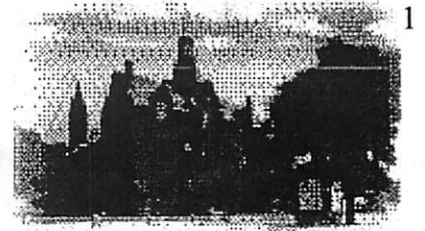


# Town of Ayer

## Board of Selectmen

### Town Hall, First Floor Meeting Room Ayer Massachusetts, 01432

#### Selectmen's Meeting Tuesday, September 21, 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) (absent)	A
Frank F. Maxant, Clerk (Selectman Maxant)	X	Robert Pontbriand, Town Administrator	X
Janet Lewis, Secretary (Mrs. Lewis)	X		

7:13p.m. Open Session

**Agenda item #2. Review Agenda & Announcements**-Chairman Gilles opened the meeting by apologizing for the late opening due to Executive Session running a little late. Chairman Gilles read into the record the Agenda of 9-21-10. Chairman Gilles called for a motion to approve the agenda of 9-21-10. Selectman Fay moved the Board vote to approve the Agenda as read by the Chairman, 2<sup>nd</sup> by Selectman McCreary, VOTE: unanimous, so moved. Selectman Maxant updating the viewing public and those present for the meeting to Public Input being moved to the end of Agenda (approximately 9:00p.m.) to allow the Board to address their business first.

Chairman Gilles congratulated North Middlesex Saving Banks upon their 125<sup>th</sup> Anniversary extending best wishes on behalf of the Board.

Mary Spinner requesting copy of the finalized Financial Policies and advised to copies to be distributed later in the evening when the discussion comes up on the agenda.

Selectman Maxant updated the Board to the Town Harvard sending their appreciation to Ayer Board for letter re Devens Recycling Ctr.

**Agenda Item #3. Report of the Town Administrator-follow up from 9-7-10 Selectmen's Meeting**  
(see report dated 9-10-10)

Selectman Fay taking this opportunity to publicly thank Mr. Pontbriand for his informative update as well as the delegation of residents and businesses that attended the 9-15-10 MRPC Meeting who spoke to the issue articulately and passionately making it very clear the vote of Town Meeting supported the parking facility and keeping the depot where it is.

**Agenda Item #4. Supt. Nason's Report**-The Board met with Dan Nason

**1. Crack Sealing Contract**-Selectman McCreary moved the Board vote to approve the Contract for Cracksealing for various roads in the Town of Ayer to Sealcoating Inc. of Hingham, MA for the rate of \$0.29/LF for the total not to exceed \$24K and contract to expire 6-30-11, 2<sup>nd</sup> by Selectman Maxant for discussion who addressed his concerns re #5. Preparation and Placement of Sealant and advised to company meeting industry standards re this material with expectation of completion by fall. Selectman Gilles called for a vote: unanimous, so moved.

**Sludge Landfill Post Closure Monitoring**-Selectman Fay moved the Board vote to award the Sludge Landfill Post closure Monitoring to Stantec Consulting of Westford, MA for the service fee not to exceed \$7K, 2<sup>nd</sup> by Selectman McCreary VOTE: unanimous, so moved.

**Agenda Item #5. Lt. Brian Gill-Police Dept.-Administrative Vehicle-**The Board met with Brian Gill. Lt. Gill requested the Board approve the purchase of a 2010 Ford Escape XLT for use by the Department's Detective Division as an administrative vehicle for the Ayer Police Department funded from encumbered funds from the Department's Fy-10 Budget. Lt. Gill advising the board to low bid coming in at \$21,750.00 from Gervais Ford, Ayer, MA. The Board reviewed with Lt. Gill the department's past vehicle/s experience, use and funding mechanism and advised to Department utilizing vehicle to transport investigating and forensic tools to crime scenes, replacing a 1995 Ford Crown Victoria/128K miles. This vehicle to remain with Division to be shared with two (2) Detectives. Selectman Fay moved the Board vote to approve the 2010 Fort Escape XLT for the low bid of \$21,750.00 2<sup>nd</sup> by Selectman Maxant, VOTE: unanimous, so moved.

