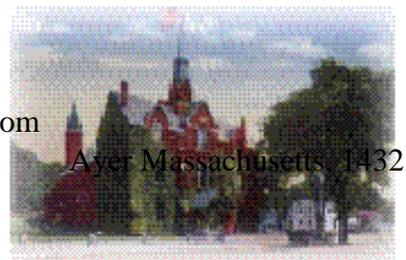


- Town of Ayer
- Board of Selectmen
- Town Hall, First Floor Meeting Room
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Tuesday, February 21, 2012
Selectmen’s Meeting on Town of Ayer Website www.ayer.ma.us

Gary J. Luca, Chairman	X	Carolyn McCreary, Member	Absent
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		

7:15p.m. Open Session

Chairman Luca called the meeting to order.

Selectman Conley requested the Board add two (2) additional items under New Business: sidewalk discussion and Selectmen’s meeting schedule. Selectman Fay requesting to continue Executive Session if time allows.

Chairman Luca called for a motion to accept the Agenda. Selectman Maxant moved the Board vote to approve the Agenda as amended, 2nd Selectman Conley, VOTE: unanimous, so moved.

Chairman Luca welcomed Mary Spinner to the table to speak to the passing of former Selectman Robert Pena on February 17, 2012, before he called for a “Moment of Silence”. Ms Spinner spoke to working with Bob on various committees during the past decade speaking to the many Committees, Boards and Commissions Bob served on i.e. Capital Plan, Fire Station Re-use, original Town Government Study Committee, Historic Commission, and Disabilities Commission as well as on the very first Communication Committee. Ms. Spinner spoke to Bob’s quiet demeanor stating he would not like this commentary given on his behalf this evening but felt people should know how nice a man he was and how much he loved the community in which he lived and served. Chairman Luca called for “Moment of Silence” in memory of Robert Pena.

Agenda Item #1 Public Input-Chairman Luca requested if there was anyone wishing to meet with the Board under Public Input. Lauri Sable re Tax Collector re Tax arrears posted on website.

2. Ayer Public Safety Update-Police Chief William Murray-The Board met with Chief Murray. Chief Murray reviewed with the Board crime statistics for the years 2000-2011 advising to little or no change in the statistics over the last eleven years, but alerting the Board to increase in property crimes i.e. B&E, larcenies attributed to the rash of car break-ins of recent. Chief Murray again restating the numbers support that crime has not increased but also that they have not decreased. Chief Murray requesting more involvement from the community citing “Neighborhood Watch” as a good start to meet our needs. Chief Murray spoke to successful programs such as the Devenscrest Neighborhood Watch and the School taking an active role as well. Chief Murray updated the Board to his discussions with the School with hopes of hiring a new police officer creating a School Resource Officer to maintain a positive presence in the lives of Town youth. The Chief spoke to grant funding opportunities no longer available since 2010. Organizations such as the Lenny Zakin and Team Harmony mentioned as possible resources unfortunately are incompatible with the Town’s focus due to amounts donated minimal and would not meet our need. The Chief took this opportunity to publicly thank Mary Arata and Doug Becker for offering their resources to the Department. Chief Murray to report back to funding availability and values currently available Selectman Conley stating something is better than nothing. The Board thanked the Chief for coming in to meet with them and for update.

Agenda Item #3. Public Hearing-Fy-2013 Water & Sewer Rates –Mr. Pontbriand sitting in for Town Accountant Lisa Gabree. Mr Pontbriand conducted an overhead projection re the Rate Committee’s recommendations. Mr. Pontbriand reviewed with the Board the Rate Committees frustration with inconsistent waiver of fees to certain developers recommending fee/s be applied consistently and work on shut-off policy and procedures re non-payment. Goals set by the Committee reviewed with Selectmen were developing and recommending shut-off policies and procedures for non-payment. Consider adding an Assistant Superintendent and review Fy-13 Stormwater Enterprise Fund Budget, the last one to be a challenge with Supt. Nason leaving. Mr. Pontbriand stated criteria for rates to recover cost and avoid significant fluctuations, noting that since the Water & Sewer Liens were released to website over \$92K in revenue has come in. Project expenses, including future capital needs in order to avoid spikes in rates, reduce reliance on surplus to cover annual operations and lastly to attempt to build a stabilization reserve for each fund. Additional tasks for Fy-13 continued from Fy-12 to evaluate septage for possible limits on capacity as well as fee charged and consider possibility of selling some future capacity back to MA DEV.

