

- 
- 
- 
- 

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



Tuesday, July 19, 2011

Gary J. Luca, Chairman	X	Carolyn McCreary, Member	X
James M. Fay, Vice Chairman	A	Pauline Conley, Member	X
Frank F. Maxant, Clerk	X	Robert Pontbriand, Town Administrator	X
Janet S. Lewis, Secretary	A		

7:15p.m. Open Session

Chairman Luca called the meeting to order-

Mr. Pontbriand requested the following items be added to his report: update on Constellation Energy; update on Dispatcher negotiations; update on Rail Trail parking. Selectman Conley requested to add the Adams/Central Ave crosswalk to Supt. Nason's report.

Selectman McCreary moved to approve the Agenda as amended, 2<sup>nd</sup> by Selectman Maxant, VOTE: unanimous, so moved.

**Agenda Item #1. Agenda & Announcements-**

Chairman Luca took this opportunity to thank the 4<sup>th</sup> of July Committee for the activities conducted on Saturday, July 2, 2011 the Town's 4th of July Celebration starting with parade to events at park, making this year's celebration a tremendous success and also thanking the Ayer Fire, Police and DPW for all their work supporting the event. Chairman Luca also took this opportunity to advise the residents to the Police Dept currently on Face Book due to the efforts of Detectives Barhight and Kularski who will be posting major cases, sex offender registrations, daily logs, requests for information, etc. on this site.

Selectman Maxant echoing Chairman Luca's remarks re the 4<sup>th</sup> of July Celebration and adding if he were on 4th of July Committee he would be very proud to wear their shirt.

Selectman McCreary requesting to speak to and applaud recent accomplishments by Town Administrator Robert Pontbriand and Economic Development Director David Maher re recent grant awards. I.e. Fletcher Block. Pond Street infrastructure, Green Communities Designation, Commuter Parking Lot approval totaling over \_\_\_?\_\_\_ and thanking both Mr. Pontbriand and Mr. Maher for their diligence and hard work on behalf of the Town.

**Agenda Item #2. Public Input-** No one requested to speak or meet with the Board.

**Agenda Item #3. Police Chief William Murray, re appointments Per Diem Dispatchers-**The Board met Chief Murray. introduced Janet O'Laughlin of Townsend, MA., employed as a part-time dispatcher with Townsend PD since 2003 and has received training for Incident Command System, E-911, Emergency Medical Dispatch, CPR and Suicide Prevention. Chief Murray introduced Elaine Delorme of Leominster, MA employed full-time with the Boxborough PD since 2009, trained and certified in Incident Command System, E-911, Emergency Medical Dispatch, CPR, First Responder, and E-911 Train the Trainer. Chief Murray requested the Board appoint both Ms. Delorme and Ms. O'Laughlin as Police/Fire/EMS Per Diem Dispatchers stating these positions pose no additional costs to the Town and actually save money by allowing the senior dispatcher to take her administrative time rather than paying her for her unused time. Chief Murray also advising to positions receiving no benefits, not covered under the CBA and compensated at Step I (full time dispatcher) and is on call and not regularly scheduled to work. Selectman Conley moved the

- 
- 

7-19-11

Board vote to approve Chief Murrays request and appoint Janet O’Laughlin and Elaine Delorme as Per Diem Dispatchers per his memo dated 7-14-11, 2<sup>nd</sup> by Selectman McCreary, VOTE: unanimous, so moved.

**Agenda Item #4. David Maher-Director of Economic Development-** The Board met with David Maher and Sue Provencher, Program Manager.

1. Program Income Budget Revision Request from Fy-09 CDF Grant #00014 - Ms. Provencher updated the Board to request being for the unforeseen nor budgeted removal of contaminated soil (lead) from property treated in the Housing Rehab Program for lead removal and for new soil to be brought in at the cost of \$1,500.00. Selectman McCreary moved to approve the Fy-09 Budget Revision from Program Income for the removal of contaminated soil and new replacement soil for the property at the cost of \$1,500.00 and authorize the Chairman’s signature, 2<sup>nd</sup> by Selectman Maxant VOTE: unanimous, so moved.
2. Fy-11 Community Development Fund 11 (CDFII) Grant in the amount of \$900K from the CDBG Program. Mr. Maher enthusiastically announced the Town’s receipt of \$900K for the Pond St. infrastructure project and Housing Rehab Program. Mr. Maher also took this opportunity to announce the award of \$877+ for the rehabilitation of the long vacant Fletcher Bldg with six (6) one (1) bedroom apartments & commercial space (bakery and grocery stores) adaptive reuse of this building, total development cost of the overall project is approximately \$1.8 million dollars. The Board congratulated Mr. Maher on his successful grant applications and hard work.