**Agenda Item #6. Economic Development Director's Report-The Board met with David Maher.**

**CDBG 2011 Grant Strategy-**

Mr. Maher reviewed with the Board his ten (10) projects/activities which were either recommended in 2005 Comprehensive Plan, 2009 Community Development Strategy or through surveys submitted by residents of which his office received over 100 surveys via website or hard copy. Selectman Maxant speaking to his preference re projects: i.e. infrastructure upgrades i.e. stormwater and continuing problems at Park re: vandalism to Town property/equipment. Selectman Fay addressed Town Hall building and historical upkeep i.e. Dr. Ayer's picture repair and flags in upper Great Hall mounted/or displayed on historical flagpoles. Mr. Mayer took this opportunity to publicly thank Jeff Mayes for his assistances placing survey on WEB and remitting responses back to his office which reflect 74 residential responses from the web-site. The Board requested Mr. Mayer come back to Board in two weeks re the Selectmen's support of ten items or perhaps suggesting other priorities.

**Wholesome Café-Bring your own Bottle -(BYOB) Carry-in Liquor Request.** The Board met with Deb Halloway, re Wholesome Café seeking to allow patrons to bring in beer/wine to consume with their meal or while listening to entertainment at her establishment. Mr. Pontbriand passed out copies of the Town of Groton's Policy re BYOB and advising to the Town of Ayer not having such a policy. The Board requested to reschedule this discussion for their next meeting in order to research requirements necessary to allow such a request.

**Agenda Item #7. Fire Chief-Robert Pedrazzi**

1. **License for Flammable Liquids Storage-**Archer's Mobil Station -70 Main St., Ayer, MA-Chief Pedrazzi presented and recommended approval to the Board an amended Flammable & Combustible Liquids permit for gasoline and Heating Oil for Archer's Mobil. Selectman Fay moved the Board vote to approve the amended permit for Flammable & Combustible Liquids for Archer's Mobil per Chief Pedrazzi's recommendation, 2<sup>nd</sup> by Selectman Maxant, VOTE: unanimous, so moved.

2. **Purchase & Installation of two computers-** The Board approved the computer request submitted by Chief Pedrazzi from the Federal 4-part grant 5% match received by the Department. Selectman Fay moved the Board vote to approve Dell P.O. #'s 550311430 dated 7-26-10 & 551812001 dated 8-6-10 totaling \$6,798.00 and associated computer mounts \$2,999.67, 2<sup>nd</sup> by Selectman Maxant VOTE: unanimous, so moved.

3. **Topographical Survey-adjacent land (Fire Station) discussion** -Chief Pedrazzi reviewed with the Board quotes he received re conducting a topographical survey of the land adjacent to the Fires Station under purchase consideration. The Chief advising to receipt of four (4) quotes re survey and low bidder GPR @ \$1,840.00. Selectman Fay advising to discussion with land owners re swap of land off the table and purchase price firm of \$300K and of his not being in favor of survey at this time. Chairman Gilles stating station built next to wetlands and Town has to deal with and protect station and wetlands alike. Selectman McCreary stating she doesn't like solution requesting to look at another site, re retention wall to be built upon. Selectman Maxant suggesting information can be attained by facts done by people and not survey. Supt Nason questioning

elevation of wetlands advising to wetlands cannot be considered compensatory storage area. Chairman Gilles questioning where the \$1800.00 is coming from? i.e. IDFA, UDAG of which is questionable re permissible use. Ms. Spinner offering to investigate whether or not Board of Health Disaster funds could be utilized. The Board requested Ms. Spinner & the Chief work together re alternative funding and come back to the Board with recommendation.

FEMA Grant Funding-Chief Pedrazzi requested an additional \$36K from UDAG funds from original request approved on 6-15-10 of \$13K totaling \$49K to be reimbursed by FEMA and redirected back to UDAG re additional two items re fire station repairs. Selectman McCreary moved the Board add an additional \$36K from UDAG funds for repairs to the Fire Station Flooding to be reimbursed by FEMA and returned to UDAG, 2<sup>nd</sup> by Selectman Fay, VOTE: unanimous, so moved.