Water- Mr. Pontbriand reviewed with the Board 2011-2013 water miscellaneous revenues, water expenses
Sewer- Mr. Pontbriand reviewed with the Board 2011-2013 sewer miscellaneous revenues, sewer expenses. Selectman Fay moved the Board vote to set the Fy-13 Water & Sewer Rates as recommended by the Committee: Water: (resident-Step I) \$2.35 - Step 2. \$2.92, Step 3. \$3.45

Sewer: (resident-Step I) \$6.27 - Step 2. \$7.18 Step 3. \$8.17 2nd, by Selectman Conley,

VOTE: unanimous, so moved.

7:50p.m. Selectman Fay moved the Board close the Fy-13 Water and Sewer Public Hearing, 2nd by Selectman Maxant, VOTE: unanimous, so moved.

Agenda item #4. Nashoba Valley Regional Technical School (NVRTS) Presentation-The Board welcomed Dr. Judith Klimkiewicz , Supt. of NVRTS along with NVRTS School Committee Chairman, Business Manager, and Asst. Principal to the meeting. Dr. Klimkiewicz conducted an overhead presentation re MA Vocational Technical Education, NVRTS Statistics i.e. enrollment and minimum contribution trends, per pupil spending, Expansion of Nashoba Valley Technical District (Ayer) and conducted a brief question and answer session. Preliminary discussion focused on “Buy In” Dr. Klimkiewicz stating Ayer has contributed to district for the past fifteen (15) years, and would be a different issue if a new town were seeking entrance to the district. All District towns currently enrolled in District were overwhelmingly supportive of Ayer joining i.e. Groton, Littleton, Pepperell, Shirley, Townsend and Westford. To join district Ayer would have to pick up debt estimated at \$550K to become member which would be in effect by July 2013. Selectman Maxant stating his support for Ayer to become Member and suggesting the \$500K to be taken as a loan (Debt Exclusion) joining is cost effective based upon the quality of education per student spending/staffing. Dr. Klimkiewicz reviewed draft district warrant article/s language with the Board. One article re current members adding the Town of Ayer to NVRTS in the form of a petition signed by at least 10% of the registered voters of any one of the member Towns at an Annual or Special Town Meeting of all member towns. (percentage must be certified by the Town Clerk) and one article for the Town of Ayer to join NVRTS. All new Towns to be assessed for all the costs of the new addition to the school because no bond or note existed. The present town would be apportioned as provided in the district agreement; any subsequent capital improvements after the addition would be apportioned to all member towns. School Committee members are appointed through an Appointment Committee comprised of the member Town Moderator as Chairman, Selectman, and local School Committee members, with alternate member from each town in the event the regular member cannot make a meeting. Alternate would be appointed in the same manner as

regular members. Selectman Conley stated she was impressed with the presentation, cost controlled and student first approach. The Board thanked Dr. Klimkiewicz for coming in and for update.

8:35p.m. Presentation closed.

