

Town of Ayer
Board of Selectmen
Ayer Town Hall – 1st Floor Meeting Room
Ayer, MA 01432



Tuesday, April 7, 2015
Meeting Minutes

Broadcast and Recorded by APAC

Present: Christopher R. Hillman, Chair; Jannice L. Livingston, Vice-Chair; Gary J. Luca, Clerk

Robert A. Pontbriand, Town Administrator
Carly M. Antonellis, Assistant to the Town Administrator

Call to Order: C. Hillman called the meeting to order at 7:03 PM

Announcements:

C. Hillman announced that the Winter Parking Ban will end on April 15, 2015.

C. Hillman announced that the FY' 2016 Joint Budget Meeting with the Finance Committee will be held on April 21, 2015 at 7:00 PM during the regularly scheduled Board of Selectmen's meeting.

C. Hillman announced that absentee ballots are now available in the Town Clerk's office for the April 27, 2015 Town Election.

C. Hillman introduced Destination Imagination Team Leader Amy Messcher. Ms. Messcher leads the team, the Swanky Six. The team competed in Destination Imagination this year working on the scientific challenge, Making Waves. At both regional and state competition they achieved a perfect score!

C. Hillman introduced Police Chief William Murray and presented him with a Certificate of Appreciation for National Public Safety Telecommunications Week. The Board thanked the Dispatchers for their hard work and dedication to the Town of Ayer.

Review and Approve Agenda:

Motion: A motion was made by J. Livingston and seconded by G. Luca to approve the agenda. **Motion passed 3-0.**

Public Input:

Mary Spinner, 18 Myrick Street made a statement regarding the Other Post Employment Benefits (OPEB) funds designated to be transferred into the state's Pension Reserve Investment Trust fund by a Town Meeting vote made in May of 2014. She is concerned that the funds are losing valuable interest. C. Hillman stated that the item will be brought up later in the meeting under the Town Administrator's Report.

MBTA/Depot Square Update: R. Pontbriand gave a brief overview of the history of the project and reiterated that this is a property dispute between the MBTA and the private landowner. The Town remains committed to assisting in any way it can to support a resolution. He then showed pictures of the site to give the Board and members of the public a better idea of the current situation. Kathleen O'Connor from the Ayer Train Station Advisory Committee read a statement about the group's concerns with the delays in moving the project forward.

Superintendent Mark Wetzel, Department of Public Works: M. Wetzel was before the Board for consideration of three (3) items. First, he is asking for approval of the contract with CDM-Smith for the Wastewater Treatment study which is to evaluate and to create a Capital Improvement Plan. The DPW solicited proposals from three (3) engineering companies and CDM –Smith was selected.

Motion: A motion was made by G. Luca and seconded by J. Livingston to approve the contract between the Town of Ayer and CDM-Smith for the Wastewater Facility Treatment Study with signature by the Chair.
Motion passed 3-0.

M. Wetzel then made his recommendation for the appointment of the Wastewater Division Foreman. He is recommending Mr. Richard Hudson for the position, employed with the Town since 2008.

Motion: A motion was made by J. Livingston and seconded by G. Luca to appoint Mr. Richard Hudson to the position of Wastewater Division Foreman in the Department of Public Works. **Motion passed 3-0.**

M. Wetzel gave a presentation on his recommendation for the FY'16 rates for the Solid Waste Transfer Station. He is recommending that the fees be changed as follows:

	<i>Current</i>	
	<i>Recommended</i>	
Annual Permit	\$80	\$80
Senior Citizen Rate	\$50	\$50
Second Permit	\$20	\$20
One Day Permit	\$10	\$10
Pay-As-You-Throw 15 Gallon Bag	\$1	\$1.50
Pay-As-You-Throw 33 Gallon Bag	\$2	\$2.50
Pay-As-You-Throw 50 Gallon Bag	-	\$3.50
Bulk Tag	\$5 each	\$5

Motion: A motion was made by J. Livingston and seconded by G. Luca to approve the FY'16 rate recommendations as presented. **Motion passed 2-1.**

Chief William Murray, Police Department: Chief Murray presented the survey of downtown truck traffic that his Department conducted over a 4 day period. He stated that most trucks are within the 25mph speed limit, ±4 miles per hour. He also stated that the Ayer Police Department will be undertaking Downtown Speeding enforcement over the next month.

C. Hillman then inquired about a truck exclusion route and Chief Murray and Superintendent Wetzel stated that the State will not permit it on a numbered route.

Town Administrator's Report: R. Pontbriand gave an update relative to the FY'16 Budget and Annual Town Meeting Update. He then reported that the JBOS is planning a Super Town Meeting sometime in June.

R. Pontbriand is requesting a Reserve Fund Transfer in the amount of \$18,000 in the Board of Selectmen's office budget for the Assistant to the Town Administrator wages, Assistant to the Town Administrator's Overtime, Benefits and Payroll Manager's wages, and supplies.

