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



Tuesday, December 6, 2011
Selectmen's Meeting on Town of Ayer Website www.ayer.ma.us

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		

7:00p.m. Open Session

Chairman Luca called the meeting to order- Chairman Luca requested if there was anyone present wishing to meet with the Board under Public Input, no one stepped forward. Town Administrator Robert Pontbriand requested to amend the Agenda requesting the Board take up the Green Communities Energy Contract and Pitney Bowes mailing machine purchase order under his report.

Selectman McCreary moved the Board approve the amended agenda as presented, 2nd by Selectman Conley, VOTE: unanimous, so moved.

Agenda Item #1. Public Input/Announcements-Chairman Luca made the following announcements:

Chairman Luca reminded all to Pearl Harbor Day, tomorrow, December 7th encouraging all to take a moment to reflect upon this ominous day in our country's history. Chairman Luca announced the Board's December calendar-12-14-11, Joint meeting with Fin-Com re meeting with Town Treasurer & Town Clerk, December 15, 2011 Executive Session/Open Session, December 20, 2011 the Board's regular meeting.

Agenda Item #2. Eagle Presentations-Present for the presentation Karin Januskiewicz and her father Peter Johnston, Troop Leaders of Troop 3. Chairman Luca invited Scouts up to table to read and presented each scout with a Certificate of Recognition from the Board of Selectmen. Absent from Troop 3 Eagle Scout Mitchell Taylor. Receiving citations were Eagle Scouts:

Jordan Rodriguez –Jordan's Eagle Project-the inspiring fund raising efforts for the installation of two (2) granite benches and the landscaping of the Veterans Memorial Garden in memory of his late grandfather Veterans' Agent Manuel Velez.

Kyle Cherico-Kyle's Eagle Project-cleaning, painting, reconfiguring/designing the Ayer/Shirley Regional School District's Ayer Public Access Communication (AYERPAC) technology facilities closet.

Chairman Luca read into the record Eagle Scout Mitchell Taylor's Certificate of Recognition.

Mitchell Taylor-Mitchells' Eagle Project-restoring and enhancing the Ayer/Shirley Regional School District's Handicap accessibility with the building & installation of four (4) ADA compliant picnic tables. The Board congratulated the Scouts and paused for a few moments to take pictures with the scouts by local media.

Agenda item #3. Public Hearing-Fy-12 Tax Classification-Present for the classification hearing Board of Assessors Members Edward Cornellier and Paul Bresnahan along with Assessor's Assistant Thomas Hogan. Chairman Luca opened the Hearing by requesting the Legal Notice be read into the record. Selectman Maxant read the legal notice advertised in the Nashoba Publications the weeks of November 25, 2011 and December 2, 2011. Edward Cornellier, Chairman of the Board of Assessors opened the discussion by advising the Board to relevant information provided by Mr. Hogan to the Selectmen to assist them with their decision on allocating the tax burden including the fiscal effects on the available alternatives. Mr. Cornellier turned the discussion over to Mr. Hogan who reviewed with the Board the four options for classification:

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- Open Space- the determination of a discount factor of up to 25% for all land identified as Open Space. Mr. Hogan reviewed with the Board the Open Space Discount-land maintained in an open or natural condition which contributes significantly to the benefit and enjoyment of the public. Mr. Hogan advising to Board of Selectmen not adopting this exemption in the past. Selectman Conley moved the Board not adopt the Open Space discount, 2nd by Selectman McCreary, VOTE: unanimous, so moved.
- Residential Exemption of up to 20%-residential exemption would be applied to every residential property which is the principal residence of a taxpayer which is subtracted from the assessed value of all eligible parcels. Mr. Hogan advising to Board of Selectmen not adopting this option in the past. Selectman Fay moved the Board not adopt the Residential Exemption 2nd by Selectman Maxant, VOTE: unanimous, so moved.
- Small Commercial Exemption of up to 10%-designed to provide tax relief for small businesses, the tax burden is shifted within the Commercial/Industrial. Mr. Hogan advising to Board of Selectmen not adopting this option in the past. Selectman Fay moved the Board not adopt the Small Commercial Exemption, 2nd by Selectman McCreary, VOTE: unanimous, so moved.
- Adoption of Residential Factor for the purpose of determining the percentage of tax burden to be borne by each class of property.