**Agenda Item #8. Fin-Com re Financial Policies**-The Board met with Chairman Brian Muldoon and Scott Houde of the Finance Committee. The Board thanked and congratulated the Fin-Com for developing the Financial Policies elaborating on the policies bringing sound & conservative management, modeling for future, planning for balanced budget and to balance both expenses and revenues for the Town of Ayer. Chairman Gilles stating the Town owes a Debt of Gratitude to this Committee for establishing "equity between generations planning" in today's economy, reflecting that the Town of Ayer will owe \$20 million in twenty years i.e. retirements and these policies will help to equalize that debt. Chairman Muldoon ran through the final draft policies with the Board and requested the Board's endorsement and support. Selectman Fay moved the Board approve the policies as presented, 2<sup>nd</sup> by Selectman Maxant, Selectman Fay aye, Selectman McCreary abstained wishing more time to review, Selectman Maxant aye, Chairman Gilles aye VOTE: 3 ayes 1 abstention, motion passes.

**Agenda Item #9 Town Administrator's Report-**

1. Green Communities -Mr. Pontbriand presented the Board the Committee's Draft Charge Proposal for the Board's endorsement re the Green Communities Planning Grant which was awarded on 9-3-10. Selectman McCreary moved the Board vote to approve the Charge as presented, 2<sup>nd</sup> by Selectman Fay, VOTE: unanimous, so moved. The Board to vote on Committee appointments at their next meeting 10-5-10.

2. Vacancies -Mr. Pontbriand announced two vacancies on Town Commissions requesting interested citizens contact him via resume, letter of interest re: Historical Commission & Devens Enterprise Commission (DEC) Alternant positions. The Board also requested this be placed on WEB & local access station.

3. Property Negotiations (Central Ave.) -Mr. Pontbriand reported on parcel/s acquisitions negotiated with property owners on Central Avenue to be put on the 10-25-10 Fall Special Town Meeting Warrant- Rakip-\$26K, Hemingway \$125K (pending), Maxant land off table. Selectman Fay again restating meeting with property owners re Park St. site (Fire Station acquisition) owners firm at \$300K. Mr. Pontbriand reminding the Board to warrant closing today at 5:00p.m. and Article 17 withdrawn Fire Station Re-use to be taken up at the ATM in May 2011. Warrant to be sent to Town Counsel for final review/edit back to the Board for their next meeting.

4. Draft Town Meeting Warrant review-The Board ran through the 10-25-10 Fall Town Meeting Warrant. Article 2. Action: Agricultural Commission-language to be reviewed by Town Counsel, Personnel Policies taken off-not required (bylaw)- Public Hearing to be scheduled, Stretch Code taken off-not ready, Articles 4&5 taken off -no funding, Stormwater-Outreach meeting for residents to be conducted, Articles 6&7 language - Central Ave. Properties, School Building Feasibility Study-no funding available-School disbanding Regionalization Planning Committee,-Moderator, School-Remaining funds disposition \$15K, SHAVE-Petition Article/no funding Re-zoning Littleton Rd.-Petition -Planning Board-Public Hearing. Financial Policies Town

Counsel to review/edit back.

5. Town Hall No Smoking Signs-Chairman Gilles requested the "No Smoking Signs" taken down earlier this month is put back up stating the Town Hall is a no smoking facility. Selectman Fay concurring. Selectman McCreary requesting the Historical Commission be contacted re approving/locating signs and urged the board remove the cigarette container from in front of Town Hall which promotes smoking. Selectman Maxant stated he has been doing research re the signs and offered the following: signs must be visible to people in the workplace and a sign at the edge of the property facing outwards doesn't comply with letter of the law, the law was not to notify passerby but employees. Selectman Maxant further stated the Board of Health has failed to acknowledge the limits of their authority and abused the use of Town Counsel. Selectman Fay moved the Board vote to reconsider the Selectmen's earlier vote to remove the signs, no 2<sup>nd</sup>, motion fails.

6. MA School Building Authority-Statement of Interest-Regional School District- Mr. Pontbriand presented to the Board a statement of interest amendment submitted by Supt. George Frost for the Board's endorsement. Selectman McCreary moved the Board vote to approve and authorize the Chairman's signature on the amended Statement of Interest dated 9-22-10, 2<sup>nd</sup> by Selectman Fay VOTE: Unanimous, so moved.

7. Dept of Housing & Community Development-Mr. Pontbriand advised the Board to notification received re home purchased under the CDBG Low - Income Program selling back at current rate. Selectman Fay moved the Board vote to approve Dept. of Housing & Community Developments Certificate as presented by Mr. Pontbriand, 2<sup>nd</sup> Selectman McCreary, VOTE: unanimous, so moved.

