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



Tuesday, April 5, 2011

7	James M. Fay, Chairman	X	Carolyn McCreary, Member (Selectman McCreary)
0	Frank F. Maxant, Clerk	X	Gary J. Luca, Member- (Selectman Luca)
5	Janet S. Lewis, Secretary	X	Robert Pontbriand, Town Administrator
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Call to Order-

Agenda Item #1. Agenda & Announcements

Selectman Luca taking this opportunity to announce National Passport Event at Post Office this Saturday with Post Office being open from 9-1:30p.m.

Chairman Fay called for a Moment of Silence for Anna “Tiny” Mauro, who passed away on March 27, 2011. Anna owned and operated Tiny’s Restaurant with her sons William, Michael and Andrew until her death on March 27th.

Announcements:

Communications Committee seeking new members urging residents to contact Robert Pontbriand if interested in serving (978) 772-8210.

Town Election Monday, April 25, 2011 from 7:00a.m. to 8:00p.m. voting at the Town Hall-2nd floor Great Hall.

4th of July Committee seeking new members contact Robert Pontbriand at Town Hall if interested in serving. 4th of July “Sock Hop” Saturday, 4-16-11 at 7:00p.m. at the Ayer Sportsmen’s Club-Snakehill Rd. ... Mother’s Day Basket out next week; look to purchase raffle tickets at North Middlesex Saving Bank & at the Town Election.

Fin-Com –BOS Public Forum 4-12-11 at 7pm re Fy-12 Budget-Town Hall

Town Meeting, Monday, May 9, 2011 7:00p.m. at the Ayer High School Auditorium, Washington St.

Public Interest-Chairman Fay announced moving this item up on the Selectmen’s Agenda to an earlier time period requesting anyone who wishes to speak under Public Input to give the Town Administrator advance notice so the Board can respond to their concern in an effective and knowledgeable manner.

- Thomas Brown, Commander of American Legion Post 139, requested to speak under Public Input. Mr. Brown recognized Chairman Fay for his distinguished service serving the legion as a member of Color Guard from 2000 through 2011 and presented Chairman Fay with Certificate of Appreciation.
- Town Administrator Robert Pontbriand wishing to clarify “Briefing” issue at Selectmen’s 3-22-11 meeting re DOT Meeting in Boston on 2-28-11 with Secretary Jeffrey Mullan in which he sent two (2) emails to Rep. Harrington one on 2-25-11 @ 9:02a.m. and one of 2-28-11 @8:55a.m. which he read into the record and stating he resent on 3-22-11 prior to the Selectmen’s Meeting. Mr. Pontbriand advising both emails did not appear in Rep. Harrington’s packets distributed to the public on 3-22-11 to which he cannot confirm whether they were received or not. Mr. Pontbriand also took this opportunity to announce the Capital Exclusion Public Forum tomorrow 4-6-11 at 7:00p.m
- Selectman Luca requested the Board amend the Agenda and take up Chief Pedrazzi.

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Agenda Item #9 Fire Chief Robert Pedrazzi-re Ambulance Service Rate Increase-The Board met with Chief Robert Pedrazzi. Chief Pedrazzi reviewed with the Board his request to amend the current rate for the Ambulance Service. Proposing the Board increase the current rate of (60% above Medicare) to 100% above Medicare. Chief Pedrazzi advising Board to Ambulance Rate subsidizes Department i.e. equipment/salaries. After a brief discussion re rate increase pro/cons Selectman Luca Moved the Board vote to approve Chief Pedrazzi's request to increase the Ambulance Rate, effective immediately, to 100% above Medicare, 2nd by Selectman McCreary VOTE: Selectman Luca aye, Selectman McCreary aye, Chairman Fay aye, Selectman Maxant abstained, feeling increasing ambulance service rate is not justified not running in the red. 3-1 motion passes.

Agenda Item #3. Senator Jamie Eldridge and Representative Sheila Harrington re discussion of issues facing Ayer. The Board welcomed back Senator Eldridge and Representative Harrington. Senator Eldridge opened the discussion by updating the Board to their priorities to the Fy-12 State Budget for Middlesex & Worcester District/s:

- Protecting local aid (including Chapter 70 lottery aid & school-regional transportation) to cities & towns.
- Maintaining Funding for vital social safety net services i.e. homeless, low-income, disabilities, elderly, at risk-children
- Advocating for a fair and adequate tax system to support States goals & priorities
- Promoting budget transparency and accountability i.e. tax credit to ensure public money is spent effectively.
- Preventing deeper cuts in spending on environmental protection stimulating economic development and investing n transportation.

