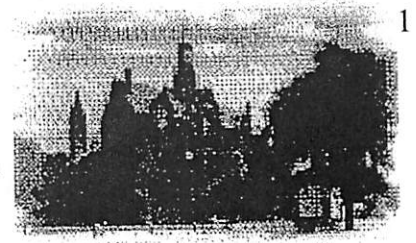


Town of Ayer

Board of Selectmen

Town Hall, First Floor Meeting Room
Ayer Massachusetts, 01432



Tuesday, November 23, 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		

7:10p.m.. Open Session-

Chairman Gilles opened the meeting advising to very long Agenda this evening and foregoing reading the Agenda into the record. Chairman Gilles made the following two announcements: The FY-11 Tax Classification Public Hearing is scheduled for Tuesday, December 7, 2010 at 7:15p.m. at the Ayer Town Hall as part of the Selectmen's Meeting Agenda. And the Town Hall will be closed on Wednesday, November 24th at 12:00 noon, (employees must use ½ day personal or vacation time)-Thursday, November 25th, Thanksgiving, and Friday, November 26th in observance of the Thanksgiving Holiday as recognized in the Employees Personnel Policy.

Chairman Gilles called for a motion to approve the Agenda. Selectman Luca moved the Board vote to approve the Agenda as presented 2nd by Selectman Fay, VOTE: unanimous, so moved.

Agenda Item #2. Town Administrator's Report-The Board met with Mr. Pontbriand-see report dated 11-23-10 re follow up from 11-9-10 Selectmen's Meeting. Mr. Pontbriand requested the Board's permission to take up three (3) additional items that come in late: Approval of the Virtual Town Hall Web-site Contract, DPW P.O. re stolen snow plows insurance settlement and purchase of replacement plows and lastly new Police cruiser previously approved along with a Police Dept. Grant application for Camera ready technology to allow Police Officers to take pictures of license plates.

- **Virtual Town Hall Web-site:** The Board reviewed the IT Committee's proposal- voted and supported by the IT Committee for the design fee of \$3,598.33 for the Town's Web-site plus annual website hosting, maintenance, and unlimited PCM User Support contract of \$2,400.00. Selectman Luca expressed his concern re funding and having new IT Coordinator, Committee and Volunteer Web Master. Mr. Pontbriand advising to Volunteer not able to continue due to large volume of data and need for specific training to make successful & effective. Selectman Luca again stating his concern re not having the money. Selectman McCreary speaking on behalf of the proposal stating contract being incredible for all Virtual Town Hall will be doing, tremendous amount of work offering secure site for potential enhanced services re collection re taxes & fees archive-able mail. Selectman Fay echoing Selectman McCreary adding being very impressed with training schedule to be provided re navigating the system for departments. Chairman Gilles also supporting site and advising to Communications Committee providing oversight as well. Selectman McCreary moved the Board vote to approve Virtual Town Hall Holdings, LLC Contract in the amount of \$3,598.33 and yearly maintenance of \$2,400.00, 2nd by Selectman Fay, VOTE: Selectman McCreary aye, Selectman Fay aye, Chairman Gilles, aye, Selectman Luca no, Selectman Maxant no 3-2 motion passes.

- **Police Department Cruiser-**Mr. Pontbriand advising to this being included in the APD FY-11 Budget \$24,555.00 and pre approved by the Board of Selectmen. Selectman McCreary moved the Board vote to approve the new Police Department Cruiser in the amount of \$24,555.00, and authorize the Chairman's signature 2nd by Selectman Fay, VOTE: unanimous, so moved.

11-23-10

Ayer Board of Selectmen's Meeting

Camera Ready Technology Grant Application/s- Two (2) grant applications. Selectman Maxant moved the Board vote to approve the two grant applications submitted by the APD re camera ready technology and authorize the Chairman's signature, 2nd by Selectman Fay, VOTE: unanimous, so moved.

- DPW Snow Plows-Selectman McCreary moved the Board vote to approve the Purchase Order submitted by Supt. Nason re replacement snow plows (2) replacement for the two (2) plows stolen in the amount of \$9930.00, 2nd by Selectman Fay. VOTE: unanimous, so moved. Mr. Pontbriand advised the Board to investigation still ongoing and insurance settlement received re placement plows. Selectman Luca requesting snow plows purchased under snow budget and insurance money be placed back into same account.