Agenda Item #5. Discussion Tax Collections –The Board met with John Canney Town Clerk/Collector. Mr. Pontbriand opened the discussion by updating the Board to over \$288K in payment of back taxes Coming in from PanAm and balance due in 30 days (\$185K) since outstanding taxes were placed on Town’s Website. Mr. Pontbriand stating as soon as Town receives payment names of delinquent tax payers names are or will be taken off website. Mr. Canney questioning why names were on the website, and list posted without his knowledge. Mr. Pontbriand advising to Fin-Com requesting the names be released at Selectmen’s 12-14-11 meeting. Mr. Canney stated his dismay that the Selectmen & Fin-Com for the first time in the Town’s history released publicly by electronic posting, tax delinquents. List released without any written policy or notice to residents or protection re names of people in bankruptcy, bank errors, nor edited for accuracy with result being chaos. Burning up the telephone lines in his office. Mr. Canney then read into the record a five page statement re the 2-14-12 release of delinquent taxes. (see attached) Mr. Canney stating he wants to make it clear that he is neither reluctant to do his job as Tax Collector nor running defense for those who do not pay their taxes. Mr. Canney also spoke to the Board’s supporting the Town Government Study Committee to appoint a Tax Collector taking away the voters right to elect the Tax Collector citing Ayer’s historic system of Government which creates separation of power and the Selectmen’s attempt to control it, mentioning the current micro-management of the DPW and management of the Treasurers personnel. The Board took issue with Mr. Canney’s statement/s. Selectman Fay stated Mr. Canney spoke on the 14th to not having resources/staff support and risk/liability involved are sending out information (tax bills) so the Board is doing job for him. Selectman Fay finding statement very upsetting and will address one by one. Scott Houde of the Finance Committee (Fin-Com) stated meeting on the 14th was eye opening to Fin-Com re the process re tax collections. Process should be clear, delinquent after 30 days and people do react to being on delinquent list. Process from Tax Collectors Office needs to be developed with pro-active communication re businesses and individuals. Mr. Canney taking exception to having no process in place. Selectman Fay stating Mr. Canney has resources in his budget to do job . Mr. Houde stating a simple form letter depicting outstanding amount could have been sent out and avoided website notice. Mr. Canney stated the Selectmen took over authority of his office by releasing list. Chairman Luca stated Board/Fin-Com took pro-active approach. Mr. Houde stated Fin-Com is appointed by Board of Selectmen to serve Town Meeting and Board of Selectmen.

Agenda Item #6- Stephanie Gintner-Refunding Bond Authorization-The Board met with Stephanie Gintner, Treasurer. Ms. Gintner requesting the Board of Selectmen authorizes the refunding of some of the Town’s Bonds. Ms Gintner reviewed with the Board the supporting documentation requesting the Clerk of the Board read into the record the formal legal language allowing the town to refinance a portion of the Town’s outstanding bonds issued in 2002 and 2004 to generate savings of approximately \$893,556 over the remaining life of the loans after all expenses. The outstanding bonds were used to finance Town Hall remodeling, land acquisition, water, fire station, park building, sewer and roads. Selectman Maxant moved to authorize the issuance of Refunding Bonds, that in order to save interest costs, the Treasurer is authorized to provide for the sale and issuance of bonds under G.L. c. 44, Section 21A, to refund all or any portion of the remaining principal of and redemption premium and interest on the Town’s General Obligation Bonds dated April 1, 2002 and June 15, 2004 and that for this purpose the Treasurer is authorized to provide for the preparation and distribution of a Preliminary Official Statement; provided, however, that no bonds shall be issued under this vote unless and until the final interest rates and other terms of the refunding bonds are approved by the Board. Ms Gintner stating as the motion states the refunding is subject to final approval by the Board of Selectmen when the details of the refunding bonds are determined. Ms. Gintner also stating Mr.

Frasier of FirstSouthwest, Boston, MA will come out to meet with the Board at their will re the refunding bonds re any questions or concerns of the Board. Chairman Luca called for a 2nd to the motion, 2nd by Selectman Conley. VOTE: unanimous, so moved.

