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



Tuesday June 28, 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		

7:06p.m. Open Session

Chairman Luca called the meeting to order.

Town Administrator Robert Pontbriand requested to take up one additional item under the DPW Supt. report: time sensitive item re additional ballasts needed, for WWTP and only supplier in Germany.

Selectman Maxant-requesting to remove the word “enforcement” under Agenda Item #6-g re Neighborhood Blight item. The Board to take this up when they get to Town Administrator’s Report.

Selectman Fay-wishing to discuss an Eagle Scout donation –this also to be taken up under the Town Administrator’s Report, later in the meeting.

Chairman Luca called for a motion to approve the Agenda as amended. Selectman Fay moved the Board vote to approve the Agenda of 6-28-11 as amended above, 2nd by Selectman Conley, VOTE: unanimous, so moved.

Agenda Item #1. Announcements-Chairman Luca made the following announcements.

- 4th of July Parade Saturday 7-2-11 at 2:00p.m. entertainment, games, booths at Pirone Park and Fireworks at dusk.
- Next regular meeting of the Board of Selectmen on 7-19-11 @7:00p.m.

Agenda Item #2. Public Forum- Selectman Luca requested if there was anyone present wishing to meet with the Board under Public Input:

Selectman McCreary- being informed by residents re Selectmen’s Meetings audio not hearing Board urging Board to speak into their mikes and also, would like to speak to dangerous condition re bicycles on rail trail.

Agenda Item #3. Stephanie Gintner, Town Treasurer re BAN Bonds re Borrowing The Board met with Stephanie Gintner. Ms. Gintner presented the Board the General Obligation Bond Anticipation Notes to be executed in the amount of \$2,374,566.00. Ms. Gintner requested the Clerk read into the record the Board’s vote. Selectman Maxant requesting to read the individual notes to be executed. The Board reviewed the individual notes in their respective amounts, passed at the May 2010 Annual Town Meeting and October 2010 Fall Town Meeting along with description and purpose prior to vote.

- Selectman Maxant moved the Board vote to approve the sale of a \$2,374,566.25 1.25% General Obligation Bond Anticipation Note dated June 30, 2011 and payable June 29, 2012, to First Southwest Company at par and accrued interest, if any, plus a premium of \$11,863.09, 2nd by Selectman Fay, VOTE: unanimous, so moved.
- Selectman Maxant moved in connection with the marketing and sale of the note, the preparation and distribution of a Note of Sale and preliminary official statement dated 6-17-11, and a final official statement dated June 22, 2011, each in such form as may be approved by the Town Treasurer, be and hereby are ratified, confirmed, approved and adopted, 2nd by Selectman McCreary, VOTE: unanimous, so moved.

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- Selectman Maxant moved that the Town Treasurer and the Board of Selectmen be, and hereby are, authorized to execute and deliver a Significant Events Disclosure Undertaking in compliance with SEC Rule 15c2-12 in such form as may be approved by Bond Counsel to the Town, which undertaking shall be incorporated by reference in the Note for the benefit of the holders of the Note from time to time, 2nd by Selectman Fay, VOTE: unanimous, so moved.

Selectman Maxant moved that each member of the Board of Selectmen, the Town Clerk, and the Town Treasurer be and hereby are, authorized to take any and all such actions, and execute and deliver such certificates, receipts or other documents as may determined by them, or any of them, to be necessary or convenient to carry into effect the provisions of the foregoing votes, 2nd by Selectman Fay, VOTE: unanimous, so moved. Selectman Maxant further certified that the votes were taken at a meeting open to the public, that no vote was taken by secret ballot, that a notice stating the time, place, date, time and agenda for the meeting was filed with the Town Clerk and a copy thereof posted in a manner conspicuously visible to the public at all hours in or on the municipal building that the office of the Town Clerk is located or if applicable in accordance with alternative method of notice prescribed or approved by the AG as set forth in 940 CMR 29.03 (2) 9b), at least 48 hours, not including Saturdays, Sundays and legal holidays, deliberations or decision in connection with the sale of the note were not taken in Executive session, all in accordance with G.L. c30A, S18-25 as amended. Selectman Maxant endorsed and dated (6-28-11) the Vote of the Board of Selectmen as so stated above.

**Agenda Item #2. David Maher, Director of Economic Development Report-
Fy2012 UDAG Portion of Economic Development Budget**

Mr. Maher updated the Board to the Industrial Development Finance Authority (IDFA) unanimously approving to continue to support the efforts of the Economic Development Department authorizing the sum of \$16,167.00 to the Fy-12 Budget. Mr. Maher advising to Town Meeting approving \$29,219 in the Omnibus Article and requesting the Board's approval of UDAG Funding in the amount of \$39,306.00. Selectman Conley moved the Board vote to approve the amount not to exceed \$39,306.00 from UDAG Funds for the Economic Development Fy-12 Budget, 2nd by Selectman Maxant, VOTE: unanimous, so moved.

