

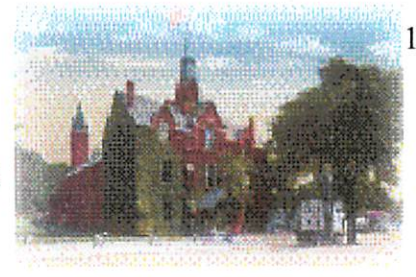
Town of Ayer

Board of Selectmen

Town Hall, First Floor Meeting Room

Ayer Massachusetts, 01432

Tuesday, October 19, 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		

7:05p.m. Open Session

Chairman Gilles opened the meeting and read the Agenda for 10-19-10 into the record.

Town Administrator Robert Pontbriand requested to add to the Agenda late submittals for a One Day Beer & Wine License request from St. Mary's Church for Saturday, October 23, 2010, parish's Spaghetti Supper from 5:00p.m.-9:30p.m. at the Church Hall on Shirley Street, a request from the Bedford Veterans Administration seeking a one day a week request for office space in the Town Hall for one of their case workers to assist local veterans with transportation assistance to Bedford and housing assistance, and finally a request from DEC for the re-appointment of Town of Ayer DEC member Martin Poutry. Selectman Maxant requesting to remove Agenda Item 9-b from agenda-due to his letter not getting into Selectmen's packets. Chairman Gilles called for a motion to approve the Agenda as amended. Selectman Fay moved the Board vote to approve the Agenda as amended for 10-19-10, 2nd by Selectman Maxant, VOTE: unanimous, so moved.

Announcements read into the Agenda by the Chairman:

1. Recycle Re-usables-Saturday, October 23, 2010 from 9-1pm at the High School Parking lot-Washington Street.
2. Special Fall Town Meeting-Monday, October 25, 2010 at 7pm -Ayer High School Auditorium.
3. Halloween observed in the Town of Ayer on Sunday, October 31, 2010 from 6-8p.m.
4. State Election Tuesday, November 2, 2010 from 7a.m. to 8p.m. at the Ayer Town Hall.
5. Selectmen's Meetings in November 2010-changed to 11-9-10 due to Election on 11-2-10; and 11-23-10.
6. Executive Tri-board Meeting Friday, October 22, 2010 at 7:00am at the Town Hall, kicking off the Fy-12 budget process. Selectman Maxant appealing to residents to get involved in this process and become well informed so when budgets are presented at Town Meeting in May they are able to make knowledgeable and wise choices.

Agenda Item # 3. Supt. Nason's Report-

1. Gervais Ford Thank You- Mr. Nason extended his sincere thank you and appreciation to Gervais Ford & staff (Bill Adamson) for dealerships recent assistance & successful local procurement of administrative vehicles for the DPW & Police Dept.

2. Primary Clarifier Drive Replacement/WWTP-Supt. Luca moved the Board vote to approve Weston & Sampson's Notice to Proceed Award and Contract in the amount not to exceed of \$34,500 endorsed by the Board of Selectmen on 10-5-10, 2nd by Selectman Maxant, VOTE: unanimous, so moved.

Agenda Item #4. David Maher, Economic Development Director-The Board met with David Maher 2010-2011 Community Development Strategy-The Board moved to support the 2010 & 2011 Community seven (7) page Development Strategy submitted by David Maher encompassing the Board's requests (see attached) motion to approve made by Selectman McCreary, 2nd by Selectman Maxant VOTE: unanimous, so moved.

Target Area-Ms. Provencher reviewed with the Board the Target Area proposed for the Fy-11 Grant Application encompassing most of the Town from the south side of East Main Street from Tannery to East

treet but excluding new developments and targeting/concentrating on older homes within the district re housing rehabilitation. Ms. Provencher advising to the Program also assisting with emergency situations for residents encountering problems that come up without warning i.e. boiler/heating emergency replacement assistance, etc.. Selectman McCreary moved the Board vote to approve the Target Area as presented, 2nd by Selectman Luca, VOTE: unanimous, so moved.

