under his Selectmen's title from the Board of Selectmen/ Town of Ayer. Mr. Maxant denying he sent communications on behalf of Board. Ms. Conley moved the Board authorize the Town Administrator to send letter/s to State Offices/Officials advising to Board of Selectmen not supporting any of Mr. Maxant's positions, 2nd by Mr. Luca, VOTE: 4-0, Mr. Maxant abstaining, motion passes.

Agenda Item #7. Supt. Wetzel's Report-The Board met with Mark Wetzel, Supt. of DPW

7.1 Grove Pond Water Treatment Facility and Wells Expansion Award-Supt. Wetzel updated the Board to DPW receiving seven (7) bids on 2-14-13. Onsite Eng. reviewed the bids and recommended award to Winston Builders Corp. of Northborough, MA in the amount not to exceed \$2,297,889.00. Supt. Wetzel advised the Board, when the contract is awarded, he will issue a Credit Change Order in the amount of \$316,870.00 based upon identifying items that can be eliminated in bid to reduce costs related to the backwash recycle system resulting in a construction cost of \$2,004,043.00 of which there is a balance of \$2,320,913.00 to fund this project per the Town Accountant. Ms. Conley moved to approve Supt. Wetzel's recommendation to award the Grove Pond Treatment Facility and Wells Expansion to Winston Builders of Northborough, MA for the bid award not to exceed \$2,297,889.00, in a memo dated 3-2-13, 2nd by Mr. Hillman, VOTE: unanimous, so moved.

7.2 Spectacle Pond Water Treatment Plant Backwash Pump Change Order #2.

Mr. Luca moved the Board vote to approve the Change Order #2 recommended by Supt. Wetzel, dated 3-15-13, total sum of Change Orders 1-7, in the amount of \$29,119.95 and authorize the Chairman's signature, 2nd by Ms. Conley, VOTE: unanimous, so moved.

Agenda Item #8. Town Administrator's Report-The Board met with Robert Pontbriand

Ms. Conley urging the Board meet as a full Board to take up, review the 5-13-13 Annual Town Meeting Warrant articles, set date, time and post separate meeting.

8.1 Administrative Update-see update dated 3-6-13 to 3-19-13

8.2 Veterans Agent Reappointment- Mr. Pontbriand recommended the reappointment of Veterans Agent Michael Detillion effective 4-1-13 to 3-31-14 in accordance with General Laws. Ms. Conley moved to reappoint Michael Detillion to the Veterans Agent position effective 4-1-1 to 3-31-14, 2nd by Mr. Hillman VOTE: unanimous, so moved.

8.3 Rail Trail Parking Lot-Mr. Pontbriand updated the Board to transfer of land in process this being confirmed by lawyer for DCR/DEM work in progress. Mr. Pontbriand advising to transfer imperative for project to move forward MART cannot start project until transfer is acquired.

8.4 Ayer/Shirley Regional High School Property Easement -The Board voted to approve the Verizon easement at 141 Washington Street recorded with the Registry of Deeds in Book 8135 Page 81 recorded on 9-9-53 shown as Parcel 019-020-.2-000-001.0 for the transmission and or distribution of telecommunication over and across grantor's land. Motion moved by Ms. Conley 2nd by Mr. Maxant, VOTE: unanimous, so moved.

8.5 5-13-12 DRAFT ATM Warrant #2. Mr. Pontbriand presented DRAFT #2 Revision of 3-1-13 revised on 3-26-13 with Town Counsel's edits, containing 39 Articles, no citizens petitions for Board's review. Meeting to be set up for 1st week in April for Board's final edit/review. Mr. Pontbriand reminded the Board to Joint Meeting with Fin-Com re Fy-14 Budget on Wednesday 4-3-13.

8.6 Fire Station Re-Use RFP- Mr. Fay requested the revised RFP presented earlier be reviewed by the Committee at their next meeting on 4-1-13 and rescheduled this matter for the Board's 4-2-13 Meeting.

8.7 Department of Army Right-of-Entrance for Environmental Assessment-relating to ongoing environmental monitoring of the Shepley's Hill Landfill Superfund Site. Ms. Conley moved the Board vote to approve the DOA Right of entry for the environmental assessment as stated above ROE #2505 recommended by the Town Administrator in a memo dated 3-26-13 land identified as Assessors Map 25

Lot 23, Assessors map 26 Lot 10 and Assessors Map 32 the public roadway Shirley St. address #2931 and the intersection of Union, shown as Exhibit "A", 2nd by Mr. Hillman, VOTE: unanimous, so moved.

