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 Town of Ayer
 Board of Selectmen
 Town Hall, First Floor Meeting Room
 Ayer Massachusetts, 01432



Tuesday, January 4, 2011

Richard D. Gilles Chairman (Chairman Gilles)	A	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	Robert Pontbriand, Town Administrator	X
Janet Lewis, Secretary (Mrs. Lewis)	X		

7:35p.m. Open Session

Vice-Chair Fay opened the meeting in absence of Chairman Gilles due to scheduling conflict.

VC Fay apologized for delay in Open Session due to prior Executive Session

Agenda Item #2. VC-Fay called for a motion to approve the Agenda as presented. Selectman Luca moved the Board vote to approve the Agenda as presented, 2nd by Selectman McCreary, VOTE: unanimous, so moved.

Announcements-

1. Selectman Maxant-voiced his dismay re Regional School Committee not being on tonight's Agenda re Funding Request. VC-Fay advising to his removing request from agenda due to meeting with Regional School Com deserving more than five minutes. Town Administrator Robert Pontbriand advising the Board to his request to Regionalization Com./per George Frost to submit background documentation to the Board re borrowing and his scheduling this matter for the Board's 1-18-11 Agenda.

2. Mr. Pontbriand advising to recent sale of Nashoba Valley Medical Center (NVMC) by Essent Healthcare to Steward Health Care the Town's largest employer, and if there will any implications on services provided and on the Town of Ayer to be taken up under his report later in the meeting.

Agenda Item #3 Town Administrator's Report-Eagle Scout Recognition-Richard Becker-Troop 3-rescheduled to next meeting.

Resignation-Ayer Arts Council-Mr. Pontbriand updated the Board to receipt of a letter of resignation dated 12-6-10 from Margaret Phillips effective immediately. VC-Fay called for a motion to accept Ms. Phillips resignation from the Arts Council. Selectman McCreary moved the Board regretfully accept the resignation of Ms. Phillips from the Arts Council effective immediately, Selectman Maxant adding and with sincere appreciation for all her contributions and services, 2nd by Selectman Luca, VOTE: unanimous, so moved.

Mr. Pontbriand announcing this being a very busy and exciting time for the Board with Fy12 Budget process underway, and all of the Town's Union negotiations starting up.

Mr. Pontbriand ran through his report dated 1-4-11 re follow-up of previous Selectmen's Meeting items. (see attached) Mr. Pontbriand running through a couple of key issues for the Board.

Energy Committee-Mr. Pontbriand advised to the Town's Waste Water Treatment Plant's Energy Conservation Project approved by DOER for a \$150K grant and project to be procured by January 31, 2011.

Moody's Investment-Mr. Pontbriand updated the Board to his participation in Moody's Investment call re the Town's Bond rating and advising Board to it being on a positive note, the town has maintained it's **aa3** rating which is a true testament to Town's strong financial management.

Town of Shirley-Mr. Pontbriand updated the Board to his meeting with new Shirley Town Administrator David Berry re School Regionalization and the upcoming transition.

Agenda Item #4. Supt. Nason's Report- The Board met with Dan Nason

IPP Contract-Hoyle Tanner & Assoc.-Supt. Nason presented the Board the Agreement for Professional Services between the Town & HTA for professional engineering and services for the Town's Industrial Pretreatment Program dated 1-4-11 in the amount not to exceed \$42,400.00 for one year with the option to continue agreement for YEAR 2 and YEAR 3 at each annual fee. Motion to approve Agreement made by Selectman Luca 2nd by Selectman McCreary, VOTE unanimous, so moved.

PNF letter of Support for TIP to Route 2A. Supt. Nason reviewed with the Board the Transportation Improvements Project-Brook Street to the Shirley Town Line prepared by VHB/Vanasse Hangen Brustlin, Inc. of Worcester, MA. Supt. Nason requested a letter of support from the Board for the redesign of that section of roadway funded by Chapter 90 Funds. Selectman McCreary moved the Board endorse TIP funded under Chapter 90, 2nd by Selectman Luca. Selectman Maxant cited concerns re his opposition to curb cuts, new sidewalks etc. and adding traffic flows good through Ayer. Selectman Luca disagreeing if Board does not endorse the Town will have to pay cost of repairs/construction. Selectman Fay cited his concerns re intersection at Tiny's being too close to restaurant should be moved back. Selectman McCreary encouraging Board to endorse TIP. Board can get more involved during the design phase, re relocation, curb cuts, utility poles location, etc. Selectman McCreary requesting Mr. Pontbriand look into TIP status re Willow Rd. /2A intersection proposed back in 2004. Ms Spinner offering Senator Resor had come out and met with officials from Ayer & Littleton re this dangerous intersection and submitted bill on behalf of Town for placement on TIP and somehow this fell off the radar. VC-Fay called for a vote on the letter of support for TIP Project from Brook St. to Shirley Town line, VOTE: VC-Fay aye, Selectman McCreary aye, Selectman Luca aye, Selectman Maxant no stating he could not endorse paper language, 3-1 motion passes.