Chairman Gilles took this opportunity to read into the record a thank you letter from Calvin Moore to David Maher re Mr. Maher's recent community service cleaning sidewalks along Main Street. The board applauded Mr. Maher's involvement/assistance to Downtown Ayer.

The Board reviewed with Mr. Maher income surveys sent out by his staff and advised to 290 surveys mailed out by his office re community development activities and essential to Town's Fy11 Grant application. Urging residents who have not mailed in their survey to do so all information provided is confidential and obtained for statistical purposes only. Selectman Maxant for clarification purposes assuring residents to names not required and addresses not kept for record.

Mr. Maher updated the Board to his applying for a CDF2 Municipality Grant and welcomed the Board to his CDF2 Public Hearing being held at the Ayer Housing Authority on 11-3-10 at 6:30p.m.

Agenda Item #5. Fire Chief-Emergency Generator Contract-The Board met with Fire Chief Robert Pedrazzi.

Chief Pedrazzi presented the Board the Emergency Generator Contract with South Shore Generator Service of East Wareham, MA-P.O. #B108302E in the amount of \$18,442.00 dated 10-13-10. Chief Pedrazzi advising to this repair to the emergency generator will elevate the generator for protection against future flooding. Motion approve the contract made by Selectman Luca and authorize the Chairman's signature, 2nd by Selectman Fay, VOTE: unanimous, so moved.

Agenda Item #6. Appointments to the Ayer Cultural Council and Historical Commission-

The Board welcomed Diane Dolan from the Arts Council to the table. Ms. Dolan introduced Jean Stephen, Janet Adamson and Connie Lind to the Board. The Board reviewed with the candidates their background and reasoning for wanting to be appointed to the Council. Ms. Stephen and Ms. Adamson both retired teachers from the Ayer School Dept. spoke to their contributions to the Town and looking forward to working with the Council re bringing Arts to the community. Ms. Lind a retired business owner in Ayer spoke to her love of community and being approached to serve and accepting. The Board thanked all for coming in to meet with the Board and for their willingness to serve the community. Selectman McCreary moved the Board vote to appoint Janet Adamson, Edith Stephen and Connie Lind to the Ayer Arts Council effective immediately and expiring in three (3) years or June 30, 2013, 2nd by Selectman Fay, VOTE: unanimous, so moved.

The Board met with George Bacon, Chairman of the Historical Commission. Mr. Bacon advised to the Commission meeting with Alene Reich re her interest in serving on the Commission advising to Ms. Reich attending Historical Commission meetings and submitting a letter of interest to the Commission for the vacant position. Mr. Bacon advising to Ms. Reich having a strong background with the MA Historical Society and would be a welcomed member to the Commission. Unfortunately Ms. Reich was not present for the appointment. The Board all very familiar with Ms. Reich through her work on the CPC and other Town activities moved to accept the recommendation of Mr. Bacon on behalf of the Ayer Historical Commission. Selectman McCreary moved the Board vote to appoint Alene Reich to the Ayer Historical Commission effective immediately expiring in three (3) years or June 30, 2013, 2nd by Selectman Fay, VOTE: unanimous, so moved.

Devens Enterprise Commission (DEC) Re-Appointment-Mr. Pontbriand advised to meeting with Martin L'outry earlier this week and being notified to his appointment expiring last year and need for Board to support

is re-appointment to the DEC. Selectman Maxant moved the Board vote to request the re-appoint of Martin Poultry to the Governor to serve on the Devens Enterprise Commission (DEC) 2nd by selectman Fay, VOTE: unanimous, so moved.

