

Town of Ayer
Board of Selectmen
Town Hall, First Floor Meeting Room
Ayer Massachusetts, 01432
Selectmen's Meeting
Tuesday, August 17, 2010



Richard D. Gilles Chairman (Chairman Gilles)	X	Carolyn McCreary, Member (Selectman McCreary)	X
James M. Fay, Vice-Chairman (Selectman Fay)	X	Gary J. Luca, Member- (Selectman Luca)	X
Frank F. Maxant, Clerk (Selectman Maxant)	X	Robert Pontbriand, Town Administrator	X
Janet Lewis, Secretary (Mrs. Lewis)	X		

7:00p.m. Open Session

Agenda item #2. Review Agenda & Announcements-Chairman Gilles opened the meeting by reading into the record the Agenda of 8-17-10. Chairman Gilles called for a motion to approve the agenda of 8-17-10. Selectman Luca moved the Board vote to approve the Agenda of 8-17-10 read by the Chairman, 2nd by Selectman Maxant, who updated the room to change in the Board's meeting Agenda re Public Input being set back later in the Agenda. Chairman Gilles advising to this move to allow the Board to address their business first before taking up Public Input. Chairman Gilles called for a vote, unanimous, so moved.

Agenda Item #3. Report of the Town Administrator-follow up from 8-3-10 Selectmen's Meeting
 (see report dated 8-17-10)

Agenda Item #4. Dan Sherman-Part-time custodian appointment/hiring-The Board met with Dan Sherman who introduced Steven Perron to the Board. Mr. Sherman advising to position posted internally and advertised. Ten applications were received from which two were interviewed. Mr. Sherman advising to Mr. Perron recently terminated from DPW due to downsizing at the Transfer Station -single stream recycling. Mr. Sherman advising to reference checks and CORI completed. Mr. Pontbriand, former Interim Town Administrator Jeff Ritter and he recommend the appointment of Mr. Perron to the part-time (nineteen hours), no benefits position of custodian. The Board reviewed with Mr. Sherman and Mr. Perron the job requirements and responsibilities. The Board welcomed back Mr. Perron and acknowledged his enthusiastic job performance at the Transfer Station. Selectman Luca moved to appoint Mr. Steven Perron to the part-time, no benefits custodian position effective immediately 8-18-10 per the recommendation of Dan Sherman, 2nd by Selectman Maxant, VOTE: unanimous, so moved.

Agenda Item #5. Fire Chief-Robert Pedrazzi-Hazard Mitigation Grant-FEMA Reimbursement

Chief Pedrazzi reviewed with the Board timelines and issues with the 2009 State of Emergency FEMA Flooding reimbursement totaling \$124,852.87 of which 75% is reimbursable (\$93,639.65). Chief Pedrazzi advising the Board in his capacity as Emergency Management Director it is his responsibility to coordinate and submit the paperwork to FEMA for the Town's reimbursement which was signed off on July 16, 2010 at the FEMA exit interview and forwarded for review & funding.

Project 1. Chief Pedrazzi advised in conjunction with the FEMA reimbursement the Fire Dept. is eligible for a Hazard Mitigation Grant for the damage to the facility approximately \$54,253.63 which includes damaged equipment and man power expenses mitigated for flood damage. The Department submitted a mitigation proposal to FEMA in the amount of \$49,739.00 which also provides for a 75% reimbursement or \$37,304.00 to which \$15K of UDAG funding was voted by the Board of selectmen to be used as the 25% share. Chief Pedrazzi advising the Board to awaiting for funding to be officially approved and received prior to work commencement.

Project 2. Long Term Solution-Chief Pedrazzi stressed the need for a long term solution to the flooding problem would be to construct a similar more permanent dirt berm in the same location as the

temporary emergency berm. Mark McClusky an engineer who was introduced to the Chief by Bill Daniels of the Conservation Commission has prepared a detailed construction proposal at no cost to the Town to be constructed of the correct material and compacted to alleviate the flooding. The berm would have trap rock on the back and be grassed on the front but the work area is next to wetlands and must be worked together with the Conservation Commission to insure all the permitting is properly met. The Chief advising to FEMA also offering an additional grant that would apply to the long term solution as with other FEMA grants this grant would be applied for as a reimbursement only for 75% of the cost. Three obstacles need to be overcome to obtain this grant. The land must be sealed off to keep the water out of the station lot. The land owners of the property have a right of way through the fire station parking lot to access their land. The Town needs to purchase that land to divert the water to a compensatory storage downstream to meet the storage requirement. Chief Pedrazzi advising the Board to two articles for the Town Fall Town Meeting (10-25-10) 1. to fund 25% of the cost and 2. to have the Selectmen enter negotiations to purchase the land. The Chief prepared and presented the Board a timeline from Selectmen's approval to begin project to implementation of the project. (August 2010 to July 2011). Total cost estimate \$308K with Town's share \$77K. The Chief warning of consequences of not applying for grant funding are real possibility of repeated flooding and damage to the Fire Station i.e. equipment replacement and clean-up OT. Selectman Fay offering to begin discussions with landowners. The Board designated Selectman Fay to begin negotiations with the land owners and copy the Board. the Board continued this matter for their next meeting 9-7-10. Motion made by Selectman Fay, 2nd by Selectman Luca, VOTE: unanimous, so moved.