A large group of Town business men were present for the Hearing, Present and speaking on behalf of the businesses were: Atty. Tom Gibbons, Ed Kelley, Calvin Moore, Phil Berry, Jim Pinard Jr., David Allen. After a lengthy discussion Selectman Fay motioned to adopt a residential factor of 0.705926/shift factor of 1.53, no 2nd to motion. Chairman Luca stated he was thinking more towards factor of 0.722572/ shift factor of 1.50 no 2nd to motion, Board entered into further discussion. Resident Michael Pattenden spoke to economy struggle for home owners facing higher medical bills/energy costs; Chairman Luca stating businesses hurting same as homeowners. Selectman Maxant offered the Board adopt residential factor of 0.700377/shift factor of 1.54 no 2nd to motion. Further discussion heard from businesses speaking against higher rate urging Board to support businesses in town. Selectman Fay moved the Board adopt residential factor of 0.722572/1.50 shift factor for a \$13.10 residential tax rate \$27.20 CIP rate, 2nd by Selectman McCreary, VOTE: Selectman Fay aye, Selectman McCreary aye, Chairman Luca aye, Selectman Conley no, Selectman Maxant no 3-2, Motion passes. Selectman Maxant moved to close the Public Hearing, 2nd by Selectman Fay, VOTE: unanimous, so moved. 8:30p.m. Public Hearing concluded for the FY-12 Tax Classification.

Agenda Item #4. Police Chief William Murray-

1. Appointment of Patrolman- Chief Murray introduced George Fichter Jr. of Balwinville, MA to the Board. The Chief gave the Board a brief background re Mr. Fitcher who is currently a six year employee of the Town of Shirley Police Dept. The Chief advised to Mr. Fitcher being certified in all minimum requirements necessary to work as a police officer. Chief Murray introduced Mr. Fitcher's family to the Board who was present for the meeting. The Board interviewed Mr. Fitcher and held a brief question & answer session with him re why he would like to work for the Town of Ayer. Selectman Fay moved the Board vote to accept the Chief's recommendation and appoint George Fitcher Jr. to the vacant Patrolman's position at the Ayer Police Dept., contingent upon Mr. Fitcher's successful passing of a physical and psychological exam, 2nd by Selectman Maxant. VOTE: unanimous, so moved. The Board congratulated and welcomed Mr. Fitcher to his new position with the Town of Ayer.
2. Termination of Dispatcher Appointment-The Board upon the recommendation of Chief Murray moved to terminate the appointment of Janet O'Laughlin who was appointed on 7-19-11 as Per-Diem dispatcher, do to her not completing her required training for the position. Chief Murray requesting permission of the Board to fill this position as soon as possible. Selectman Maxant moved to terminate Janet O'Laughlin's appointment as Per-Diem Dispatcher effective immediately due to her not completing her required

training obligation and allow the chief to fill this position, 2nd by Selectman Conley, VOTE: unanimous, so moved.