Agenda Item #7. Water Abatements- 27 Pineridge Drive, Ayer, MA the Board met with Angela Ford present for the discussion Supt. Daniel Nason. Selectman Fay recused himself from the discussion and left the table, being a friend of Jack & Angie Ford. Ms. Ford opened the discussion by advising the Board to being a resident of the town of Ayer for forty (40) years. Ms. Ford requesting an abatement on her water bill for the period of 2-9-10 thru 8-11-10 having received a bill in the amount of \$424.12 which she felt was outrageous advising to previous bills received by the Fords in the range of \$200.00. Ms. Ford presented and reviewed her past three years Water/Sewer billing/s with the Board. Ms. Ford advised to receiving a new water meter in Feb. 2010, a call was made to the water dept and if meter was checked out and found to have nothing wrong with it, it would cost her an additional \$50.00 which she objected to. Supt. Nason advising to reason for changing meter was meter being upgraded old meter failing. Labor cost of \$50.00 to check if meter is running accurately is part of water/sewer regulations. Ms. Ford advised to having a plumber check her piping re leakage. Ms. Ford stated she will wait for new bill to see if it justifies having meter checked and will represent abatement if warranted whereas there was no basis to decide issue this evening.

David Canney-2 Eagles Nest Lane, Ayer, MA-The Board met with Mr. Canney-present for discussion Supt. Nason. Mr. Canney presented his reasoning re sewer abatement request being that this was a new house not yet sold or occupied; all water has been for outside use only with no discharge into the Town's sewer system. Selectman Maxant declining to agree stating builder should have made arrangements prior to construction re 2nd meter for outside use. Selectman Fay disagreeing with Selectman Maxant's rationale and moved to approve the abatement request, 2nd by Selectman Luca, VOTE: Selectman Fay aye, Selectman McCreary aye, Selectman Luca aye, Chairman Gilles aye, Selectman Maxant no 4-1 motion passed.

Agenda Item #8. Mohammed Khan, George Kahale-MRPC -Ayer Commuter Garage Proposal-The Board welcomed Mr. Khan & Mr. Kahale to the meeting. Mr. Khan opened the discussion by making a brief presentation of the revised plan for the proposed Ayer Commuter Parking Garage. Mr. Khan prepared three (3) proposals for the Board's purview.

Option A-190 Cars without garage construction/All surface lot 2-level which incorporates purchase of five properties adjacent to the Rail Trail. Parking will be at two different levels due to contour of area-upper level to use existing rail trail entry through Groton St. and the lower entry from Rt. 2A Park St. Cost \$4.2 million dollars. (Earmark \$3,158,464 and State match of \$267, 920 for a total of \$3,948,080 difference of \$267,920 to be paid from other grants or Town resources if bid goes over \$4 million requirement).

Option B-260 cars with construction of garage on Rail Trail and within the existing rail trail site -constructing a 2nd floor approximately 60K sq. ft. this option will not include any acquisition of private property. Total cost \$5.4 million. This option less feasible because of cost constraints to be in State TIP. A 2nd level could be built at a future date with additional Federal earmark.

Option C-120 cars-this options strictly on the rail trail site without building a 2nd story facility not incorporating any private land. This option will still be two levels with the total cost \$2.5 million and could be saved for purchasing additional land for extension of the garage at a later date.

Selectman McCreary moved the Board vote to support Option A: a 190 car all surface lot with two (2) levels as presented and authorize letter to be sent to State, 2nd by Selectman Fay VOTE: Selectman Luca recusing himself from discussion, Selectman Fay aye, Selectman McCreary aye, Selectman Maxant aye, Chairman Gilles aye, 4-1 motion passes. Mohammed Khan stating MART to prepare letter to State on behalf of Town of Ayer.

Thomas Gibbons stating his concerns re Board selection of Option A and not Option C. The Board thanked all for coming to the meeting and for their support.

Agenda Item #9. JBoS-Devens Finance Agency-Ayer, Shirley & Devens Family Partnership Contract

The Board reviewed the Family Partnership's Program with MADEV re utilizing a facility on the Devens campus. MADEV is requesting a signed contract between the Partnership and the Finance Agency to continue the program which required the Chairman's signature. Mr. Pontbriand advising to his and Town Counsel's review and approval of the contract. Selectman Maxant expressing his concern and opposing the Board's interference with eleven (11) year old contract stating the Board has no authority to speak for Partnership or on their behalf, they are independent of the Town, why necessary now.. The Board tabled this matter for further review by Town Counsel, want program for kids but want to do so legally and advise Partnership to space available in Ayer/Shirley if necessary.