Agenda Item #7. Opening of the 2012 Annual Spring Town Meeting Warrant- Selectman Fay moved to open the April 13, 2012 Annual Spring Town Meeting Warrant for warrant articles, 2nd by Selectman Maxant, VOTE: unanimous, so moved. Petitions to be submitted to the Ayer Town Clerk for forwarding to the Selectmen's Office,

Agenda Item #8. Supt. Nason's Report-

1. **Water/Sewer Billing Software-**Supt Nason updating Board to purchase of software is for the meter billing. Selectman Conley moved the Board vote to approve P.O. 20409 dated 2-15-12 to Continental Utility Solutions Inc. of Jonesboro, Arizona in the amount not to exceed \$13,320.00 for water/sewer billing software, and authorize the Chairman's signature 2nd by Selectman Fay, VOTE: unanimous, so moved. Supt. Nason advising Board to the 2009 ATM-Article 19 funding approved.
2. **Grove Pond Well #1. Rehabilitation-** Supt. Nason updated the Board to scope of work including cleaning and redeveloping GP Well #1 using Pantonite a mixture of organic and inorganic acids and additives designed to remove iron and manganese. A cost estimate to be provided upon inspection for any needed repairs, no repairs will be made without written authorization. Selectman Fay moved the Board vote to approve the contract with Maher Services Inc of North Reading, MA dated 2-7-12 in the amount not to exceed \$14,900.00, 2nd by Selectman Conley, VOTE: unanimous, so moved.
3. **WWTP NON-CE-12-1Noo1 (MADEP)** The Board approved the payment to Onsite Engineering in the amount not to exceed \$2,500.00 for preparing Town's response to DEP re WWTF fecal coliform discharge permit violations re detailing the causes and preparing design plan and a schedule for any proposed upgrades at the facility, and authorize the signature by Chairman, 2nd by Selectman Maxant, VOTE: unanimous, so moved.
4. **Water Division Assistant Foreman Appointment-** Supt. Nason advised the Board as done in the past the Union Steward polled all Union Public Works Department Employees re interest in the vacant position. One person expressed interest, Greg Cormier, currently serving as the treatment plant operator in the Water Division. Mr. Cormier possesses a good management style, interpersonal skills and overall goals, knowledge of the water division and the department as a whole, past construction experiences, expectations and overall ability to perform tasks associated with being an Assistant Foreman. Supt. Nason stated he recommended Greg Cormier with great pleasure to the permanent full time position of Assistant Foreman for the Water Division with a start date of 2-23-12 contingent upon a six month trial basis and Greg obtaining his MA Water Operator License Grade D2. Selectman Conley moved the Board approve Supt Nason's recommendation and appoint Greg Cormier to the vacant Water Division Assistant Foreman's position as so stated above by Supt. Nason, 2nd by Selectman Fay, VOTE: unanimous, so moved. Supt. Nason requesting the Board's permission to fill vacancies in department due to Mr. Cormier's promotion starts the domino effect of internal promotions and in an attempt to expedite the process the Board allow him to make decisions re internal promotions within his department until there is no internal candidates available or qualified to fill positions , at that time Supt. Nason will bring all the recommended candidates before the Board in one meeting for appointment. Town Administrator agreeing being good approach.
5. **Intestate Water & Wastewater Specialists- Request for Increase in Engineering Fee to IWWS Contract dated 9-19-11** Supt. Nason updated the Board to request to increase the billable amount to \$7500.00 due to the remaining presently authorized amount of \$5K is insufficient to complete the work as originally outlined for engineering services for the scope of work & fee re evaluation of clarifier operating problems at the WTF therefore, IWWS is requesting that the authorized billable amount be

increased to the Contract upper limit of \$7500.00. Selectman Fay moved the Board approve Supt. Nason's recommendation and increase IWWS Contract to the Contracts upper limit not to exceed \$7500.00 (additional \$2,500.00 maximum) 2nd by Selectman Maxant, VOTE: unanimous, so moved.