Agenda Item #6. Supt. Nason's Report-sitting in for Supt. Nason –Pamela Martin, Office Manager

1. WWTP NPDES Permit-Ms. Martin presented HTA's NPDES renewal permit application for Project #073635.01 dated 7-30-10 to USEPA & MADEP for discharge into the Nashua River. Motion to authorize the Chairman's signature made by Selectman Fay, 2nd by Selectman Maxant. VOTE: unanimous, so moved.
2. Onsite Engineering Inc. Landfill Monitoring Contract Amendment-Selectman Luca moved the Board vote to approve Amendment #1 to 5-18-10 Agreement between Onsite and the Town of Ayer Project #01096 to read as follows: Task 2 Section 9.01A of the Agreement: Sample preparation and laboratory analyses: \$32,000.00, 2nd by Selectman Maxant, VOTE: unanimous, so moved.
3. Stormwater Utility Contract (VHB)-Ms Martin presented the Board VHB's contract to provide professional engineering services to the Town of Ayer to provide public outreach and implementation of the Stormwater Management Plan previously reported on (8-3-10 Selectmen's Meeting). Selectman McCreary moved the Board vote to approve VHB Project #11152.01 dated 8-4-10 for Implementation outline (\$3K) and public outreach and engagement (\$5K) in the amount not to exceed \$8K, 2nd by Selectman Fay. Selectman Maxant voiced his adamant opposition to tax base funding, wrong way to go about (pick pocket of taxpayers just another way to get around Prop. 2 1/2) urging the Board cut other service to implement. Chairman Gilles stating this is prudent and thoughtful way to implement, urging Board to look at bigger picture and long term benefit/s. Selectman Fay agreeing with Chairman Gilles if we don't implement and begin the education process with residents we will pay price down the road. Selectman Luca agreeing with Selectman Maxant stating Enterprise Fund supports services that are necessary and this project is neither supported or reimbursable. Chairman Gilles again stating project is necessary and prudent planning, educating residents to stormwater management. Chairman Gilles called for a vote: Selectman Fay aye, Selectman McCreary aye, Selectman Maxant no, Selectman Luca no, Chairman Gilles aye 3-2 motion passes.
4. H.R. Prescott P.O. (Water pipe/fitting-Newton Street Improvements)- Selectman Luca moved the Board vote to approve H.R. Prescott's P.O. 19282 dated 8-6-10 in the amount not to exceed \$10,292.80 to get project started and authorize the Chairman's signature, 2nd by Selectman Maxant, VOTE: unanimous, so moved.
5. JWC Environmental-Muffin Monster-Central Avenue Pump Station Improvements-Selectman Fay moved the Board vote to approve Purchase Order dated 3-15-10 to JWC Environmental for a total not to exceed

17,265.00 (less the core charge of \$3,150.00 & freight refunded upon return of the old cartridges) and authorize the Chairman's signature, 2nd by Selectman Maxant. Chairman Gilles called for a vote: unanimous, so moved.

6. MHQ Purchase Order #19289 –Solid Waste Division F250 Pickup Truck-Selectman McCreary moved the Board vote to approve the Purchase Order per the Greater Boston Police Council Cooperative Contract dated 8-11-10 for the Solid Waste Division in the amount not to exceed \$32,633.00 approved at the 5-11-10 Annual Town Meeting - 2011 Ford F250 pickup truck, 2nd by selectman Luca VOTE: unanimous, so moved.