Agenda item #3 Fire Chief, Robert Pedrazzi-Chief Pedrazzi presented a contract for the flood insurance for the Fire Station in the amount of \$7,576.00 by Cabot Risk Strategies, LLC a MIIA Member Service for \$100K building limit, \$0 contents, with a \$10K deductible. Funding for the Flood Insurance to come from funds currently available in the Property & Liability Insurance and Police Fire Accident Insurance per the Town Accountant. Selectman Luca moved the Board vote to approve Cabot Risk Strategies for Flood Insurance funded by Property & Liability Insurance in the amount of \$7361.05 and \$214.95 from Police fire Insurance, 2nd by Selectman Fay, VOTE: unanimous, so moved.

Agenda Item #4. Town Treasurer Stephanie Gintner-The Board met with Ms. Gintner who introduced Peter Frazer, Senior Vice president of FirstSouthwest re Ayer Refunding Bonds Authorization of \$5,235,000 General Obligation Refunding Bonds dated December 1, 2010 current refunding of 6-1-98 & 4-15-00 National AA Scale as of 10-22-10--Investments for 10-25-10. Mr. Frazer reviewed with the Board Refunding Analysis prepared by FirstSouthwest to include: Debt Service maturity, Escrow Fund, Debt Service Schedule/Comparison. The Town's current Bond Rating (Moody's). Mr. Frazer advising the Board to Refinancing bonds will save the town approximately \$300K a conservative figure at interest rate of 5.3354.8%. Selectman Maxant moved the Board in order to save interest costs, the Treasurer is authorized to provide for the sale and issuance of bonds under G.L. c44, Section 21A, to to refund all or any portion of the remaining principal of and redemption premium and interest on the town's General obligation Bonds dated 6/1/98, general Obligation bonds dated 4-15-00 and the General Obligation Bonds dated 4-1-02; and hat for this purpose the Treasurer is authorized to provide for the preparation and distribution of a Preliminary Official statement; provided, however, that no bonds shall be issued under this vote unless and until the final interest rates and other terms of the refunding bonds are approved by the Board, 2nd by Selectman Fay, VOTE: unanimous, so moved.

Agenda Item #5 David Maher, Director of Planning & Development-The Board met with Mr. Maher & Susan Provencher, Financial Manager.

(a) Public Hearing-2011 CDBG Grant Activities-

Mr. Maher introduced Linda Overing of Breezeway Consulting and Bill Paille of Weston & Sampson-Infrastructure Project Engineering. Mr. Mayer advising all to this Public Hearing being the final announcement re the Town's Fy-11 Community Development Block Grant to receive input re activities to be considered for the Town's Fy-11 application to include infrastructure, public facilities, downtown sign and façade program, housing rehabilitation, public social services, creation of affordable housing and/or planning activities; having held two previous public input sessions- at the Ayer Housing Authority on 11-23-10 at 2:30pm & 5:30p.m. as well as the Selectmen's Meeting on 11-16-10. Mr. Mayer advising to newspaper legal notices advertised 11-12-10 in the Lowell Sun and Nashoba Publication 11-19-10.

7:40p.m. Selectman Maxant opened the Public Hearing by reading the Legal Notice into the record. Mr. Maher reviewed with the Board and attendees (35) present, the Ayer Housing Rehabilitation Program.

Housing Rehabilitation -estimated Low-Moderate income beneficiaries-28 based upon waiting list and previous experience with HRP administrated by Town in which 98% of building occupants qualified as LMI. CDBG funding required for project-\$412,988 including \$316K for deferred payment loans and

\$98,988 for program delivery expenses. Other funds-estimated at \$30K i.e. Homeowner contribution, get the Lead Out and if eligible Montachusett Opportunity Council (MOC) weatherization program. Participant contribution-tiered based up income level of participants to assure the maximum assistance goes to the neediest applicants. Low Income-not required contributing to project, Moderate Income- 25% contribution of costs. Investor/owner- 50% contribution of costs, all participants are responsible for closing costs -added to their lien. Sweat equity may be considered where rehabilitation costs exceed available resources and qualified owner. Participation-Low/Moderate income persons residing in substandard properties within Ayer's designated Sustainable Development Target Area that can be brought into code compliance. Up to 20% may be expended on emergency LMI cases that are identified outside the Sustainable Development Target Area and approved by the Citizens Advisory Com. Maximum funding per unit available to applicants-\$35K of which \$30K is maximum per unit and \$5K additional will be made available for septic repairs, lead or asbestos remediation/weatherization. Historic significance per cap may be raised by \$3K. it is estimated the DPL will be \$20K based upon experience, case waivers can be sought to bring structure up to code if project required more than the amount specified. Manage/Implement Grant the Town of Ayer's Department of Planning & Development will manage the program through the Housing Manager assuming operational oversight.