Grove Pond Wells 1&2 Rehabilitation Contract-Supt. Nason presented the Board the Grove Pond Wells 1&2 Rehabilitation Contract-Mr. Nason presented the Board proposals to redevelop the wells advising to two bids received, both having worked in Town and also the only two companies licensed in State. Supt. Nason recommended the low bidder Denis L. Maher LLC, Ayer, MA be awarded the contract for redeveloping the wells at Grove Pond for the low bid not to exceed \$28,790 for both Well 1 (\$15,095) & Well 2. (\$13,695) and they can begin work immediately 1-5-11. Selectman McCreary moved the Board vote to approve the Grove Pond Wells 1&2 rehabilitation contract to D.L. Maher LLC of Ayer, MA, 2nd by Selectman Maxant, VOTE: unanimous, so moved. Supt.Nason updating the Board to pumps often requiring additional work upon inspection and cleaning this additional work is at extra cost (above the contract amount). Supt. Nason advising this additional work considered a Change Order and subject to his review prior to authorization to proceed and requesting the Board's endorsement to allow him to approve Change Order/s. Selectman McCreary moved to authorize Supt. Nason to approve change orders not to exceed \$10K re D.L. Maher's Rehabilitation Contract, 2nd by Selectman Luca, VOTE: Selectman McCreary aye, Selectman Luca aye, Selectman Maxant aye, VC-Fay no, 3-1 motion passes.

Abatement Request-11 Pingrey Way -Supt. Nason presented the request from resident re Water/Sewer billing statements from 2007-2010 requesting a \$219.00 abatement. Supt. Nason advising to request

made by owner who lives in Colorado and rents property at 11 Pingrey Way and upon his review did not see pattern and recommended Board not to approve request. VC-Fay stated he did not see any compelling evidence or justification for abatement. Selectman Luca moved the Board not approve the abatement request for 11 Pingrey Way, 2nd by Selectman McCreary, VOTE unanimous, so moved.

Agenda item #5 JBoS Update-VC-Fay announced vacancies on the Devens Five (5) Year Review Committee requesting interested residents to contact Town Administrator Robert Pontbriand.

Vicksburg Square-VC-Fay advising to Vicksburg Square on hold no new news at this time.

Agenda Item # 6. Town Administrator's Report-The Board met with Robert Pontbriand.

Collection of Past Water & Sewer Bills- Mr. Pontbriand updated the Board to 12-7-10 report of \$279K outstanding in Water/Sewer liens –and his meeting with Supt. Nason re pro-active plan to collect this revenue pursuant to MGL 42a and 42b. Mr. Pontbriand advising to this stature allowing for the shut off of water to businesses and residents, with proper notice re overdue notifications, and allow them to enter into a payment plan. Mr. Pontbriand advising to Board of Health, Fire Dept and DPW involved and very close to proposal for the Board's review to go after revenue which very well could plug the \$200K Fy12 budget deficit.

Fy-12 Budget Process-Mr. Pontbriand updated the Board to all Town-wide Fy-12 Budgets due into the Financial Manager by 1-3-11 depicting two (2) scenarios a 3% budget cut from 2011 and a 5% budget cut from 2011 and assumes the goal for Fy-12 budget will maintain services and personnel everyone to hold line with no (0) increase in compensation including contract employees level fund budgets. Mr. Pontbriand looking at revenue equation as well.

School Regionalization-Mr. Pontbriand reviewed with the Board the School Regionalization Transition being underway with Town of Ayer committing \$8.3 million to endeavor . Mr. Pontbriand related to the Board to the School Regionalization originally having a \$3million dollar deficit to which funding from State lowered deficit down to \$900K and now looking for Towns to come up with shortfall specifically Shirley looking to Ayer to come up with shortfall. Mr. Pontbriand stating school needs to scale down budget \$8.3 from Ayer above fair. Town of Ayer should hold line make good on what was agreed, not commit a penny more. Deficit can be resolved while maintaining level of services & personnel.

Health Insurance Plan Cafeteria Plan 125- The Board expressed their disappointment that the Treasurer was not present to report on the Amendments to the Health Care Insurance Plan. Selectman Luca requested if the Board had requested her to be present and advised by the Town Administrator she was requested to appear, Selectman Luca stating Ms. Doig if requested would have been present and able to explain the amendments. Mr. Pontbriand advising to Treasure stating amendments were administrative only, which did not require her presence.

Health Care Connector Section 125 Plan amendment-changing the word dependent/s to dependents or eligible children or spouse, dependent or eligible child, or one or more covered dependents or eligible children, or any eligible dependent or eligible child, or his or her spouse or dependent or eligible child or eligible family members. See new sections: 4.7, 4.7 (b)(2), 4.7 (b)(3), 4.7(b)(4) and 4.7 (b)(5), 4.7 (d), 4.7(e), 4.7(g), 4.7(i), 4.7(j) 4.8, & 4.16. Selectman Luca moved the Board vote to approve the amendments as outlined, 2nd by Selectman McCreary, VOTE: unanimous, so moved.