Local issues: Train Station-Senator Eldridge advising to his contacting Secretary Mullan's Office and advised to no decision being made yet regarding local match on the proposed surface lot; answer next week. Rep. Harrington echoing Senator Eldridge's remarks and advising to her working this issue as well also personally speaking with Sec. Mullan's Office . Rep. Harrington spoke to Home Rule Petition bill effecting all municipalities statewide as a substitute for our petition-passing Senate & House before Ways & Means 4-13-11 re amendment. Community Preservation Act showing 10% cut from last resolution, 4-13-11 Preliminary budget HWM -CPC Hearing on 13th. Senator Harrington spoke to re-Districting-local offices by July 2011 advising it will come down to numbers. Senator Eldridge spoke to Fy-11 supplementary budget passed paying - snow removal authorized. Fy-13 should be last bond year-will loose other sources of funding i.e. Chapter 90. The Board thanked Senator Eldridge and Representative Harrington for coming in to meet with the Board.

Agenda Item #4. West Main Street Commuter Rail Proposal-The Board met with Murray Clark and Atty. Thomas Gibbons on-going update re status of Feasibility Study being conducted re moving train platform to West Main Street site. Selectman Maxant inquiring of Atty. Gibbons if he was lawyer for property owners and Atty. Gibbons stating yes, to one land owner. Selectman McCreary reiterated email dated 3-22-11 from Atty. Gibbons advocating for a new handicapped platform be constructed regardless if the station stays at the current location or moves to a new location (West Main St.) and response from Mohammed Khan which she read into record (see email dated 3-24-11) advising to any new site would require construction of fully handicapped accessible platforms not a mini one and the cost of that would be at least \$10 million, may be more depending on track location and site. Selectman McCreary continuing with the real estate donated by DCR rail trail facility would be lost and a new parking facility would have to be procured. both Ayer & Shirley stations would have to be relocated due to being within a mile or so of each other MBTA would have to be willing to do that and spend time & resources to do so. Mo Khan reminding all to having only \$3.2 million earmark a new facility would

cost \$20+million is impossible under this circumstance. The study would be a waste of money. Chairman Fay spoke to coordinating a meeting with the Town of Shirley and waiting on a response. Atty. Gibbons stated he was at Shirley Selectmen's Meeting and Shirley Board in favor of a regional station and MADev equally interested. Chairman Fay stated he has spoken with George Ramirez and received no commitment of funds.

Mr. Pontbriand addressed the town's maintenance of central file (reading) re project for public access i.e. emails from citizens in process if organizing for one central point for all official correspondence & plans (binders) hopefully by the 19th. Chairman Fay read into the record an email sent by George Bacon advocating to keep train platform downtown stating if the Town is unable to obtain funding for additional parking downtown no further action should be taken. The State has decided to keep the station at its present location and to upgrade it so without this threat to the downtown station there is no need for additional parking we can get along with the present we currently have. Mr. Bacon recommending it the Town does decide to proceed with a Plan B then a new committee should be formed without relying upon self appointed citizens. Atty. Gibbons stating it would be a travesty to loose funding never to late to look at another option and no formal study ever done on West Main St. site. Selectman McCreary updating all too past studies conducted i.e. re downtown Central Ave., Charrett-Hybrid solution formulated, Cecil Group advocated for downtown station addressing accessibility through right of way. Businessman Chuck King spoke to Park St. businesses under consideration to be taken re surface parking lot. And advised to only three businesses under consideration. Selectman Maxant calling out Atty. Gibbons re false statement re his involvement with owners of property along West Main St., Rep. Harrington advising group to the owner of the right-of-way Phil Berry not willing to sell (north of Main St.) and Selectman Maxant advising to Town not allowed to take by Eminent Domain. The Board took comments from Chuck King owner of bike shop on Park St. re his understanding of properties to be taken along Park St., Harry Zane re Atty. Gibbons representation of more than one (1) client re takings along West Main St., and business support for surface lot. Alene Reich reminding everyone to be looking out for best interest of Town of Ayer, Chuck Miller updating to past history and having consistent message to State Officials. Atty. Gibbons reiterating never too late to look at two sites. Selectman McCreary advising to W. Main St. site significant problems with flooding, wetland resources/habitat will come up on feasibility study. MART spend considerable time & resources delving into all pros and cons and Charett identifying need for two parking sites i.e. Central Ave. and rail trial. Rep. Harrington reminding all if funding not committed by October it is gone. Chairman Fay called for conclusion re remarks and hoped to have answer/s by 4-19-11 from DOT Secretary Jeffrey Mullan continuing discussion at that time; and thanking Senator Eldridge and Representative Harrington for coming in to meet with the Board re issues facing the Town.