4th of July Celebration Update-Mr. Maher updated the Board to festivities all set, parade route changed from Hannaford's parking lot on Fitchburg Rd. to St. Mary's Church parking lot to ease traffic concerns. Committee met and exceeded funding expectations on way to meeting goal of being self sufficient/funded. Mr. Maher taking opportunity to publicly thank Nashoba Publications reporter Mary Arata for her weekly articles announcing upcoming events and celebration activities. Special thanks were given to Essent for Hospital donation and again to Selectman Conley for volunteering her stipend to the 4th of July Committee's account which was pointed out by Selectman Fay as exceeding Essent \$2K donation. Selectman Conley thanking all for working together towards funding the Town's celebration. Town Administrator taking this opportunity to announce and congratulate David Maher being honored by Nashoba Valley Chamber of Commerce for his outstanding contributions to the business community. Mr. Pontbraind advising to David's volunteering at the Chambers' Taste of Nashoba as well.

Agenda Item #3. Supt. Nason's Report- The Board met with Dan Nason.

1. Spectacle Pond Backwash Pump Contract-amended Short Form Agreement-Supt. Nason advising to this item brought before Board on 6-14-11 and set back to address liability concerns expressed by Selectmen Conley re Town waiving rights re claims/no re-course, approved by the Board. Selectman Conley moved to approve the Spectacle Pond Backwash Pump Short Form Agreement effective 6-22-11 with Onsite Eng. of Franklin, MA, for the contract award not to exceed \$9,900.00, 2nd by Selectman Fay, VOTE: unanimous, so moved.

2. Spectacle Pond Well #1. Emergency P.O. Ratification-Selectman Conley moved the Board vote to approve the P.O. # MS-0822 dated 6-15-11 with Maher Services Inc. of North Reading, MA for a submersible motor replacement and equipment repair and cleaning due to electrical overload on 6-7-11 which caused the shaft to drop in the amount not to exceed \$11,450.00, with caveat for additional expenses not to exceed \$4K 2nd by Selectman Fay, VOTE: unanimous, so moved.
3. Water & Sewer Lien Collection Update-Supt. Nason reviewed with the Board outstanding issues re billing improvements and need to update regulations. Payment Plan currently being put together re updating and codifying the Collection process. Supt. Nason advising to responsibility re collection falls under Tax Collector. Presently the DPW billing cycle is every six (6) months with bills due within thirty (30) days of receipt. Supt. Nason advising the Board to goal being installing new meters/software to perform remote read outs, no more relying on meter man taking individual readings and transfer readings to network, less maintenance with liens and will then have the ability to shut off water, process would be better served and has Board of Health approval. Selectman Conley seeking clarification re last Fin-Com Meeting stating she was led to believe DPW could not create list of unpaid water/sewer bills. Town Accountant can produce list of violators through MUNIS, which goes to Town Collector then onto property tax bills. Supt. Nason advised to liens out presently.
Selectman Conley advising to Regulation Section #5 items 1, 2, 3, 4, 5 and Application paragraph 8-D re Contractors –requiring having insurance i.e Professional Liability or excess Umbrella Insurance being added to regulations.
4. PanAm Update- Present for discussion Cynthia Scarano –Supt. Nason expresses his concern re which stormwater-filtration devices should be installed in Phase II and stressing his concern for the same stormceptors filtration devices used for Phase I due to uniform construction, maintenance and management for the entire PanAm facility. Ms. Scarano stated this is where we differ advising to her engineers supporting PanAm’s position requesting the town provide scientific data stating the cost of the brand name device and stating the less expensive non proprietary model included in their Phase II plan is equal to the task. Ms. Scarano advising to PanAm agreeing to an onsite meeting with DEP officials to be scheduled shortly. Selectman McCreary reiterated her concern re the aquifer needing all the protection available to the Town being Ayer’s & Littleton’s water supply and needs to be protected. Selectman Conley questioning what is PanAm primary objection to using Stormceptors in Phase II? Ms. Scarano answered, the cost, and if there was a reason that it made an environmental difference she would approve it stating PanAm pays a lot of money for outside engineers who advise them and what they are telling her is there isn’t a difference. The Board offering if you took the PanAm site and put it in a different site that is not above the town’s aquifer then yes Ms. Scarano is right but eight to nine feet above an aquifer, they are just meeting the minimum standards. Ms. Scarano stated that she has the authority to make these decisions for PanAm. The Board thanked Ms. Scarano for coming in, Ms. Scarano inviting the Board to keep the doors open re discussion and if they need to see her to come in at anytime, they are just down the road.
5. Ballasts WWTP-Supt. Nason advising Board to need of ordering ballast again from German Company due to ballast only made in Germany and seeking Board’s approval due to time constraints. The Board approved Supt. Nason to order the additional ballasts.