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

1. BackupWW Sludge Service Agreement-Supt. Nason presented the Board the Backup Wastewater Sludge Services Agreement-Mr. Nason presented the Board the Agreement with the Town and WeCare Organics, LLC of NY dated 7-1-11 through 7-1-12 for Transportation to Fitchburg WWTF @ \$313.69/load  
Transportation to WeCare’s Disposal Site @ \$796.98/load  
Disposal at WeCare’s Disposal site @ \$450.59/dry ton  
Selectman Conley moved the Board vote to approve the Backup WW Sludge Service Agreement as presented, 2<sup>nd</sup> by Selectman McCreary VOTE: unanimous, so moved.
2. Engineering Service Contract-Victor Drive Roadway Repair- Supt. Nason presented the Board Hamwey Engineering, Inc. of Leominster, MA proposal for professional services for the design plans for the replacement of the Victor Drive culvert at Doug Rd. Supt. Nason advising Board to failing culvert and losing part of Victor Dr. 12-13 feet below surface. Supt. Nason stating he has also spoken with Conservation Commission. Significant cost \$12,600 plus travel & meetings another \$1,400 not to exceed \$14K. Supt. Nason advising to repair work will be over \$100K even if we do it in house. The Board discussed possible use of Chapter 90 Funds and UDAG. Supt. Nason stating it would be in the Town’s best interest to contract with Hamwey, also best cost. Selectman Conley expressed concern re no reference to insurance. Supt. Nason advising to Hamwey in business for over thirty years. Supt. Nason stating Department being pushed to capacity and there are a lot of problems on Victor Dr .i.e. utilities, reconstruction of wing walls. The Board questioned the use of Chapter 90 funds and advised to under \$500K left. Selectman Conley moved the Board approve Hamwey Engineering Proposal in the amount not to exceed \$14K subject to acceptable proof of liability insurance, with signature by Mr. Nason, 2<sup>nd</sup> by Selectman McCreary, VOTE: unanimous, so moved.
3. MOU for purchase of Road Salt-State Contract VEH91-Supt. Nason submitted a MOU to the Board for Road Salt at the State price of \$49.59 from Eastern Salt. Selectman McCreary moved the Board vote to approve the MOU at the State Bid price of \$49.59, with signature by Mr. Nason, 2<sup>nd</sup> by Selectman Conley, VOTE: unanimous, so moved.

- 4. D.L. Maher Change Order-Spectacle Pond GW 2. Relining. Supt. Nason presented the Board the Change Order totaling \$4,262.00 for plate bottom, double figure K with 3 ft. extension and estimated freight charge. Selectman McCreary moved the Board vote to approve the Change Order as presented by Supt. Nason dated 7-1-11, 2<sup>nd</sup> by Selectman Conley, VOTE: unanimous, so moved.
- 5. Oakridge Drive Update-Status of repairs given by Supt. Nason-Supt. Nason advising Board to roadway reopened, culvert was ok otherwise it would have been expensive. The approximate cost of repairs is \$5000. Supt. Nason advised Board to roadway gravel for now until paving.
- 6. PanAm Update-Phase II Car Unloading Facility –Supt. Nason updated the Board to site having water quality inlets or outlets? in place. Supt. Nason stating as long as modified with bypass they will meet requirements –DEP minimum standards met. Selectman Maxant questioning if bypass is far enough up stream Selectman McCreary questioning if sensing reductories have deficiencies in plan Supt. Nason stating it would have been best for continuity to have the Stormceptors and SWIP. If there is a rupture on a truck we want to catch everything i.e. gasoline 100-150 gallons. Selectman Maxant requesting what are minimum standards. Supt. Nason responding minimum.
- 7. Ayer Roadways Discussion-Chairman Luca opened the discussion stating the roads are terrible i.e. Groton Harvard Rd., Groton School Road, Park Street, Rotary. Chairman Luca looking to develop a maintenance plan. Supt. Nason stating prior to his arrival there was no inventory or plan. Supt. Nason stating he developed list, Town does not subsidize just uses Chapter 90. Supt. Nason stated he hired VHB to do pavement plan analysis, plan is complete. Draft report also is complete and he will be doing site visit tomorrow, and looking at condition report first to get biggest bang for buck. Supt. Nason advising to Groton Harvard Rd. & Groton School Rd. placed on TIP. Chairman Luca suggesting we borrow \$1 million dollars at Town Meeting to do necessary road work. Selectman Maxant stating TIP managed by MPO/MJTC. Selectman Maxant request Supt. Nason give the Board a memo re same.
- 8. Selectman Conley inquired as to when the new crosswalk approved in the Fall of 2010 will be installed at the intersection of Adams/Central and if it could be completed prior to the opening of school as there is a School Bus stop located there. Supt. Nason stating not easy but will put it in when DPW is painting next.