Agenda Item #9. Town Administrator's Report- The Board met with Robert Pontbriand

Administrative Update:-Mr. Pontbriand opened by expressing his sincere thanks to Colleagues for the successful posting of Tax delinquents on website. Mr. Pontbriand advised the Board to posting having disclaimer and in just one week after posting to website the Town realized over \$220K in tax revenue and \$92K in Water/Sewer arrears. Mr. Pontbriand advising to Cindy Knox updating site accurately and will remove names upon payment of arrears. Mr. Pontbriand advising to no law suits coming in and Town is covered under MGL if there are any. Mr. Pontbriand commended Selectmen and Fin-Com for their support and will move forward with theme of collections stating payments to be directed to Mr. Canney and complaints to the Board of Selectmen's Office. Chairman Luca announcing the Town will be taking credit card payments starting in August 2012.

Town-wide Calendar -Mr. Pontbriand updating the Board to Cindy Knox moving ahead with town-wide Calendar for website and also posting of all Town-wide appointments. (see report dated 2-7-12 to 2-21-12)

One Day Beer & wine License- St. Mary's Church-Shirley Street.-The Board approved a One Day Beer & Wine License for St. Mary's Church for St. Patrick's Day Dinner on Saturday, March 10, 2012 from 5:30p.m. to 10:00p.m. Motion to approve made by Selectman Maxant, 2nd by Selectman Conley Vote: unanimous, so moved.

DPW Superintendent Search Committee-Mr. Pontbriand presented the Board his recommendations for the Supt. Search Committee: himself, Fire Chief, Mary Spinner, James Stephen, Kenneth Kalinowski-Pepperell DPW Supt., Richard Barrett-Westford Highway Supt., and DPW Union Representative. The Board suggested the removal of Mr. Pontbriand due to his heavy work load from this Committee and DPW Union Representative. Suggesting instead Joseph Sampson of Cains Mfg. one of the Town's SIU's and Dan Wolfe of Ross Engineering to serve on this Committee. Mr. Pontbriand stated he will attend first meeting to kick it off and state guidelines for Committee, Mr. Pontbriand to contact the members and schedule their start up meeting.

2011 Town Report Contract Award-Mr. Pontbriand recommended the Board award the printing of the 2011 Town Report to King Printing of Lowell, MA for the Contract award of \$1,424.10 for the printing of 500 copies electronically produced. Selectman Fay moved the Board award the printing of the 2011 Town Report to King Printing of Lowell, MA for the bid award of \$1,424.10, 2nd by Selectman Conley VOTE: unanimous, so moved. Mr. Pontbriand reminded Board to be thinking about cover of report and dedication.

Electronic Communication Policy-Cindy Knox IT Director present for the discussion. Ms Knox advised the Board to all edits and amendments made to policy. Selectman Conley stating she did not see edit re personal information being released stating things that absolutely cannot be released are Date of Birth & Social Security #. Selectman Conley also expressed her concerns re email address-- Town employees using Town network and Town's email network exclusively for Town Business only requesting this be placed in Personnel Policy as well, this is for everyone's protection and forward this to be forwarded to all Boards, Committees and Commissions as well. The Board moved to approve the Electronic Communication Policy as amended with above language. Motion to approve made by Selectman Fay, 2nd by Selectman Conley, VOTE: unanimous, so moved.

Agenda Item #10 JBoS- Selectman Maxant brought forward the JBoS letter requesting Ayer, Shirley and Harvard Board of Selectmen's approval for a Regional Planner. This request tabled for Selectman's 2-28-12 Meeting.

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2-21-12

Agenda Item #11 Selectmen's Questions/New Business -Mr. Pontbriand recommended the Selectmen's March Meeting dates be scheduled for 3-13-12 and 3-27-12 due to Presidential Primary on 3-6-12. Selectman Conley suggesting the Board take up the March meeting schedule at their 2-28-12 meeting.

10:20p.m Selectman Fay moved to adjourn the meeting 2nd by Selectman Conley, VOTE: unanimous, so moved.

Date: _____

Frank F. Maxant, Clerk

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2-21-12