

Town of Ayer

Board of Selectmen

Town Hall, First Floor Meeting Room Ayer Massachusetts, 01432 2-1-11



Tuesday, February 1, 2011

Present:

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

7:00p.m. Open Session:

Town Administrator Robert Pontbriand requested to amend the Agenda as follows:

Agenda Item #3. Eagle Scout Recognition reschedule to next Selectmen’s Meeting 2-15-11 and Veterans Agent Michael DeTillion’s inserted in this place re Fy-11 Veterans Benefit Budget shortfall.

Agenda Item #5. Chief Murray rescheduled to 2-15-11 due to being out sick and insert in this place Muni-Sun reconsideration vote.

Agenda Item #7. Treasurer Stephanie Gintner unavailable to meet with the Board this evening and insert in this place Feasibility Study-Ayer Shirley Regionalization vote of support by the Board.

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

Agenda Item #2 Announcements-Chairman Fay made the following announcements:

1. 4th of July Committee Meeting-newly established Committee meeting on Thursday, Feb. 3, 2011 at 6:00p.m. in the 1st Floor Meeting Room a lot of new people have joined Committee including Town Hall personnel and bringing with them many new ideas. Chairman Fay encouraging residents to attend, meeting is open to the public.
2. Chairman Fay reminded the viewing public and room attendees to Special Town Election on Saturday, February 5, 2011 –polls will be open from 8:00a.m. to 4:00p.m. at the Ayer Town Hall-2nd floor Great Hall. Urging residents to get out and vote on this very important issue -\$750K in borrowing for the Ayer Shirley Regionalization Feasibility Study.
3. Chairman Fay reminded the Board to Regionalization Meeting in Harvard at the Public Library re Municipal Sharing of Services being rescheduled to Thursday at 7pm in light of pending in climate weather.

Agenda Item #3 -Michael DeTillion-Veterans Agent, re Fy-11 Budget Shortfall-Mr. Detillion presented his projected shortfall to the Board depicting \$40,850.00 over his \$76K budget. Mr. Detillion advised to expenses to date ending Dec.31, 2010 at \$56,840.38 and his projected six months shortfall due to current economy with more veterans being approved for financial assistance bringing his Fy-11 budget up from \$76K to \$116,850.00. Mr. Detillion advising to his working closely with the unemployment office for those Veterans able to work must provide him with a work plan and resume in order to stay in the Chapter 115 program, Those Veterans also have to apply for local job postings. Mr. Detillion updated the Board to his projected Fy-12 budget estimation at \$108K based upon Fy-11 actual spending. Mr. Detillion advised the Board to his meeting with the Fin-Com re same. Mr. Pontbriand advised the Board to his meeting with George Ramirez re those Veterans living on Devens- contract being honored. The Board thanked Mr. Detillion for bringing this to the Board’s attention and pledged their support.

Agenda Item #4. –Sue Provencher-CDBG Financial Manager, re loan subordinations-Ms Provencher presented three (3) subordinations for the Board’s consideration.

1. Case #03-209- Ms. Provencher advised to property owner at 12 Grove St., Ayer, MA refinancing to obtain better interest rate and not taking any equity out of the home. The Town’s position will not be changing. Proposed new mortgage amount \$146,500.00 the outstanding liens will be equal to 91.6% of the appraised value of the property. Selectman McCreary moved the Board vote to approve the town’s subordination of the Town’s lien for a first mortgage in the amount of \$146,500.00, 2nd by Selectman Luca, VOTE: unanimous, so moved.
2. Case #04-258- Ms. Provencher advised to property owner at 19 Oakridge Dr. refinancing to obtain better interest rate and not taking any equity out of the home. The Town’s position will not be changing. Proposed new mortgage amount \$244,290 the outstanding liens will be equal to 92.9% of the appraised value of the property. Selectman McCreary moved the Board vote to approve the Town’s subordination of the town lien for a first mortgage in the amount of \$244,290.00, 2nd by Selectman Luca, VOTE: unanimous, so moved.
3. Case 03-257E - Ms. Provencher advised to property owner on High Street refinancing to obtain better interest rate and not taking any equity out of the home. The Town’s position will not be changing. Proposed new mortgage \$191K the outstanding liens are more than the 88% of the appraised value of the property. Selectman Maxant moved the Board vote to approve the Town’s subordination of the Town lien for a first mortgage in the amount of \$191K, 2nd by Selectman Luca, VOTE: unanimous, so moved.

Agenda Item #5. Supt. Nason’s Report-The Board met with Supt. Nason.

Selectman Luca took this opportunity to praise the work done by the DPW re snow removal operations during these past few weeks with record snow falls. Snow banks outrageously higher than normal on most side streets in Ayer causing extra work for DPW pushing back snow banks on very narrow streets very difficult work in preparation for more storms being forecast in next few days. The Board echoing Selectman Luca’s remarks.