Vicksburg Square letter (misrepresentation by Boston globe West Article)-removed from Agenda earlier in evening by Selectman Maxant.

Agenda item #10. Town Administrator's Report-

1. Determination & Consent for Kopelman & Paige-Re Devens Regional Hazardous Products Collection

Facility Program.-Mr. Pontbriand advising the Board to the Town at this time not committed to the program nor have any funds been committed. As the 1st step to further explore the program Kopelman & Paige (K&P) is being asked to review legal language of the proposed draft MOU that would be used by Ayer and five other communities K&P represent. Kopelman & Paige are seeking the Board's approval of a Determination and Consent (K&P do not represent a conflict of interest on this matter as they serve as Town Counsel for Ayer and five (5) other potential communities i.e. Boxborough, Lancaster, Lunenburg, Townsend). Selectman Fay moved the Board vote to approve the Determination & Consent for Kopelman & Paige, 2nd by Selectman Luca, VOTE: Selectman Fay aye, Selectman Luca aye, Selectman McCreary aye, Chairman Gilles aye, Selectman Maxant no 4-1 motion passes.

2. Conservation Commission Request-Disposition of Property-The Board met with David Bodurtha, Conservation Commission Member. Mr. Pontbriand updated the Board to his receipt of request from ConCom re assigning the care and custody of three (3) parcels of tax taken property to the Conservation Commission to protect wetlands. Map 36 Parcel 27 @ Bennetts Crossing, Map 37 Parcel 11 @ Bennetts Crossing and Map 37 Parcel 26 @ Pingrey Way. Mr. Bodurtha included Land Court filing against Bruce Homes Inc. re above parcels. The Board requested to procure correct language re protecting the parcels revisit previous land transfer to ConCom i.e. Oakridge Drive re infringement restrictions.

3. One Day Beer & Wine License-The Board approved a One Day Beer & Wine License for St. Mary's Church for Saturday, October 23, 2010 from 5-9:30p.m. Motion made by Selectman McCreary 2nd by Selectman Luca, VOTE: unanimous, so moved.

4. Dept. of Veterans Affairs-Memorial Veterans Hospital -Bedford, MA request for office space at the Town Hall every Thursday from 9am-5pm to assist area Veterans with transportation assistance to Bedford. Motion to approve made by Selectman Maxant, 2nd by Selectman Fay, VOTE: unanimous, so moved.

9:00p.m. Chairman Gilles left meeting

Agenda Item #11-Public Input-

Pauline Conley-Crosswalk request-Central Ave and Adams Street. The Board requested input from DPW and Police Chief revisit in two weeks.

Pauline Conley-Public Records Update re fees re packet copying. Mr. Pontbriand advising to meeting with IT Coordinator re scanning packets onto Website and meeting with IT Committee later this week to follow up on.

Agenda Item #12. New Business/Selectmen's Questions-

Selectman McCreary -clarifying Articles 5&6 at Special Fall Town Meeting 10-25-10.

Selectman Fay- Trinity Visions Session at the Ayer Town Hall on 10-30-10 from 9-11a.m. and on Devens 10-23-10 at the Devens Commerce Ctr. 9-11am.

Selectman Luca -congratulating Mr. Pontbriand on his performance doing a great job- validates choice.

10-19-10

Minutes-

Selectman Maxant moved the Board vote to approve the Open Session Minutes of 9-28-10, 10-5-10 and 10-8-10, 2nd by Selectman Luca, VOTE: unanimous, so moved.

9:35p.m. Selectman McCreary moved the Board adjourn the meeting, 2nd by Selectman Fay. VOTE: unanimous, so moved.

9:35p.m. Meeting adourned

Date: _____

Frank F. Maxant, Clerk

AYER BOARD OF SELECTMEN

10-19-10