

Town of Ayer Community Preservation Committee

Town Hall * One Main Street * Ayer, MA01432

DRAFT Minutes for 8/3/2011 - Approved 2/1/12

Location: Town Hall, 1st Floor

Members present: Gary Luca (GL) [BOS], Scott Houde (SH) [FinCom], Janet Providakes (JP) [Housing], Beth Suedmeyer (BS) [At Large], Sarah Gibbons (SG) [Parks & Rec.], Jess Gugino (JG) [ConsCom]- Clerk

Not present: Alene Reich (AR) [Historical]- Chair, Mark Fermanian (MF) [Planning Board], Vacancy [At Large]

APAC taped: NO

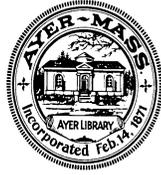
7:04 PM – Open Meeting

• Confirmation of Agenda

- BS raised the possibility of discussing two additional items:
 - CPC plans to have consultant Jennifer Goldson meet with CPC again.
 - discussion of how CPC might develop a formal expression of expectations for CPC fund applicants who have been awarded funds at Town Meeting. The goal is to enable CPC to maintain a degree of control that ensures projects meet initial funding expectations as well as preserve open communication with recipients.
- Given the fullness of tonight's agenda, it was decided that GL would tell AR to place these items for discussion on a future agenda.
- SH moved to confirm agenda as written; JP 2nd.
 - Motion approved unanimously.

• Current Project: Town Hall Energy Efficiency Projects

- Town Administrator Robert Pontbriand returned to CPC to discuss three projects for which he is seeking CPC assistance and support under the category of historic preservation.
- Mr. Pontbriand previously addressed CPC on these projects on 4/6/11.
- Mr. Pontbriand deferred discussion of the third project, window replacement, to the future.
- The first project seeks \$59,175 to install automated HVAC controls to run heating, cooling, lighting, and humidity controls, and could be upgraded to control security systems as well.
 - The estimated lifespan of the HVAC is 25-30 years and the price includes some software upgrades.
 - Mr. Pontbriand said an HVAC system, with climate control features, contributes to preservation of an historic building and could save 12-22% in energy costs.
- The second project is for a new emergency generator for Town Hall, with a cost of \$69,430, around \$20,000 of which is for installation.
 - The current generator is over 30 years old and has no capacity to power anything more than a few lights during outages.
 - Fire Chief Pedrazzi and Facilities Director Dan Sherman have expressed concern that a prolonged power outage in cold weather, as happened to parts of Ayer during the ice storm of 2008, would put the building at risk from burst pipes and very costly water damages.
 - The proposed model, powered by natural gas, could provide adequate power for all Town systems, included the HVAC system, for an extended time during an outage.
 - Mr. Pontbriand said such a generator would:
 - support Town Hall as the center of local government during crises;

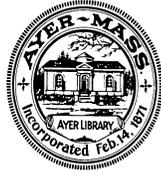


Town of Ayer Community Preservation Committee

Town Hall * One Main Street * Ayer, MA01432

DRAFT Minutes for 8/3/2011 - Approved 2/1/12

- enable Town Hall to serve as an additional shelter location if necessary;
 - contribute to historic preservation of the building and its integrity;
 - allow participation in 'Demand Response', enabling the Town to be reimbursed for going off line when the regional electric grid is overloaded.
 - Mr. Pontbriand hopes the generator could be installed prior to this coming winter.
 - The life expectancy of the new generator is at least 30-35 years.
 - BS said this was a significant timespan, suggesting such a generator would not be classified as 'maintenance' for which CPC funds are excluded.
 - Software maintenance and upgrades are included in its pricing.
 - Both systems, with a total cost of \$128,605, have been reviewed and unanimously approved by the Ayer Energy Committee and the Ayer Capital Planning Committee.
 - BS said that while the projects were good ones, the information provided thus far does not effectively make the connection to historic preservation.
 - The formal application should provide more detail as to the contributions of these upgrades on preservation of paint, masonry, etc.
 - JP said support to the air conditioning system was preservative as it prevented fluctuations.
 - SH said Town Hall stored historical documents and records which required adequate preservation as well.
 - From the audience, David Bodurtha expressed his opinion that the project didn't warrant the use of CPA funds and asked for documentation showing similar CPA projects in the state.
 - GL cited the precedent of CPA funding used for the Town Hall roof replacement.
 - Mr. Pontbriand said that this presentation was preliminary and that he and Mr. Sherman would make a stronger case for the projects' historic preservation value at a Public Hearing.
 - Mr. Pontbriand hopes to have a warrant article ready for Fall Town Meeting on 10/24/11.
 - JP moved to advance discussion of these projects to a Public Hearing on 9/7/11; JG 2nd.
 - Motion approved unanimously.
 - BS asked that the formal application packet be circulated to CPC members for review in advance of the Public Hearing.
- **New Project: Pond Weed Control**
 - GL distributed a proposal that he had drafted asking for \$100,000 in CPA funding under the category of preservation and protection of Open Space.
 - GL is asking for a Fall Town Meeting vote to allocate CPC funds for:
 - \$35,000 to fund Article 38, approved at Spring Town Meeting (STM) on 5/9/11, to pay for weed control treatment on Flannagan Pond;
 - \$10,000 for an updated long-term pond management plan similar to the one prepared for the Town by Aquatic Control Technology (ACT) in 2005;
 - \$55,000 to establish a fund to provide for future spot treatments on all of Ayer's ponds (Sandy, Plow Shop, Grove, Flannagan, Long, and Pine Meadow), at the discretion of the Conservation Commission.
 - JP asked for clarification that some of these ponds (Flannagan and Pine Meadow) were manmade flooded meadows; GL confirmed this was the case.
 - JP asked about the impact of fertilizer use on nearby lawns washing into the ponds.