1. Transfer Station Operator Appointment-Supt. Nason introduced David Malatos of Leominster, MA to the Board advising to 24 applicants applying for position. Supt. Nason stating Mr. Malatos comes highly qualified and most impressive for position. Mr. Malatos possesses all of the necessary licenses required for the position and has an excellent resume accompanied by favorable references. Supt. Nason recommending appointment of David Malatos to the position of Transfer Station Operator. Supt. Nason advising to position in accordance to Collective Bargaining Agreement subject to a twelve (12) month probationary period and conditional upon Mr. Malatos passing pre-employment physical, drug screen and CORI background check. Mr. Malatos first date of hire to be February 12, 2011. Selectman Luca moved the Board approve Supt. Nason’s recommendation and appoint David Malatos to the Transfer Station Operator’s appointment contingent upon a 12 month probationary period, successful pre-employment physical, drug screen and CORI, 2nd by Selectman McCreary, VOTE: unanimous, so moved.
2. Redevelopment/Rehabilitation of Spectacle Pond Well #2-Supt. Nason advised the Board to two (2) bids received and based upon the proposals recommending Denis L. Maher of Ayer, MA the low bidder in the amount of \$17,050.00 be awarded the contract for redeveloping the Wells at Spectacle Pond. Supt Nason requesting authorization to approve Change Orders (additional work upon inspection and cleaning). Selectman Luca moved the Board vote to approve Supt. Nason’s recommendation, dated 1-27-11 to David L.Maher in the amount not to exceed \$17,050.00 and authorize Supt. Nason’s approval on Change Order not to exceed \$5K and to authorize the Chairman’s signature on the Contract, 2nd by Selectman Maxant, VOTE: unanimous, so moved.

3. Intermunicipal Agreement-Devens Regional Household Hazardous Products Collection Program-Supt. Nason recommended approval of the Devens Regional Household Hazardous Collection Partnership Program Agreement with the Town's of Bolton, Groton, Harvard, Lancaster, Littleton, Lunenburg and Townsend.. Supt. Nason stating Ayer has no current mechanism to remove hazardous household waste and there is an increase in these items being dumped along roadsides, public areas and attempts at the Transfer Station advising this program will solve the problem. Funding of Ayer contribution will come from SEP fines and the solid Waste Enterprise Fund. Ayer's contribution this year will be \$14K (includes one time capital and remainder of the year). Each subsequent year the cost will be approximately \$4K a year for Ayer. Selectman Luca moved the Board approve Supt. Nason's recommendation, 2nd Selectman Maxant. VOTE: unanimous, so moved.
4. Abatement-1 Fletcher Street, Ayer, MA-Supt. Nason presented the abatement request for 1 Fletcher St., Water Dept. called and inspected property finding a leak, a new meter was put in but water had passed through the meter. The majority of the Board feeling request not validated and not to abate, due to no fault of Town. Selectman Maxant wishing to consider abatement and reminded by Selectman Luca to By-law enforcing decision. Selectman Luca moved the Board vote not to approve abatement, 2nd by Selectman McCreary, VOTE: Selectman Maxant no, Selectman Luca aye, Selectman McCreary aye, Chairman Fay aye, Selectman Maxant no, 3-1 motion passes.

Selectman Luca took up the Board of Health Recycling charge with Supt. Nason and advised to Transfer Station Stickers going up for residents \$10.00 and senior discount \$5.00 and doing away with Green Recycling sticker do to unaccountability of recycling users utilizing the Transfer Stations drop off bins.

Agenda Item #7. Ayer/Shirley School Regionalization Vote of Support—Selectman Maxant opened the discussion and gave his concerns re outrageous request to borrow \$750K in money re the Feasibility Study when in actuality it would cost approximately no more than \$159K-\$200K to conduct study and recommending not to encourage fiscal irresponsibility. Chairman Fay stating the Board voted to support School Regionalization and in that flavor of events would/should support the request. Selectman McCreary agreeing with Chairman Fay. Selectman Luca agreeing that the Feasibility Study is necessary but does not agree with the \$750K and he hasn't decided yet if he will support or not.