Agenda Item #6 Town Administrator’s Report-

IT Systems Administrator-Mr. Pontbriand opened the discussion by advising to the Personnel Board meeting on Monday, 6-27-11 re vote on the Compensation Grade for the position, which was graded at Grade 13, to which Mr. Pontbriand requested the Board reconsider and Grade at Grade 13, Step 10- \$65K

to which Mr. Pontbriand advising the Board to his surveying surrounding Towns as well as the MA Municipal Assoc. Re comparable salaries/job descriptions. Selectman Conley moved the Board vote to approve Mr. Pontbriand's recommendation and Grade the IT Position at Grade 13 Step 10, benefited position, non-union at \$65K and waive probation period of six months due to Ms. Knox presently the Town's part-time IT Administrator, effective 7-1-11, 2nd by Selectman Maxant, VOTE: unanimous, so moved. The Board welcomed Cindy Knox to the table and congratulated and thanked her for her services.

Veterans Dept. Reserve Fund Transfer-Mr. Pontbriand updated the Board to shortfall to close out the year. Mr. DeTillion-Veterans Agent reviewed with the Board the Veterans Budget's current case load (22) on Chapter 115 (Veterans Welfare) of which five (5) are long-term and will remain indefinitely and 10 of the 17 are located at the transitional housing on Devens and considered temporary, the remaining seven (7) are being assisted by SS or VA and will be removed from Chapter 115. Mr. Pontbriand requested the Board vote to approve a \$3,079.81 Reserve Fund Transfer. Selectman Conley moved the Board vote to approve the Veterans Agents request in the amount not to exceed \$3,079.81 to close out Fy-11, 2nd by Selectman McCreary, VOTE: unanimous, so moved.

WWTP Heating System Upgrade Project Change Order- Mr. Pontbriand advised the Board to (two) Change Orders requested-One in the amount of \$7,429.00 which was actually part of the original project but contractor treated as a Change Order and the 2nd in the amount of \$6,092.25 both of which are covered under DOER Grant. The Board reviews both requests and approved only the 2nd request in the amount of \$6,092.25. Motion to approve and authorize the Chairman's signature made by Selectman Conley, 2nd by Selectman Maxant, VOTE: unanimous, so moved.

Fy-12 Appointments-Selectman Conley requesting to run through Fy-12 appointments approving known appointments and passing on others to July 17, 2011.

Selectman Conley moved the Board vote to continue the meeting to 10:30p.m. 2nd by Selectman Maxant, VOTE: Selectman McCreary no, Selectman Fay aye, Selectman Conley aye, Selectman Maxant aye, Chairman Luca aye, 4-1 motion passes.

Auctioneers: Dan Swanfeldt & Peter Johnston –Selectman Conley moved to reappoint Dan Swanfeldt and Peter Johnston, 2nd by Fay, Vote U

Asst. Collector of Taxes: Roberta Chase, Selectman Conley moved to reappoint Ms Chase 2nd by Selectman McCreary, Vote: U

BOS Rep to CPC- Chairman Luca-Selectman Conley moved the Board approve Chairman Luca to serve as the Board's representative to the CPC 2nd by Selectman Fay, Vote- U

Conservation Commission the Board met with David Bodurtha-The Board expressed concerns re Mr. Bodurtha's conduct and postponed this appointment to 7-19-11 by a 3-1 vote (Selectman Conley aye, Selectman Fay aye, Chairman Luca aye (Selectman McCreary no) and advised to another candidate requesting interest in this position who will be requested to attend meeting.