Agenda Item #5. Supt. Nason's Report-

1. Pondview Estates Acceptance of Deed and Easements-removed from Supt. Nason's Report due to deed and easements are still under legal review.
2. Backflow/Cross Connection Program Contract-Supt. Nason presented the Water Dept. three (3) quotes re the Town's bi-annual contract for cross connection/back flow protection/testing. Bids received: Thurber Consultants of Sutton., MA -\$35.00, Blouin Testing of Groton, MA -\$40.00, Weston & Sampson of Peabody, MA \$42.00. Supt. Nason recommending Thurber Consultants, the low bidder who has extensive experience providing these services within the town. Supt. Nason recommending a two-year contract. Selectman Conley moved the Board vote to approve the Backflow/Cross Connection Program Contract to Thurber Consultants at \$35.00 cost per device service and testing/ labor included, 2nd by Selectman McCreary, VOTE: unanimous, so moved.
3. Pan-Am Update-Supt. Nason updated the Board to Phase 2 Project not being in compliance and subject to DEP/EPA pressure for installation of by-pass system upstream on each of the expansion area water quality units.
Selectman Conley on an additional matter questioned PanAm's arrears in back taxes to the Town in excess of \$300K recommending pressure be put on them to pay.
4. Devens Excess Sewer Capacity- present for discussion Susan Honeywell-Supt. Nason urging the Board to hold off on excess sewer buy back and advising to MADEV remaining open to issue. The Town is allowed under contract to send 800K GPD of sewerage to Devens WWTP-typically Ayer sends 100K GPD. Twelve years have passed since study was completed many variables have changed including Grove Pond & Spectacle Pond upgrades. Ms. Honeywell addressed unknowns still being investigated i.e. Groton Intermunicipal Agreement (Westford Rd.), Water bank still in effect. Supt. Nason feeling it imperative that both the sewer & water Departments perform a current updated baseline analysis of their collection and distribution systems to better understand our flow conditions to project the future needs of the residents and businesses. Supt. Nason stating the Town needs real numbers –short sighted to terminate with Devens /\$60K buyback, more information needed re water bank, future projects i.e. Fitchburg Rd. to sell capacity and find out later down the road we need it in case of of I/I related flow increases, emergency repairs or system failures at our WWTP or main pumping station. Town Administrator advising Board to no motion needed re this matter, opportunity with Devens still on the table and Town is open to investigate preserving Town of Ayer's capacity, will come back to Board with option.
5. Water Production/Billing Issue-The Board discussed their concerns re issues pertaining to water production and billing for water usage with Supt. Nason. Supt. Nason advising Water Dept. is pumping less water than billing for. Supt. Nason advising to software system problem and currently having system re-programmed/calibration tested. Supt. Nason stating he does not know where problem is and has reported this to DEP. DEP looked at pumping and billing to try to find out where water lost is and he is awaiting additional corrective measures. Selectman Conley requested copy of memo from DEP.
6. Recycling Award- Supt. Nason took this opportunity to congratulate the Recycling Committee for Town's receipt of the Central MA Recycling Recognition Award. Supt. Nason advising to State average is 2000 lb. of trash a year per resident and Town of Ayer is less than 1000 lbs of trash a year per resident. The Board sent their Congratulations along to the Recycling Committee for getting the message out.