**Agenda Item #. 6. Town Administrator’s Report-**The Board met with Robert Pontbriand

- 1. Appointments: The Board made the following appointments.
  - Tri-Board** - The Board appointed Chairman Luca and Selectman Conley as representatives to the Tri-Board
  - Building Dept.**- Mr. Vellante advised the Board to Wellman Parker resigning/retiring and Mr. Vellante requesting to move up Phil Horgan from the Assistant Wiring Inspector to Wiring Inspector. Alan Parker filling in as the Asst. Wiring Inspector . Mr. Vellante was asked to provide a letter of interest from Mr. Horgan. Vacant Asst. Building Inspector position to be advertised.. Selectman Conley addressed concern by resident re former town employee not pulling deck permit and told by Gabe they did not need one. Mr. Vellante stated he had no idea what she was talking about always insisting on permits. Selectman Conley stating discussion of individual resident not appropriate when they are not present but would take this up with Mr Vellante at another meeting. Chairman Luca stating people concerned about Mr. Vellante’s availability, Mr. Vellante advised to his office hours Tuesdays and Thursdays 8-11:30a.m. with cell phone availability. Selectman Maxant stating mostly from local contractors and he found Gabe to be strict, fair and consistent and with that moved the Board vote to re- appoint Mr. Vellante, 2<sup>nd</sup> by Selectman McCreary, VOTE: Selectman Maxant aye, Selectman McCreary aye, Chairman Luca aye, Selectman Conley. 4-0 motion passes.

**Capital Planning-** The Board appointed Richard Skoczylas to the Capital Planning for a 3 year term effective 7-19-11 to 6-30-14. Town Accountant and Town Administrator ex-officios to Committee.

**Community Preservation-** The Board voted to reappoint Beth Sudemayer to the CPC for the three year term effective 6-30-11 to 6-30-14.

**Conservation Commission-**the Board met with Warren Ball candidate for appointment. Mr. Ball gave the Board a brief background re his interest to serve on the Commission stating living on Flannagan's Pond and the recent interest in cleaning/controlling the weed population perked his interest. Selectman McCreary suggesting letting the Conservation Commission interview both candidates (Ball & Bodurtha-current member up for re-appointment) and submit letter of choice, Selectman Maxant agreeing. Selectman Conley requesting Mr. Pontbriand contact the Conservation Commission's Chair to advise them Mr. Bodurtha should not act on Commission until appointment is confirmed.

**Dam & Pond Mngt.-**Selectman McCreary moved to appoint Patrick Hughes, 2<sup>nd</sup> by Selectman Luca, VOTE: 2-2 motion fails. Selectman Conley indicated the Board will advertise the openings on the new committee in an open public process. Selectman McCreary advising to Board already appointing Mr. Rzasa to this Committee.

**Finance Com** The Board met with Mike Pattendon and John Kilcommins re the two vacancies to the Fin-Com. Both candidates reviewed with the Board their unique qualifications and desire to serve on this Committee; both aware of time commitment required. Selectman Conley moved to appoint both Mr. Pattendon and Mr. Kilcommins for three year appointments effective 7-19-11 to 6-30-14. Selectman Maxant requesting to hear from the Fin-Com re their recommendation, Selectman McCreary echoing same.