Agenda Item #7. Town Administrator's Report-the Board met with Robert Pontbriand

1. Parking Garage-Mr. Pontbriand opened the discussion by updating the Board to his meetings last week with MART representatives on 8-11-10 who addressed the technical concerns of Mr. Mohler's letter advising to the technical objection of MassDOT are not only solvable but MART has the proven track record to build the project. MassDOT's non commitment to provide the matching funds for the design and engineering of the project and not being included on the MMPO FFY 2011-2014 TIP was unfortunately moved to the appendix of the TIP for future consideration. Mr. Pontbriand stating it can be put back on the TIP with demonstration of full funding. Mr. Pontbriand advising the Board to his preparing two letters one to Lt. Governor Timothy Murray requesting his assistance in view of possibility of the Town loosing its Federal earmark of \$3.2 million dollars for this project and reminding him the US House enacted recent legislation against wasteful spending which will require all earmarks that have not been obligated by September 2011 lost which will result in Ayer loosing this earmark and project. Mr. Pontbriand stressing the importance to Lt. Gov. Murray to this project important not only to Ayer but to the entire North Central region because it will create jobs, facilitate growth and increase rider ship of the commuter rail. Mr. Pontbriand also informing the Board to Lt. Gov. Murray's support of the planned commuter line from Lowell/Worcester. Mr. Pontbriand also advised to a letter being

repared to MassDOT Secretary Jeffrey Mullan stating the Board's concerns re MassDOT not committing matching funds for the project resulting in the possibility of Ayer loosing it Federal earmark urging MassDOT reconsider their position and support the commitment of the State matching funds so that the Ayer Parking Project can be placed back on the TIP. Selectman Fay moved the Board vote to approve the letters prepared by Town Administrator Robert Pontbriand, 2nd by Selectman Luca, VOTE: Selectman Fay aye, Selectman Maxant aye, Selectman McCreary aye, Chairman Gilles aye, Selectman Luca recused himself 4-1 motion passes.

2. Town Accountant-Data Entry Clerk-Disclosure Statement-Mr. Pontbriand updated the Board to the Financial Mgr. Lisa Gabree submitting request for Date Entry Clerk to assist with closing the 2010 books projected total of hours needed estimated at forty (40) hours at rate of \$16.00/per hour and requesting Danielle Gabree be hired to fill position (Ms. Gabree's daughter). Full Disclosure Statement on file with Town Administrator and Town Clerk to avoid Conflict of Interest issues. The Board remarked on good job done last year by Danielle and commented on the considerable savings to the town hiring Danielle. Ms. Gabree advising to Danielle being available immediately. Danielle to be under the direct supervision of the Town Administrator and Treasurer. Selectman Luca moved the Board vote to hire Danielle Gabree for the Date Entry Clerk position for the total not to exceed forty (40) hours at \$16.00/per hour, 2nd by Selectman Fay, VOTE: unanimous, so moved.

3. Carlin's Pledge of Stock Transfer-Mr. Pontbriand presented documentation submitted by Philip Berry on behalf of Carlin's Restaurant-Depot Sq., Ayer, MA to the ABCC transferring his remaining share of stock in Carlin's Restaurant and Change of Manager over to his son David Berry. The Board approved the Pledge of Stock and Change of Manager as requested by Philip Berry dated 8-17-10. Motion to approve the ABCC Form 43 made by Selectman Luca, 2nd by Selectman Fay, VOTE: unanimous, so moved.

4. Billiard's Café-All Alcohol License-Mr. Pontbriand presented the ABCC Approval for the Billiard Café's All alcohol License on behalf of Calvin Moore. Selectman Luca moved the Board vote to approve and endorse

ne new All Alcohol License for the Billiard's Café dated 7-25-10 from the ABCC for the License Fee of \$3K, 2nd by Selectman Fay, VOTE: unanimous, so moved.

5. St. Mary's Lawn Party-Mr. Pontbriand presented St. Mary's Church-Shirley St., Ayer, MA request for a One (1) Day Beer & Wine License for the Annual Lawn Party to held September 10th & 11th 2010. Selectman Luca moved the Board vote to approve the One (1) Day Beer & Wine License for St., Mary's Church Annual Lawn Party to be held September 11 & 12, 2010, Alcohol to be consumed/sold in designated area, no alcohol to be sold/consumed prior to 12:00 noon on Saturday the 11th. 2nd by Selectman Fay, VOTE: unanimous, so moved.

Agenda Item #. 8. Board of Selectmen's Goals & Objectives-Chairman Gilles presented former Town Administrator Shaun Suhoski's matrix of town-wide/Selectmen's proposed projects to the Board for their review. Selectman McCreary requesting copies be made for the Board of the matrix for their individual review Mr. Pontbriand advising the Board to his Department Head Meeting on 9-9-10 and would bring back Department project requests to the Board for inclusion into the matrix. The Board set September 28, 2010 for their Goals & Objectives work-shop.