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

1. 4th of July 2012 Fireworks Contract- Mr. Pontbrinad presented the Board the 2012 Fireworks Contract with Pyrotecnico, a Pennsylvia Corporation, for Saturday, July 7, 2012, for the Contract price of \$10K to lock in price for July 2012. Selectman Conley moved the Board vote to approve the Fireworks Contract in the amount not to exceed \$10K for 7-7-12, 2nd by Selectman Fay, VOTE: unanimous, so moved.
2. Goals & Objectives-Mr. Pontbriand presented his revised Goals & Objectives re long & short goals and advising to emergencies taking precedent over list. Mr. Pontbriand advising to list encompassing absolute priorities of Board more realistic.
3. Department head Evaluations-Mr. Pontbriand updated Board to need for Board to decide on how to proceed with evaluations i.e. who should conduct evaluations, Town Administrator, Board of Selectmen, combination of both? Also the need for a formal format and a timeline for implementation must be developed as well as incentives and implications re negative evaluations. Mr. Pontbriant to develop format and distribute to Board.
4. Mr. Pontbriand reminded Board to 12-15-11 meeting re the Town's Health Insurance and proposed plan re MA Municipal Health Reform Legislation changes to 32B and acceptance of Sections 21-23 necessary for the town to make changes for MNHG and/or other health plans.
5. Mr. Pontbriand gave the Board a brief update re Fy-13 Budget forecast. Capital Plan Com finished 12-5-11 recommendations to be presented to Board-limited resources. Health Insurance plan changes to be calculated into budget. Mr. Pontbriand advising to official notification of "free cash" for Fy-13 was negative (\$68,213.00) due to a significant decrease in payment of property and auto excise taxes, there will be no free cash for the Fy-13 Budget. Mr. Pontbriand announcing the estimated budget deficit approximately \$236K. Mr. Pontbriand advising to the issue of Health Insurance to play a significant role in Fy-13 budget-MNHG has provided estimated preliminary numbers to the Town which asre favorable to the Town but only in part mitigate the potential impacts. Mr. Pontbriand advising to Department Head meeting scheduled next week to submit 3%, 1% and level funded Fy-13 budgets by 12-30-11 and not including COLA of increases to wages/salaries for Union contracts. Mr Pontbriand advising to Fin-Com to meet with Treasurer and Collector on 12-14-11 to develop plan for collections need for effective realistic strategy/proactive plan re collections. Selectman Maxant recommending the Board of Selectmen attend this meeting-Focus to try to stabilize situation.
6. Mr. Pontbriand presented the Green Communities Energy Grant requesting the Board approve his signature to the grant award report. Selectman McCreary moved the Board authorize Mr. Pontbriand's signature re the Com of MA green Communities Grant Report, 2nd by Selectman Conley, VOTE: unanimous, so moved. Mr. Pontbriand updated the Board to the Fire Station lights being included in a grant and updated the Board to the status of the generator, not having to go through procurement-generator on State Bid List and to gas line prep work completed. Mr. Pontbriand advising to Solar Field also still in the works.
7. Audit Reponses to be addressed with Treasurer & Town Clerk/Collector in January 2012.
8. Town-wide email policy included in Clerical Contract to be inter-grated into Personnel Policies.
9. The Board approved the Pitney Bowes Mailing Machine Purchase Order submitted by the Town Accountant for the Town Clerk's Office in the amount of \$458.67/ for a 3 year lease agreement total cost \$5,504.04 new equipment will be available in Town Hall the first of the year. Motion to approve P.O. made by Selectman Conley to authorize the Chairman's signature, 2nd by Selectman McCreary, VOTE: unanimous, so moved.

10. Nuisance By-law re properties in Town Mr. Pontbriand advising to Building Inspector & Board of Health requesting Town Counsel’s assistance –by-law loosely written unenforceable need legal assistance to enforce.

Agenda Item #7 JBoS Update-The Board endorsed the Joint Board of Selectmen of the Towns of Ayer, Harvard, Shirley and the Community of Devens Memorandum of Agreement re the Makeup of the JBoS; consisting of four (4) voting members and one non-voting member and one alternate. MADEV Executive Director for Devens will represent MADEV as the non-voting member. The Voting members of the JBoS are representatives of their respective appointing entities, they may act upon administrative items such as approving minutes or make recommendations to be taken back to their respective communities. They cannot take any action at JBoS that binds their appointing authority. Motion to approve made by Selectman Maxant, 2nd by Selectman Fay, VOTE: unanimous, so moved.

Agenda Item #8 Selectmen’s Questions/New Business

Selectman Conley requested the Executive Session Minutes of 4-27-10 be released re McNiff Property Foreclosure, issue being resolved/concluded. Motion made by Selectman Maxant 2nd by Selectman Fay, VOTE: unanimous, so moved. Selectman Conley making this request to present example of Selectmen entering into an Agreement with property owner for 90 days and owner paying taxes within that time period to avoid foreclosure. Selectman Conley questioning why Shaker Hills was given three years to pay their taxes by the Tax Collector.

Chairman Luca advised to approvals submitted re the Fy-12 Alcohol License Renewals to Alcoholic Beverage Control Commission but Board to not release the License until all personal property taxes/Water & Sewer bills are paid in full by licensee. Town Counsel to prepare letter to go to each of the licensees in arrears.

Selectman Conley requesting Town Administrator look in to taping device that transcribes minutes for the Board’s review.

10:55p.m. Selectman Fay moved the Board adjourn the Meeting, 2nd by Selectman McCreary VOTE: Unanimous, so moved.

DATE: _____

Frank F. Maxant, Clerk