2nd Amendment to Town of Ayer Section 125 Plan-Patient Protection and Affordable Care Act of 2010-continuation of coverage until dependent reaches the age of twenty-seven (27) at which time coverage will terminate. See sections Article IV Section 4.2 (a) (1), Article II, Section 7.1, Article Vii, Section 7.2 and Article VII Section 7.4. Selectman Luca moved the Board vote to approve the amendment/s as outlined, 2nd by Selectman McCreary, Vote: unanimous, so moved.

Town of Ayer Buy-Out Program-Mr. Pontbriand presented the Board the Town's current policy re the Health Insurance Buy-out Program suggesting the Board continue the Program-reduces Town's liability, no employees at school: Family Plan Buy-out \$5K per Fiscal Year and Individual Plan \$2,400.00 per Fiscal year both on a prorated basis for employees not enrolled in the program. Mr. Pontbriand advising the Treasurer's Office looking to continue program which expires in 2011. Selectman Luca moved the Board vote to continue the Town of Ayer's Health Insurance Buy Out Program effective July 2011 through June 30, 2013, 2nd by Selectman McCreary VOTE: unanimous, so moved.

Sunday Morning Restaurant Alcohol License Opening-Mr. Pontbriand advised the Board to 31 Main St. Restaurant applying for Sunday Morning Opening @10:00a.m. approval. Mr. Pontbriand reminded the Board to the Fall Town Meeting Warrant having newly updated ABCC Ruling on warrant which was approved at Town Meeting by petition only. Mr. Pontbriand advising to 31 Main St., the only restaurant with an Alcohol license so far requesting in writing to do so. Selectman McCreary moved the Board vote to approve 31 Main Street's petition to open on Sundays only at 10:00a.m. 2nd by Selectman Luca, VOTE: Chairman Fay aye, Selectman McCreary aye, Selectman Luca aye, Selectman Maxant no 3-1 motion passes

Nashoba Valley Medical Ctr. (NVMC)-Mr. Pontbriand updated the Board to NVMC sold by Essent Health Care to Steward Health Care. Steward is conducting a Public Meeting on Thursday, January 13, 2011 at 6:00p.m. at the Ayer High School re the transition, encouraging all town residents to attend this very important meeting.. Mr. Pontbriand advising to NVMC the town's largest employers and advising the Board to Town of Ayer submitting a Determination of Need Hearing Petition to the Dept. of Public Health on January 3, 2011, thanking Mary Spinner for gathering the necessary signatures for the Board. Mr. Pontbriand advising to the Hospital Officials requesting to meet with the Selectmen one (1) hour prior (5:00p.m.) to the public session.

Parking Garage- Selectman Maxant advising to no new development to report -Revised plan 10-26-10 sent to Mr. Mullen at DOT and to date no response on proposal. Congresswoman Tsongas looking to get involved.

Unpaid Water & Sewer Bills Liens to be published in paper re past due bills, holding businesses/residents responsible and get them on payment plan.

Agenda Item #7-Public Input

-Mary Spinner-reviewed list of unfinished Town projects with Board

1. Devens Contract-amend reserve capacity-begin negotiations
2. Home Rule Petition-Health Insurance-town cannot afford insurance lobby state officials.
3. Pond View-money gone where do we stand re uncompleted road work?
4. 4th of July Committee no Committee/funding for fireworks -no 4th of July Celebration in Town of Ayer
5. Re-Districting-keep eye on 5th District we could be in trouble
6. Personnel Board- Policy still incomplete serious problems in new revision i.e. longevity
7. 2001 TIF- NVMC not extended to new owner specific to original parties not transferrable.

Agenda Item #8. New Business/Selectmen's Questions

Selectman Fay-Fire Station ReUse-Need direction from Board to go forward with RFP or wait til next year. Selectman Maxant-Vicksburg Square deteriorating condition rebuttal -letter to be presented for next Selectmen's meeting.

Selectman Luca-Chairman's Leadership. Selectman McCreary voicing her total dismay re recent article in newspaper being unsubstantiated, requesting Selectman Luca put in writing his accusations. Selectman Luca defending his position stating continuous pattern by Chair will discuss at next meeting in full.

Agenda Item #9. Minutes

1-4-11

____Minutes of 12-16-10 Selectman Maxant moved to approve the minutes of 12-16-10 with his edits, 2nd by Selectman Luca, VOTE: unanimous, so moved.

Minutes of 12-7-10 Selectman Maxant moved to approve the minutes of 12-7-10 with his edits, 2nd by Selectman Luca, VOTE” unanimous, so moved.

Mr. Pontbriand advising Board to Personnel Board requesting Board select two (2) dates to meet with them re the Personnel Policies. The Board selected 1-11-11 and 2-8-11.

9:46p.m. Selectman McCreary moved the Board adjourn the meeting, 2nd by Selectman Luca, VOTE: unanimous, so moved.

9:46p.m. Meeting adjourned

_____/Date:_____

Selectmen Frank Maxant, Clerk

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