8. MA Broadband Initiative - Mr. Pontbriand updated the Board to Broadband requesting a point person re contact and information distribution. Selectman Fay moved the Board vote to appoint Robert Pontbriand as point person for the Broadband initiative, 2<sup>nd</sup> by Selectman McCreary, VOTE: unanimous, so moved.

**Agenda Item #10-Selectmen's Goals & Objectives**-passed upon. The Board to remit their Goals & objective to Town Administrator prior to the Workshop scheduled for 9-28-10

Chairman Gilles advised to alternative energy group Emergent Technologies contacting the Town re pro-bono service to the Town of Ayer at a \$50K saving to the Town. The Board scheduled Emergent Tech. for 6:35 on 9-28-10 prior to 7:00p.m. Goals & Objectives Workshop.

**Agenda Item #11. Public Input-**

1. Judy Cohen, Director-Devens Recycling Center-Ms. Cohen met with the Board re Ayer Board of Selectmen's 9-7-10 letter to MADEV re non support of Recycling Center's bid to open on Saturday mornings. Ms. Cohen expressed her disappointment that the Board did not notify her that this issue would be taken up by the Board and clarification re erroneous statements re: rodents, noise, traffic issues. Ms. Cohen presented the Board the Devens Recycling Center's inspection record which addressed current 9-20-10 DEC staff Report, Odor controls, Pest controls, Traffic Controls. Ms Cohen reinstated her opening remarks by assuring the Board there are no conditions at Deven's Recycling Center that pose a threat or nuisance to the local community and or environment advising to date no complaints re odor or pest related issued have been received at the Center.

The Board continued the discussion for their next meeting on 10-5-10 re five (5) hour Saturday opening request.

2. Mary Spinner- brought to the Board's attention that there are no flags in the Selectmen's Chamber due to American Legion Ceremony this past Saturday when they inducted the 1<sup>st</sup> Woman Commander in the history of Ayer's Legion. Ms. Spinner urging the Board purchase permanent flags for the Great Hall antique poles donated by John Conway which were also in need eagles on the top of the poles and also to replace the flags in the Selectmen's chamber this year.

**Agenda Item #12 Selectmen's Questions/New Business**

Selectman Fay- Campaign signs at the rotary-The Board requested the Town Clerk be requested to remove out dated signs. Selectman Fay took this opportunity to state his dismay re his request to have the John Canney, Town Clerk on the Agenda to discuss why meeting notices were not being posted on the newly purchased Posting Board outside of Town Hall-Columbia St. Door. Chairman Gilles advising the Board to the Town

9-21-10

Clerk at meeting earlier and advising him to the Agenda being full and Mr. Canney advising to his being unavailable on the 5<sup>th</sup> of October. Selectman Fay reminding the Chairman he does not set the Agenda. Selectman Fay stated his concern re meeting notices going un-posted due to Town Clerk's interpretation of MGL Chapter 30A Section 20 stating the public body holding the meeting is responsible for posting the notice. Selectman Fay stating he was upset that Mr. Canney is saying it is not his responsibility to post various meeting notices and that he is unwilling to hand out some 30 set of keys to various Town boards when other neighboring town clerks have assumed the responsibility. Chairman Gilles stated Mr. Canney would take over the meeting postings if he had a directive from the Board of Selectmen. Selectman Fay stated it disappointed him that it came down to this. Selectman Fay moved the Board instruct the Town Clerk to comply with past practice and post Meeting Notices, 2<sup>nd</sup> by Selectman Maxant VOTE: unanimous, so moved.

Selectman Fay –Announced the Fire Station Re-Use Committee will be meeting next Monday, the 4<sup>th</sup> of October re progress update.

Selectman Maxant –stating he would like to Agenda an Open letter to the Governor on the next Selectmen's Meeting Agenda re misleading characterization in 9-19-10 Boston Globe West Newspaper article i.e. buildings at Vicksburg Sq. slowly crumbling in the harsh N.E. weather, energy efficient fenestration, and Devens Re-Use Plan to correct misrepresentations.

10:17p.m. Selectman Fay moved to adjourn the meeting, 2<sup>nd</sup> by Selectman McCreary, VOTE: unanimous, so moved.

10:17p.m. Meeting adjourned.

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

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Selectman Frank F. Maxant, Clerk