Agenda Item #5. Charles Miller-Vegetative Control of Flannagan Pond-The Board met with Charles Miller. Mr. Miller presented the Board a proposed Maintenance Plan for Weed Control of Flannagan's Pond from Friends of Flannagan Pond for this year's 5-9-11 Annual Town Meeting. Mr. Miller reviewed with the Board the ad- hoc neighborhood group's concern re water level management/weed control of the pond, having met with the Conservation Commission and advised to organize a pond association and raise their own funds to which Mr. Miller stated to no intention of funding when they all pay taxes. Mr. Miller reviewed with the Board the resources of the pond to Ayer residents i.e. birds and wildlife, boating & fishing and presently neglected. ACT Aquatic Control Technologies has contracted with the Town since 1999 and suggests a combination of proper dam control, regular chemical applications of Sonar herbicide which has gone unheeded. Mr. Miller advising the pond looking and smelling like a floating compost heap, water low and sun put weeds in high gear, weeds make boating, fishing and swimming impossible, not to mention the algae and milfoil growth.

Mr. Miller stated the group is simply asking to fund what has been recommended by the experts and adopt a systematic plan to maintain this pond and control the vegetated infestation through dam management, hydro-raking and weed control. The board thanked Mr. Miller for coming in and speaking to this Citizen's petition.

Agenda Item #6. Town Clerk-John Canney –Binding of Clerk's Records-

The Board met with John Canney, Town Clerk/Collector-Mr. Canney stated he was looking for the Board's support of his warrant article to bind Town Reports from 2006-2009, Birth Certificates from 2006-2009, Death Certificates from 2006-2009, Marriage Certificates from 2006-2009, Intentions of Marriage from 1986-2009 and street list from 1969-2010. Selectman Luca suggesting PDF Electronic File is created re his concern of more damage to bind documents and public records leaving building suggesting the Board take this under advisement to check out electronic storage.

Agenda Item #7. -Personnel Board-Revised Personnel Policies –The Board met with Kathleen O'Connell, Lisa White and Denis Curran. Mr. Pontbriand extended thank you/s to the Board for their ongoing review of the Personnel Policies holding many collaborative meetings with the Selectmen to finalize the document which is before them for consideration for approval this evening. Mr. Pontbriand advising to issues remaining for discussion:

- **Cap on Longevity**-Selectman Luca moved the Board vote to keep longevity for grandfathered employees, 2nd by Selectman McCreary, VOTE unanimous, so moved.
- **Use of Vacation and Sick-time before FLMA**-Board allowed employees their own option
- **On Call (FF) clarified page 9**-on call paid, not on call not paid –pro-rate. Moved by Selectman Luca 2nd by Selectman McCreary VOTE: unanimous, so moved.

The Board with the abovementioned mentioned amendments voted to approve the revised Personnel Policies as presented and amended, Motion to approve made by Selectmen Luca 2nd by Selectman Maxant VOTE: unanimous, so moved.

Agenda Item #8.- Lisa Gabree-GASB 45-Contract-Ms. Gabree presented the GASB45 Contract to the Board for their approval advising to soliciting quotes and Primoris the low-bidder coming in at \$7,200.00 and advising to the town using Primoris for the initial GASB45 Report in June 2009.

Selectman Luc moved the Board vote to accept the recommendation of Town Accountant and award the GASB45 Contract to Primoris for the amount no to exceed \$7,200.00 and authorize the Chairman's signature, 2nd by selectman Maxant VOTE: unanimous, so moved.

Agenda Item #9. Fire Chief-Ambulance Rate-Taken up earlier in the evening

Agenda Item #10. Supt. Nason's Report-

Water/Sewer Abatements-

- **50 Cambridge St., Ayer, MA**-Supt. Nason recommending denying due to leaky toilet-water entering system/went through meter-Water Dept. not responsible for leaks. Selectman McCreary moved the Board vote to deny, 2nd by Selectman Luca for discussion. Re-affirming water went through the town's water meter. Selectman Maxant stating he is in favor of granting abatements if reasonable, Selectman Luca arguing there is a policy in place cannot not dispute. Chairman Fay called for a vote: Unanimous, so moved to deny abatement.
- **Mobile Home Park-Groton School Road, Ayer, MA**-owner of lot present-Gerald Wood. Mr. Wood explained nature of leak found during winter on back of Lot 20 stating snow prevented repair and water went on ground not sewer. Supt. Nason stating water on ground not verified. DPW is able to access leaks during winter months and DPW should have been called. Leak occurred in December unable to confirm or deny re water on ground questioning why it took four months to fix leak. Selectman Luca moved the Board accept recommendation of Supt. Nason

and deny request, 2nd by Selectman McCreary VOTE: Selectman Luca aye, Selectman McCreary aye, Selectman Maxant no, Chairman Fay aye, 3-1 motion passes, so moved. Spectacle Pond WTP-Filter Media Replacement-Supt. Nason advising to contract to be presented to Board on 4-19-11 to Kinsmen Corp, Hookset, NH for Filter Media Replacement for the bid award of \$121,500.00 and requesting and approved, by the Board, for permission to order greensand & media, in preparation of work start up.