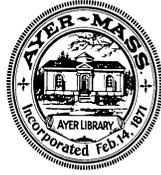


Town of Ayer Community Preservation Committee

Town Hall * One Main Street * Ayer, MA01432

DRAFT Minutes for 8/3/2011 - Approved 2/1/12

- SH said when the Finance Committee reviewed Article 38 prior to STM, they were told that the use of fertilizer had had a minimal effect on the current condition of Flannagan Pond.
- GL referred to ACT's 2005 report as justification for the proposal assuming that Flannagan Pond would require full treatment for two years in a row.
- Chuck Miller, head of the Friends of Flannagan Pond group that spearheaded the Article 38 citizen's petition, said that while the group's initial interest was in funding for Flannagan Pond, it was now their intent to support a long-term holistic plan to service all Ayer's ponds.
- Mr. Bodurtha said that providing heavy-duty treatment to Flannagan Pond for two years in a row was necessary to make it possible to maintain the pond thereafter with spot treatments.
 - Mr. Bodurtha said, however, that the Board of Selectmen (BOS) voted to fund Flannagan treatment this year with \$35,000 in UDAG (Urban Development Action Grants) funds and that Article 38, when funding is found, was to pay for a second treatment the following year.
 - It was noted that the schedule of Flannagan treatment was thrown out of balance due to the catastrophic beaver dam collapse and subsequent flooding on 7/11/11 that necessitated postponement of treatment until next spring.
 - It was Mr. Bodurtha's opinion that the BOS should fund Article 38 through additional UDAG funds or a line item on the budget, but not through CPC funds.
 - Selectman Pauline Conley responded that the CPA is funded with taxpayer money, and that CPA funds were thus a viable source of money other than tax levy.
 - Ms. Conley added that to not let Town Meeting make this decision would be a disservice.
- Mr. Miller agreed that CPA funds are another source of taxpayer funding, and added that many homeowners were frustrated at feeling like a ping pong ball bounced between various Town boards and committees on the issue of pond weed treatment.
- Mary Spinner said that the Town had passed an article in 2005 providing \$30,000 for weed control, but that in subsequent years budgets had been cut so that additional funding for this purpose had been dropped.
 - She added that she thought this would be a good use of CPA funds.
- BS said she supported weed treatment on the ponds but did not think CPA Open Space funds were appropriate for use in this regard.
 - BS referred to various grant programs as a funding source, including some under the Dept. of Conservation and Recreation.
 - BS added that Flannagan Pond appears to have no public access and therefore there would not be a public benefit to treat weeds on this pond.
 - GL questioned whether Sandy Pond has public access other than the Town Beach, in particular for boat input.
 - It was noted that boats are commonly put into both Sandy and Flannagan ponds via the Snake Hill Road causeway.
 - Mr. Bodurtha mentioned possible public access to Flannagan Pond at the base of East Drive.