Dam & Pond Mngt. Com.- Newly Established Com 6-28-11 Selectman Conley moved the Board vote to appoint Robert Pontbriand, Robert Pedrazzi Dan Nason, and ConCom designee as permanent members, 2nd by Selectman Fay, VOTE: U

Emergency Mngt-Director-Robert Pedrazzi /Deputy Director Wellman Parker-Selectman Conley moved the Board vote to re-appoint both Chief Pedrazzi and Wellman Parker, 2nd by Selectman Fay, VOTE: U

Fence Viewer-Gabe Vellante-Motion to reappoint Gabe Vellante made by Selectman Conley, 2nd by Selectman Fay, VOTE: U

Historical Com. George Bacon-present-

Selectman Conley moved to reappoint George Bacon, 2nd by Selectman Maxant, VOTE: U

IT Committee-Selectman Conley moved to re-appoint Jeff Mayes 7 Evan Torlin and Cindy Knox as permanent member, 2nd by Selectman Fay, VOTE: U

Plumb/Gas Inspector-Robert Friedrich-Selectman Conley moved to re-appoint Robert Friedrich, 2nd by Selectman Maxant, VOTE: U

Rate & Fee Review Com. Newly Established Com on 6-28-11. Selectman Conley moved to appoint Lisa Gabree, Robert Pontbriand as permanent ex officio appointments and Brian Muldoon from Fin-Com, one member from business community and one citizen at large. 2nd by Selectman Fay, VOTE: U

Sealer of Weights & Meas. Selectman Conley moved to re-appoint Eric Aaltonen, 2nd by Selectman Maxant VOTE: U

Stormwater Utility EF Com. Newly Established Committee on 6-28-11 Selectman Conley moved the Board appoint Dan Nason as permanent ex officio member, 2nd by Selectman Fay, VOTE: U

TIF Review Com. Newly Established Committee 6-28-11-Selectman Conley moved to appoint Robert Pontbriand and Lisa Gabree as permanent ex officio members and Scott Houde of Fin-Com, and David Maher EOCD permanent member and Selectman Conley as Selectmen's representative, 2nd by Selectman Fay, VOTE: U

Town Counsel-Selectman Conley moved to reappoint Kopelman & Paige, 2nd by Selectman McCreary, VOTE: Selectman Conley aye, Selectman McCreary aye, Selectman Fay aye, Chairman Luca aye, Selectman Maxant no 4-1 motion passes.

Town Gov. Study Com. Selectman Conley moved the Board re-appoint Murray Clark, Pauline Conley, Lisa White, Pauline Hamel, Thomas Hogan, Steve Slarsky, James Pinard, 2nd by Selectman Fay, VOTE: U

Zoning Board of Appeals-Dale Taylor Selectman Conley moved the Board vote to reappoint Dale Taylor, and appoint new member Charles Shultz 2nd by Selectman Fay, VOTE: U

2. 2011 Line Item Transfers-Mr. Pontbriand and Town Acct. Lisa Gabree to prepare list of end of year transfers for the Board and Fin-Com for a Joint Meeting to be scheduled on 7-13-11.
3. Energy Committee-Constellation Energy to meet with Board on 7-19-11 and advised to Green Communities Application mailed and electronically filed on 6-29-11 decision next week.
4. Neighborhood Blight Enforcement Update- Mr. Pontbriand advised to three principals- spirit of cooperation in effect some positive others not so good. Selectman Maxant stating his dismay re enforcement language inappropriate when Board of selectmen has no authority.

Agenda Item #7. JBoS -Selectman Fay updated Board to cameras installed for meetings, and concerns re Town of Harvard cooperating re redevelopment only under their terms and discussion continued to 7-19-11

Agenda Item #8 Selectmen Questions/New Business-

The Board met- with Town Clerk John Canney. Selectman McCreary expressed her concern re not having Mr. Canney present for the 6-14-11 meeting when The Board of Selectmen had scheduled change of precinct on the Agenda causing the Board to schedule an emergency meeting due to Secretary of State having to receive Town's decision the following Monday. June 20, 2011. Mr. Canney stated he gave all the documentation to the Selectmen re this issue feeling it was a ministerial matter due to the Town's precincts not changing. Chairman Luca stating it was important enough for the Secretary of State to submit letter, map & boundaries. Selectman McCreary stating Ms. Rosas and Mr. Pontbriand had to get additional information to Secretary of State, critical documentation which needed the Board of Selectmen's endorsement. Selectman Maxant advising to his not endorsing without first seeing map/boundaries. Selectman McCreary stating additional meeting could have been avoided had he been present on the 14th.

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Chairman Luca requesting Audit Management and Town Administrator's Goals & Objectives is scheduled for 7-19-11 Selectmen's Meeting.

Selectman Fay announced an Eagle Project submitted by Chris Rodriguez donating two granite benches for placement in the Memorial Garden in honor of his grandfather Manny Velez's many years serving as Veterans Agent for the Town of Ayer and authorize the chairman's signature on Boy Scout approval form. Which was placed in the form of a motion by Selectman Fay and 2nd by Selectman Maxant, Vote U. 10:30p.m. Selectman McCreary moved the Board vote to adjourn the meeting, 2nd by Selectman Fay, VOTE; unanimous, so moved.

_____ Date _____

Frank F. Maxant, Clerk

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