Agenda item #8 Reconsideration of Muni-Sun Consultant Vote—Chairman Fay requested to bring this vote back for reconsideration before the Board, being in proper format due to coming from someone who voted on favor side. Chairman Fay challenging 1 year provision clause i.e Winchendon having a six month term feeling this is misrepresentation in contract. Chairman Fay also expressing his concern re ethics violation re Conflict-of-Interest Sturbridge Town Manager and Mr. Kriedler Winchendon Town Manager. Having mutual family ties and both former employees of the Town of Ayer. Chairman Fay also questioning deadline of Monday passing and Ayer Board has not signed Agreement. Chairman Fay also inquiring as to where the Consultant has filed his corporation. Mr. Pontbriand advising to consultant incorporated out of Boston, MA and updated the Board to goal being alternate energy source, Ayer not being an ideal wind site but has opportunity for solar field. To be successful in this endeavor the town needs someone experienced to find solar bundle procurement; Mr. Kriedler has strong contractual experience met with Energy Committee offering no financial commitment to the Town, and a one year term or six months per Chairman Fay's request earlier. Selectman Maxant producing another company for the Board's consideration DCS- wishing to see what they offer. Selectman Luca stating if issue pops up with Muni Sun the town could pull out. Mr. Pontbriand stating Mr. Kriedler is putting Towns together with one (1) RFP (5-7 communities) Energy Committee will work with him. Selectman McCreary feeling Board voted on 1-18-11 to approve and should sign the contract. Selectman Maxant, Fay and herself voted in the affirmative to approve. Chairman Fay again requesting the time frame of

contract is limited to six months. Selectman McCreary moved the Board revise contract agreement to six months and approve the agreement, 2nd by Selectman Luca, VOTE: unanimous, so moved. Selectman McCreary moved the Board accept the Agreement subject to Mr. Kriedler's approval 2nd by Selectman Luca, VOTE: unanimous, so moved. Pauline Conley took this opportunity to share with the Board MMA article supporting Constellation Energy.

Agenda item #9. JBoS-Chairman Fay advising to Governance Committee meeting on 2-24-11 @7:30p.m. Selectman Maxant spoke to the President's State of the Union addressing Innovation Technology being the future and opportunity right here at Devens-Vicksburg Square could become part of the President's Economic Plan.

Agenda Item #10. Town Administrator's Report-The Board met with Town Administrator Robert Pontbriand.

1. Chamber of Commerce-Met with Melissa Fetterhoff on 1-20-11 Ms. Fetterhoff offered her assistance marketing Town/Businesses as well as supporting the Town of Ayer's 4th of July Celebration
2. MMA-Mr. Pontbriand advised the Board to his attendance at this year's meeting at no expense to the Town. Mr. Pontbriand reported on his attendance at workshops i.e. legal matters, intermunicipal agreements, 111F.
3. MIIA Annual Meeting -Ayer's receiving \$3,261.00 in dividends which may be applied toward premium or they will submit check to town.
4. Parking Garage- Mr. Pontbriand updated the Board again to no correspondence back from DOT re the parking garage-Secretary Mullen not responsive to new proposal. Congresswoman Tsongas to meet with DOT, and advising to Town's \$3.2million dollar earmark not in jeopardy. Selectman Maxant also advising the Board to his meeting with Senator Eldridges aide re same.
5. Pleasant Street School-Mr. Pontbriand advising to pathway progress and Deed Restriction having to be approved by Historical Commission, Housing Authority, Selectmen and filed with HUD and EOCD and to be on the Selectmen upcoming agenda/
6. 2010 Town Report Bid Award- Mr. Pontbriand advised the Board to three proposals submitted: Alphagrahics (who printed the 2008 Town Report)-Betterway Printing who printed the 2009 Town Report and King Printing-new vendor. Mr. Pontbriand advising to King Printing the low bidder for 500 reports with color cover -200 pages 6x9 report- bid \$1,488.40. Selectman Luca moved the Board award the 2010 Town Report to King Printing of Lowell, MA for the bid price not to exceed \$1,488.40, 2nd by Selectman McCreary, VOTE: unanimous, so moved.
7. Fy-12 Budget review-Mr.Pontbriand advising to fin-Com still meeting with Department Heads and Financial Manager and he meeting with Shirley Town officials- Ayer/Shirley School Regionalization being \$900K in assessment and \$1-2million shortfall.
8. Selectman Luca requesting Town Treasurer put together numbers for next Selectmen's Meeting re Health Insurance i.e. Government proposed Town insurance plan. Cost to Town employees. Selectman Luca also questioning status of vacation/sick time tracking system and advised to IT Director and Treasurers Office working together.
9. Water/Sewer Collection and Collection of Back Taxes -Mr.Pontbriand reviewed proposed payment plan with the Board and draft policy.

Agenda Item #11. Selectmen's Questions/New Business

Selectman Maxant-spoke to statements re treatment of businesses/residents on Devens -re hostility from residents of Ayer/ businesses encouraging residents and businesses to welcome residents of the Enterprise Zone at Town Meeting and encourage them to partake of what Ayer has to offer.

9:30p.m. Selectman Luca moved the meeting be adjourned 2nd by Selectmen McCreary Vote unanimous, so moved.