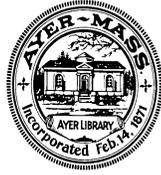


Town of Ayer Community Preservation Committee

Town Hall * One Main Street * Ayer, MA01432

DRAFT Minutes for 8/3/2011 - Approved 2/1/12

- JG said Flannagan was in a crisis mode now and thought CPC funds could be justified to get it to a point where regular maintenance could take over by some other means.
 - JG said Flannagan could be considered a public resource as nonabutters do boat there and that it was also in the Town's interest not to have a swamp breeding mosquitoes.
 - Town Meeting ought to ultimately decide.
- GL agreed, saying CPA funding could pull Flannagan Pond out of its current crisis.
- BS said the BOS voted to fund a year's treatment on Flannagan, then Town Meeting voted Article 38 to fund an additional year; as a result, CPA funds neither seemed necessary nor appropriate for weed treatment.
 - BS added she did think CPA funds could be appropriately used to fund a long-term management recommendation report.
- Mr. Miller noted that while Town Meeting passed Article 38, it remained unfunded, leaving the Town with an out-of-balance budget that now required being brought into balance at Fall Town Meeting.
 - Mr. Bodurtha objected to setting a precedent that encourages BOS, with an unfunded article passed at Town Meeting, to turn to CPC to 'backfill' with CPA funds.
 - SH said FinCom learned from the STM experience with Art. 38 that Town Meeting needs a mechanism to allow immediate revisiting of funding in the case of citizen petitions at the end of an agenda that, if passed, need a funding source.
 - SH added that time is of the essence with Art. 38 as the Town needs to find a source at this coming Fall meeting.
 - Mr. Bodurtha suggested the BOS draw on additional UDAG funds.
- BS said it was a difficult precedent to set for a gap in the budget to be filled with CPA funds.
- BS said there wasn't an urgency in resolving this as the Town has \$70,000 to treat Flannagan for two years, and suggested the issue of weed treatment funding be taken over by the new Pond and Dam Management Committee created in June by the BOS.
 - BS reiterated other options for funding, including 303d grants via Mass DEP and the founding of pond associations that could seek matching grants.
- Ms. Spinner and Ms. Conley said the Town does not have \$70,000 to treat Flannagan; it has \$35,000 in UDAG funds and a still-unfunded \$35,000 to pay for Article 38.
- GL said CPA funds were a stop-gap measure and to let Town Meeting decide on its merits.
- Mr. Bodurtha said the Town should find Town funds, not CPA funds, to pay for Art. 38.
- Ms. Spinner said there are no Town funds, making it necessary to look to other sources.
- SH thought initial treatments of Flannagan would be a good use of CPA funds and suggested leaving it to the Town to decide.
- BS said weed treatment was a maintenance activity, which is excluded from CPA funding.
- JG said she saw initial treatments of Flannagan as getting it to a point where regular maintenance was then possible.
- SH suggested GL table the request for \$55,000 for a weed treatment fund for all the ponds, and instead apply for \$45,000 – to cover the long-term management study and Article 38.
 - The \$55,000 could be taken up at a later time, perhaps under the auspices of the Pond and Dam Management Committee.
- GL said he would put together a formal application the following week.



Town of Ayer
Community Preservation Committee

Town Hall * One Main Street * Ayer, MA01432

DRAFT Minutes for 8/3/2011 - Approved 2/1/12

- SH moved to proceed with a Public Hearing on 9/7/11 on the issue of whether CPC would recommend \$45,000 of allocated funds to Fall Town Meeting; JP 2nd.
 - Motion approved unanimously.
- JG, as Clerk, will prepare the Public Hearing notices for this as well as the Town Hall energy projects.

- **Appointments**
 - GL said that BS was reappointed to CPC at a recent BOS meeting.

- **Old Business**
 - BS will send an email to consultant Jenn Goldson about coming before CPC again to discuss preservation plans for the Town.
 - BS said Ms. Goldson had also had ideas about how the Town could identify and reach out to property owners for land/Open Space acquisition.

- **Approval of Minutes**
 - JP moved to approve the minutes of 4/6/11 as written; SH 2nd.
 - Motion approved unanimously.

- **Discussion**
 - Selectman Frank Maxant asked CPC if it was interested in looking at the purchase of 'development rights' (as opposed to purchase of the property itself) as a means of keeping older properties unchanged by modern development.
 - Mr. Maxant referred to a property on East Main Street on which a developer is interested in constructing 12 units.
 - Mr. Maxant asked if the CPC was interested in him approaching the property owner on CPC's behalf.
 - GL said no, that Mr. Maxant and/or the property owner would need to come up with a proposal and present it to CPC.
 - BS said that AR would have more expertise in considering this question, and also suggested Mr. Maxant contact Freedom's Way for guidance.

- **9:10 PM – Adjourn Meeting**
 - SH moved to adjourn; JP 2nd.
 - Motion approved unanimously.