Pond Street Project-Pond Street Reconstruction Project. Mr. Maher advised to Infrastructure-street, sidewalks, water, surface drainage, sewer project proposed for Pond St. Mr. Maher distributed materials and conducted an overhead review of the project. Ms. Overing reviewed with Board and participants the Project description & scope re the reconstruction of the infrastructure of Pond Street, a 350LF residential street in Ayer, repairs include replacement of inadequate storm drainage system, 100 year old undersized water mains and deteriorated sewer pipes, reconstruction of existing sidewalk, surface reconstruction of the roadway and installation of curbs and berms. Population of service area LMI beneficiaries with a population of 75 of which 66 are LMI. Project area depicted being the entire length of Pond St. from its intersection on East Main Street to its termination at the Ayer Housing Authority. Site Control the Town owns the easements, including roads, sidewalks, sewer and water and drainage infrastructure. Construction period-estimated at five (5) months. Status of Design-Project ready for bidding Weston & Sampson Engineering is completing the bid ready plans and construction specifications for the grant application. Project Need- Pond Street infrastructure is aged, deteriorated and in need of replacement. Cast iron water mains are 100 years old and have reduced size which reduces pressure for domestic use, as well as fire safety flows, lead services, present a health risk. Ninety year old clay pipes are cracked which allows significant water infiltration during rain storms, which results in overflows, Inadequate storm drainage and curbing has contributed to deteriorated road surface and sidewalks-on east side of street sidewalks are cracked and lacks handicapped accessible aprons at intersections. Total cost -CDBG Funding for project:\$526,027 (\$493,340-construction \$32,688 Program delivery) Project Management/Implementation The Towns Department of Community & Economic Development will be responsible for the overall management of the project; with the assistance of procuring the services of consultant with experience in public infrastructure project management including procurement, contracting and Davis-Bacon wage rate compliance. Mr. Maher again urging all residents in project area to submit their surveys responses necessary for infrastructure. Selectman McCreary urging residents in area to talk to their neighbors to encourage remittance of surveys back to Town Hall. The Board took questions from residents and thanked them for large turnout and questions. Resident- Edward Kelley urging the sidewalks is built to last and not cheat on. Fire Chief reviewed locations of hydrants with consultant. **Total Fy-11 CDBG Budget Application \$993,065.60.** Pauline Conley questioning why Director's salary could not be paid from grant instead of UDAG fund. Selectman Luca agreeing freeing up more funds for residents. Mr. Maher advising to "Sweat Equity" (salary) very important to application showing Town's commitment to project. The

Board requested when the Fy-11 application must be in by and informed by Mr. Maher to 12-10-10 by 5:00p.m. The Board requested to place the Fy11 CDBG Grant Application item on their 12-7-10 agenda for final approval.

8:30p.m. Selectman McCreary moved the Board vote to close the Public Hearing, 2nd by Selectman Fay, VOTE: unanimous, so moved. Selectman Maxant stating he was happy to see so many people present this evening and thanked them again for coming.