Agenda Item #11. Town Administrator's Report-(see report dated 4-5-11)

Mr. Pontbriand presented overview of his report to the Board.

1. MIIA Health Insurance quote before the Board on 4-19-11
2. School Building Lease-Mr. Pontbriand advising to Town retaining ownership.
3. WWTP-Heating System Mr. Pontbriand advised to BCM Controls the successful bidder and a Notice of Award prepared for the contract award of \$102,300.00. Mr. Pontbriand updating Board to Energy Grant awarded to Town from DOER in the amount of \$150K and balance of funds programmed for another energy program.
4. 71 Sandy Pond Rd., Ayer, MA-Mark Velardi present for discussion. Mr. Pontbriand opened the discussion by offering a brief update on the status of conditions of property and advising to Town Counsel having to be contacted re this matter due to ADA involvement. Mr. Velardi stated he is aware of being in violation. Laid off two (2) years ago. Working with the Town to solve problem. Has health issues and has to do everything on his own without help. Unemployment exhausted and has lived in town for past twenty (20) years. Chairman Fay stated the Board is willing to work with Mr. Velardi re the zoning issues. Mr. Velardi stated he pays his taxes and all vehicles on his property are registered, possesses all licenses to do work i.e. hazmat. Selectman Luca expressed his concern re safety issues and encouraging him to work with Mr. Pontbriand and the Building Inspector to make progress addressing the zoning/safety issues.
5. Mr. Pontbriand reminded the Board to upcoming Joint Meeting with Fin-Com re the FY-12 Budget Public Hearing on April 12, 2011 as well as Capital Exclusion Public Forum on April 6, 2011.
6. Mr. Pontbriand updated the Board to MOA pending with the Superior Officer's Contract.
7. Mr. Pontbriand advised to receipt of letter & petition from neighbors (24 names) of 14 Williams Street, Ayer, MA re multiple bags of trash (20-30bags) outside property and notifying Board of Health to same and filing a formal zoning complaint citing By-law Article XL Nuisances and Article XXXVI Vehicle storage restrictions. Pictures attached for Board's review. Selectman Maxant taking issue that owner/landlord was not notified this matter would be taken up and as a courtesy allow him the opportunity to be at meeting to discuss the issue. Selectman Luca agreeing with Selectman Maxant. The Board took this matter under advisement to 4-19-11 Agenda.
8. Mun-Energy-Mr. Pontbriand updated the Board to letter received on 3-30-11 re Solar Field procurement of 8 communities being rejected by Inspector General. All nine communities notified through letter IG disagreeing individual/Joint RFP. Mr. Pontbriand advising to proposal off the table but Town will go forward having three potential solar fields.

Agenda Item #12. JBoS-Chairman Fay announced Trinity Vision Session to be conducted at the Ayer Town Hall, 2nd floor Great Hall, on Saturday, May 7, 2011 at 9:00a.m. re Vicksburg Square proposal.

Agenda Item #13 Selectmen's Questions/New Business

Selectman Luca requesting the Board schedule time of the 4-19-11 Agenda for Human Resources Position, Job Description completed for the Treasurer's Assistant Melisa Doig due to her exceptional people abilities dealing with employees i.e. insurance, contracts, payroll etc.

• 4-5-11

Agenda Item #14. Minutes Selectman Maxant moved the Board vote to approve the Minutes of 3-22-11, 2nd by Selectman Luca, VOTE: unanimous, so moved. Selectman Maxant moved the Board vote to approve the Minutes of 3-1-11, 2nd by Selectman McCreary VOTE: unanimous, so moved.

____ Selectman Maxant moved the Board vote to approve the Minutes of 2-15-11, 2nd by Selectman Luca, VOTE: unanimous, so moved. Selectman Maxant moved the Board vote to approve the Minutes of 2-23-11, 2nd by Selectman Luca, VOTE: unanimous, so moved.
11:30p.m. Selectman Luca moved the Board vote to adjourn the meeting, 2nd by Selectman McCreary, VOTE: unanimous, so moved.

11:30p.m. Meeting adjourned.

DATE: _____

Frank F. Maxant, Clerk

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• 4-5-11