Motion: A motion was made by G. Luca and seconded by J. Livingston to approve the reserve fund transfer request in the amount of \$18,000 into account 01122. **Motion passed 3-0.**

R. Pontbriand and Town Accountant Lisa Gabree presented the FY 2016 Capital Planning Committee Recommendations. The Board reviewed the recommendations, which includes a change to the Fire Department request from \$225,000 to \$250,000 to accommodate for increased costs not foreseen with the ambulance purchase and funding for the storm water catch basins in the amount of \$50,000 to be paid from free cash.

Motion: A motion was made by G. Luca and seconded by J. Livingston to approve the FY'16 Capital Planning Committee recommendations as amended for placement on the Annual Town Meeting Warrant.

Motion passed 3-0.

R. Pontbriand summarized his April 3, 2015 memo to the Town Treasurer regarding the status of the Town's OPEB funds stating that upon review and in consultation with Mr. Paul Todesco of the SRBRT and Town Counsel, the Town's OPEB funds per Article 30 of the May 12, 2014 Town Meeting had not been placed in the irrevocable trust of the SRBRT. R. Pontbriand stated that the Treasurer asked to meet with him on April 7, 2015 at which time, R. Pontbriand (and in the April 3, 2015 memo) asked the Treasurer to appear before the Board to explain why the OPEB funds have not been deposited in accordance with Town Meeting.

R. Pontbriand concluded by stating that it is concerning that the will and vote of Town Meeting on May 12, 2014 regarding these OPEB funds has not been honored and implemented. Additionally, estimated calculations indicate a loss of approximately \$24,000 in interest that the funds could have earned as of October 2014 if they had been properly deposited by the Treasurer. Finally, he stated that it is imperative that Article 30 of Town Meeting not only be honored but that the OPEB funds be properly deposited in the SRBRT in an irrevocable trust as was (and is) the intent of Town Meeting.

G. Luca stated he would like to know from the Treasurer why this has not been done.

C. Hillman invited the Treasurer (S. Gintner) up to the table.

S. Gintner stated that from April 2014 to July 2014 she was doing two jobs.

C. Hillman interjected that he was sick of hearing that excuse and that this has absolutely nothing to do with the former Assistant Treasurer and that the Town is going to move forward with depositing the OPEB funds in accordance with Town Meeting.

Motion: A motion was made by G. Luca and seconded by C. Hillman to authorize the Treasurer, as Custodian of the Town's OPEB Trust Funds pursuant to G.L. c. 32B, §20, to execute and deliver the Investment Agreement with the State Retiree Benefits Trust Fund Board (SRBTF Board) in substantially the form presented at the October 7, 2014 meeting; to sign checks and wire OPEB Trust Funds to the SRBTF Board or to the Pension Reserves Investment Trust, or as it may otherwise be directed by SRBTF; to make withdrawals and investments and enter into such agreements and deliver such certificates and other documents as SRBTF or the Pension Reserves Investment Management Board may direct; and to take any other necessary action to effectuate the transfer of OPEB Trust Funds to SRBTF and/or the Pension Reserves Investment Trust. **Motion passed 3-0.**

Motion: A motion was made by G. Luca and seconded by J. Livingston to authorize the creation of an OPEB Board of Trustees in accordance the trust agreement and appoint the following members: Treasurer Stephanie Gintner, Town Accountant Lisa Gabree, Benefits and Payroll Director Kevin Johnston, Town Clerk and Collector Susan Copeland and Selectman Jannice Livingston. Town Administrator Robert Pontbriand will serve in an ex-officio capacity. **Motion passed 3-0.**

R. Pontbriand then recommended the following two residents to be appointed to the Comprehensive Plan Committee: Harry Zane and Carolyn McCreary.

Motion: A motion was made by G. Luca and seconded by J. Livingston to appoint Carolyn McCreary and Harry Zane to the Capital Planning Committee. **Motion passed 3-0.**

New Business/Selectmen's Questions:

None

Approval of Meeting Minutes:

Motion: A motion was made by J. Livingston and seconded by G. Luca to approve the minutes of March 17, 2015. **Motion passed 3-0.**

Motion: A motion was made by J. Livingston and seconded by G. Luca to approve the minutes of March 19, 2015. **Motion passed 3-0.**

Executive Session:

Motion: A motion was made by C. Hillman and seconded by J. Livingston in Open Session to enter into Executive Session at 9:43 PM pursuant to Massachusetts General Law, Chapter 30A, Section 21A Exemption #6 (Consideration of the Purchase of Real Estate); Exemption #3 (Collective Bargaining) Police and Dispatchers Contract Negotiations Update; Exemption #3 (Litigation Strategy) 190 West Main Street and to adjourn at the conclusion of Executive Session. C. Hillman stated that to discuss these items in Open Session would be detrimental to the Town's Negotiating Strategy. By Roll Call Vote: C. Hillman, Yes; J. Livingston, Yes; G. Luca, Yes. **Motion passed by roll call 3-0.**

Minutes Recorded and Submitted by Carly M. Antonellis

Minutes Approved by BOS: 04-21-15

Gary J. Luca, Clerk: 