**Fire Station Reuse Com.-postponed**

**IDFA: postponed**

**Insurance Advisory Com.-**8 members designated by unions and including one (1) retiree. Traditionally one (1) selectman, one (1) member of the Fin-Com have participated. The Board looking into including Town Administrator or staff person, possibly the Asst. Treasurer also.

**MJTC** –The Board re-appointed Pauline Hamel as its representative to the MJTC. Selectman Conley suggested the Board should request written reports from people who attend these meetings.

**Personnel Board-**Kathleen O'Connor was reappointed to a three year term from July 1, 2011 to June 30, 2014.

**Personnel Board of Appeals** –to be taken up at Board's 8-2-11 meeting.

**Animal Control-** At the request of the Police Chief Robert Friedrich was reappointed for a one year term 7-1-11 to 6-30-12

**Recycling Com.** Lauri Sabol was reappointed to a three year term 7-1-11 to 6-30-14

**ZBA-** Steve Wentzel was appointed to the position of Alternate for a three year term effective 7-19-11 to 6-30-14

**Additional appointments will be made at the August 2, 2011 meeting.**

**Green Community Charge-**Selectman McCreary spoke to charge and revised document and moved that the Board re-establish the Green Communities Com, 2nd by Selectman Maxant. Vote 4-0 unanimous, so moved.

- 2. Flannagan's Pond.-Mr. Pontbriand** addressed residents concern re the level of the pond due to recent breach of beaver dam flooding. Attended recent ConCom meeting re condition of pond and advised to

vegetative treatment plan re the three pond. Flannagan’s Pond weed control plan postponed due to dam break and negative impact ( huge volumes of sediment and water) to Flannagan’s Pond altering the flow of water through this body. The Board advised to this being based upon recommendation of Lycott Environmental Inc..pouring herbicides into pond at this time will be inaffective because the concentrations will be diluted.. Ms. Gugino of the Conservation Com.updated all to two different treatments being conducted. One by ACT for Sandy Pond & Pine Meadow and Flannagan’s Ponds by Lycott. Mr. Tom Poole suggesting if this doesn’t happen soon, consider a draw down this Fall which will allow residents to clean up. Ms. Gugino advising to Order of Conditions not before November 1<sup>st</sup>. Ms Gugino advising to Pat Huckery MA Wildlife stated she felt beaver dams failed as a result of malicious activity. Huckery said findings inconclusive but slim chance that it was natural. Charles Miller proponent of Flannagan's Pond Clean-up expressed concern re funding and Town Meeting voting funding for the clean-up and not wishing to lose momentum.

**3. Goals & Objectives**-Board reminded to remit their G&O for the Town Administrator as soon as possible to be merged into one master document.

**4. Audit Report and Management Letter** –Gusti Hingston and Company- Independent Auditor-the Board reviewed Management letter and took it under advisement. Several members of the Board expressed interest in obtaining additional information on several items mentioned in the report.

**5. Eminent Domain Taking**- Chairman Luca spoke to Senator Eldridge’s remarks re Eminent domain land taking re downtown land owners re handicap access and parking next to tracks needed for the easement rights needed for public access to cross Depot Sq. possibility of a land taking cannot be dismissed and perceived negatively. Selectman McCreary advising to Senator Eldridge regretted making that statement.

**Agenda Item #7 JBoS**-Selectman Maxant spoke to financial implications re Vicksburg Sq. and Town residents being asked to consider new residential units, stating project fits in nowhere, and contrary to Devens Re-Use Plan. 75% residential 25% Industrial split rate being proposed to keep residential rates friendly. Selectman McCreary stating Trinity has done an excellent job looking at all options. Selectman McCreary stating we have two choices zoning it residential and ? Chairman Luca stating there is a 3<sup>rd</sup> – take our land back. Selectman Maxant stating take legacy from past and make asset for future. Chairman Luca updating Board to JBoS rethought idea of having Town Administrator participate –still spinning their wheels. Selectman Conley asking just what will Town Administrators be doing and time allotted.

**Agenda Item #8 Selectmen’s Questions/New Business**-Selectman Conley suggested the Board look at its Policies and Procedures from 1999 and volunteered to work with Robert on policies.

10:55p.m. Selectman McCreary moved to adjourn the meeting, 2<sup>nd</sup> by Selectman Conley VOTE: unanimous, so moved.

Date: \_\_\_\_\_

Frank F. Maxant, Clerk