- (b) **Chief Elected Official (CEO) Certification Form/Fy-11 MA CDBG Program** Selectman Fay moved the board vote to approve the Chief Elected Official Certification Form (CEO) and authorize the Chairman's signature, 2nd by Selectman McCreary, VOTE: unanimous, so moved.
- © **MA CDBG Funding Displacement Certification**-Selectman Fay moved the Board vote to approve the Massachusetts CDBG program Fy-11 Displacement Certification and authorize the Chairman's signature, 2nd by Selectman Luca, VOTE: unanimous, so moved.
- (d) **MA Fy-11 CDBG Program Anti-Displacement and Relocation Assistance Certification**-Selectman Fay moved the Board vote to approve the Fy-11 CDBG Anti-Displacement and Relocation Assistance and authorize the Chairman's signature on Certification, 2nd by Selectman Luca, VOTE: unanimous, so moved.
- (e) **Ayer Housing Rehab. Program Case #09-392E**-Selectman Fay moved the Board vote to approve a waiver of the owner's match requirement for Housing Rehabilitation Case #09-392E based upon the representation of financial hardship detailed by the client. Said waiver shall be conditional upon client executing a fifteen (15) year recapture lien in accordance with Program guidelines, 2nd by Selectman Luca, VOTE: Selectman Luca aye, Selectman Maxant aye, Selectman McCreary aye, Chairman Gilles aye, Selectman Fay no 4-1 motion passes. Selectman McCreary requesting the participants show more responsibility to help out to pay 25% .
- (f) **Fy-09 CDBG Grant-Request for Extension/Transfer of Funds**-Selectman McCreary moved the Board vote to approve the extension request and transfer of funds for the Fy-09 CDBG Grant, and authorize the Chairman's signature 2nd by Selectman Luca, VOTE: unanimous, so moved.
- (g) **Certificate of Compliance-24 Forest Street-Local Initiative Program**-Selectman McCreary moved the Board vote to approve the Certificate of Compliance for 24 Forest St. and authorize the Chairman's signature, 2nd by Selectman Fay, VOTE: unanimous, so moved.
- (h) **AIF for Fy-10 EDF Grant**-Selectman Fay moved the Board vote to approve the Application Information Form (AIF) for the Fy-10 EDF Grant Application for the Fletcher Building, and authorize the Chairman's signature, 2nd by Selectman Luca, VOTE: unanimous, so moved.
- (i) **DMA Drug Court Contract-(\$300K Court Grant Award) One Year Contract with DMA Health Strategies**-Selectman Fay moved the Board vote to approve the 2nd One Year contract with DMA and Advocates, and authorize the Chairman's signature, 2nd by Selectman Maxant, VOTE: Unanimous, so moved.
- Agenda Item #6. Personnel Board**-The Board met with Kathleen O'Connor Chairman and Lisa White of the Personnel Board. Ms. O'Connor opened the discussion by advising the Board to Personnel manual first issued in 1999 with an update undertaken in 2004 which was never completed. The revised personnel policies reflect 18 months of work by the Personnel Board including review of the updated policy undertaken in 2004. Ms. O'Connor advised to changes made from the original contract many of which are minor & clarification to remove ambiguities. Ms. O'Connor noted changes with more notable areas: Section 2 Definitions, Section 10 Harassment Policy, Section 18 Vacation time, Section 29 Information Technology and Section 13 Longevity. The Board addressed their concerns re Town Counsel's validation, regional School impact requesting to review document line by line with Personnel Board. A single Agenda Joint meeting was scheduled with the Personnel Board on 12-15-10 at 7pm. at the Ayer Town Hall. The Board requested to get their markups to the policy to Mr. Pontbriand prior to the meeting.

Agenda Item #7. Fire Station Reuse-Selectman Fay opened discussion stating RFP reflects 10 year effort to forward to Town Meeting with full presentation re assessment. The Board stated their concerns re selling vs

maintaining- building i.e repairs (roof-interior) or demo. Selectman Fay stated his frustration re need to go forward or he will resign from committee. The Board after a short review moved to use previous information (assessment) conducted in 1999 as basis for proposals. Motion made by Selectman McCreary 2nd by Selectman Maxant, VOTE: Selectman McCreary aye, Selectman Maxant aye, Chairman Gilles aye, Selectman Luca no, Selectman Fay no. 3-2 motion passes.

Agenda Item #8. Conservation Commission-The Board met with Bill Daniels, Chairman of the Conservation Commission. Mr. Daniels advised the Board to Conservation Commission owning land with two (2) sheds on land. One building a lean-to the other a 10 x20 wood shed. Mr. Daniels advising to situation re resident illegally utilizing storage shed to store their wood in. The Board moved to give the Conservation Commission authorization to auction off the sheds and to check with Dan Nason re process. Motion made by Selectman Fay, 2nd by Selectman Luca. The Board requested the Conservation Commission handle illegal storage of wood in shed by resident with Police Dept. and give deadline re removal of wood. Enforce with by-law have Building Inspector enforce as well.

Agenda Item #9-JBoS-Selectman Fay gave a brief overview re Vicksburg Sq. & Trinity's successful presentation re residential/commercial development. JBoS to take pro-active approach. Selectman McCreary requesting update re MRPC.

Agenda Item #10. 2011 License Renewals-Common Victuellers, Amusement, Class I, II, II Sunday entertainment. Selectman Luca moved the Board approve license renewals 2nd by Selectman Fay, VOTE: unanimous, so moved.

Agenda Item #11 Public Input- Pauline Conley-

- Restating her complaint re packet distribution to press and not to her.
- Crosswalk Central Ave/Adams St.-The Board voted to have DPW place a crosswalk at Central Ave./Adams St.-Motion made by Selectman McCreary, 2nd by Selectman Fay, VOTE unanimous, so moved.
- Mary Spinner requesting the Board's thoughts re supporting a Capital Plan Exclusion for 2011.
- Minutes of 11-9-10 & 11-16-10, Selectman Maxant moved the Board vote to approve the Minutes with date correction in 11-16-10 minutes re age of water/sewer pipes on Pond St. from 1890/1930 to 1890/1950 era. 2nd by Selectman Luca. VOTE: unanimous, so moved.

10:20p.m. Selectman Fay moved the Meeting adjourn, 2nd by Selectman McCreary, VOTE: unanimous, so moved.

Date: _____

Frank F. Maxant, Clerk