Agenda Item # 9. Public Input-Chairman Gilles requested if there was anyone present wishing to meet with the Board under Public Input-Mary Arata requesting if the Selectmen's Work-Shop would be in open meeting and advised it would be.

Agenda Item #10. New Business/Selectmen's Questions

Selectman Fay-Vicksburg Square-Selectman Fay requesting of the Board/residents what they want to see constructively at Vicksburg Sq. Selectman Luca suggesting Town take property back w/Home Rule Petition. Selectman Maxant objecting to characterization of creating panic to rush Town into making poor decision we will regret later stating those building have been there for over a half a century, basic premise of the Re-Use 'lan innovation & technology, logical reuse of Devens, if we change then we have to look at entire plan. Chairman Gilles stating Devens will do what is required and wants to work with the town's and wants to hear from us what we want.

Selectman McCreary-Next Round of Planning Assistance & Green Communities Designation-Selectman McCreary advising to planning assistance available through MA Dept. of Energy Resource (DOER) for communities wishing to be designated as Green Communities. Selectman McCreary advising in Fy-10 Thirty-five (35) communities in MA were designated as Green Communities and met the five criteria: As-of-Right Zoning for renewable or alternative energy generation, expedited permitting process requirement met, energy baseline reduction of 20% for all buildings/vehicles and street lights, procurement of energy efficient vehicles, all new construction to minimize the life-cycle of the building by utilizing energy efficient water conservation and other renewable energy technology. Selectman McCreary advising to applications being received starting 9-3-10 and deadline on 10-1-10. Selectman Luca expressing his biggest concern being with the stretch code and advised to assistance provided to help get the stretch code passed. Selectman McCreary moved the Board designate and direct David Maher as the Town's Point Person and to apply for the Fy-11 Green Communities Grant Program Planning Assistance and to remit the Town's application by 9-3-10 to the Department of Energy Resources (DOER), 2nd by Selectman Fay VOTE: unanimous, so moved. The Board requested Mr. Pontbriand to submit a letter committing to meet all five criteria within one year of adoption of the action plan to be signed by the Board of Selectmen.

Selectman Maxant-Selectman Maxant revisited with the Board the No Smoking Designation Signs located at the Town Hall discussion of 8-3-10 whereas people had approached him and other Board members re signs being an eye sore and elaborating to the Town Hall renovation i.e. new tiles/roof and signs being contrary to entire process. Selectman Maxant moved the Board vote to have the signs removed, 2nd by Selectman Luca.

VOTE: Selectman Maxant aye, Selectman Luca aye, Selectman McCreary aye, Selectman Fay no, Chairman Gilles aye, 4-1 motion passes.

8-17-10

Selectman Luca-advising to Full Tri-Board Meeting on Tuesday August 31, 2010 at the Page Hilltop Professional Development Room starting at 7pm.

Selectman Fay-Advising to Dr. Ayer's picture frame being restored by the Ayer Historical Commission for re-hanging in the Great Hall along with flag flown over capital donated by Congresswoman Tsongas, requesting Town flag also be looked into re hanging.

Also urging the Board have the new properties listed by the Town Treasurer under tax title: Old Sandy Pond Rd parcel and Snakehill Rd. parcel covered under Town's insurance policy.

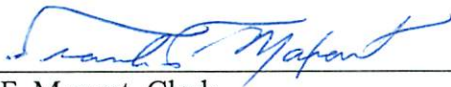
Chairman Gilles-updated the Board to Fin-Com Draft Financial Policies on Town Web Page and advising to Fin-Com conducting meeting with eight (8) surrounding towns re Town of Ayer's financial modeling and sharing of services. Chairman Gilles advising to Vice-Chair Scott Houde putting a lot of work into and commending Fin-Com for their effort with final policy to be placed on Town Meeting Warrant for adoption. Chairman Gilles advising to upcoming public meeting on the financial policies scheduled for 9-23-10 at the Ayer Town Hall at 7pm. Chairman Gilles also updating Board to IT Meeting this week on 8-19-10 at 7pm at Town H all.

MINUTES OF 8-3-10-Selectman Maxant moved the Board vote to approve the minutes of 8-3-10 as amended, 2nd by Selectman Fay, VOTE: unanimous, so moved.

Chairman Gilles taking up Pauline Conley's request earlier in the meeting re DPW Stormwater Liability insurance to be looked into.

9:11p.m. Selectman Luca moved to adjourn the meeting, 2nd by Selectman Fay VOTE: unanimous, so moved.

9:11p.m. Open Meeting adjourned.



DATE: 9/1/10

Frank F. Maxant, Clerk

AYER BOARD OF SELECTMEN