8.8 Collective Bargaining (HRA/FSA MOA) -Mr. Pontbriand announced the successful negotiations of the Health Insurance Reimbursement (HRA) Account and the Establishment of the Flexible Spending Account (FSA) MOA with all the Town's Unions commencing on 6-1-13 with a 90 day drawdown period from 6-1-13 to 8-31-13, All parties agreeing on 9-1-13 any remaining funds in the HRA will be equally distributed among all HRA participants. Payments to be issued pre-taxed and as a health care credit. Parties agree per the 3-29-12 MOA that the Town will offer a Flexible Spending savings Account (FSA) effective 6-1-13 and the Town will cover all FSA administrative costs. Mr. Pontbriand advising to this MOA being approved earlier tonight by a 5-0 vote of the Board of Selectmen in Executive Session and ratified by all CBU's.

8.9 Shriver Job Corps Work program Renewal: The Board approved Mr. Pontbriand's authorization to endorse the Shriver Job Corp Work Program's 3 year Renewal Contract commencing 7-1-13 to 6-30-15. Motion made by Ms. Conley, 2nd by Mr. Luca VOTE: unanimous, so moved.

Agenda Item #9 New Business/Selectmen's Questions-

Selectman Conley-Grants -Mr. Pontbriand updated the Board to Mr. Maher- Economic Development Director attending intensive Grant Seminar to assist Department Heads in writing/finding Grants for their Departments. Mr. Pontbriand congratulating Department Heads who have over the years demonstrated strong achievements in securing grants i.e. Fire Chief, Police Chief, Town Acct., Supt Wetzal, Cindy Knox, Dan Sherman and Green Committee. Mr. Pontbriand advising to his next Department Head Meeting focusing on securing Grants for the Town.

Habitat- Ms Conley advising to Habitat very interested in land at 76 Central Ave. stating she checked into tax status and found all taxes has been paid on property and checking on any other associated cost hoping to get this project up and running by the end of summer and back on the town's tax role and affordable housing stock.

Selectman Hillman-withdrew Vehicle transponders from agenda to be rescheduled.

Curbside Trash Pick-up- Mr. Luca advising to Mr. Hillman and he investigating putting out RFP to get an estimate re cost associated with this service in April. Mr. Luca stating curb-side will encourage/increase recycling throughout the Town.

Chairman Fay-advised to 4th of July Fireworks contract awarded by Town Administrator for \$6K with Fire Chief's approval.

10:05p.m. Mr. Luca requested to extend meeting for five minutes, 2nd by Ms. Conley, VOTE unanimous, so moved.

MINUTES -Mr. Hillman moved the Board vote to approve the Minutes of 2-19-13 as amended, 2nd by Selectman Conley, VOTE: Selectman Conley aye, Selectman Hillman aye, Selectman Luca aye, Selectman Maxant no, Chairman Fay aye. 4-1 motion passes. Selectman Maxant taking exception to minutes reflecting he left table for ten minutes and insisted it was only three minutes having viewed the tape. Mr. Maxant took this opportunity to discuss strengthening the Sex Offender Residency By-law by reading Town Counsel's letter into the record. The Board stating their objection to this being Executive Session material and moved to adjourn the meeting over Mr. Maxant's objection.

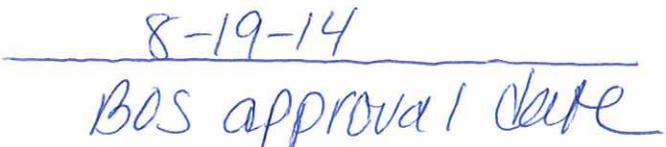
10:10p.m. Mr. Luca moved to adjourn the meeting, 2nd by Mr. Hillman VOTE: Selectman Hillman aye; Selectman Luca aye, Selectman Maxant __, Selectman Conley aye, Chairman Fay aye. 4-1 motion passes.

10:10 meeting adjourned.

Date: _____

Christopher Hillman, Clerk


gary J. Luca,
CLERK


8-19-14
BAS approval date