

- Town of Ayer
- Board of Selectmen's Minutes
- Town Hall, First Floor Meeting Room
- Ayer Massachusetts, 1432



**Tuesday, September 25, 2012**

**Selectmen's Meeting on Town of Ayer Website [www.ayer.ma.us](http://www.ayer.ma.us)**

7:00p.m . Chairman Fay called the meeting to order.

James M. Fay, Chairman	X	Christopher R. Hillman, Member	X
Frank F. Maxant, Vice-Chair	X	Gary J. Luca, Member	X
Pauline Conley, Clerk	X	Robert Pontbriand, Town Administrator	A
Janet S. Lewis, Secretary	X		

**7:00p.m. Open Session -**

**Agenda Item #1. Announcements**

Chairman Fay announced the Town Administrator not present this evening out sick, possibly for the remainder of the week. The Board wished Robert well. Chairman Fay requested the Board sign a get well card for Robert before they leave meeting.

Chairman Fay requested the Board move up Agenda 8. -Item #6. under the Town Administrator's Report Election Vote on 11-17-12 re the ASRSD Building project after Public Input as item 2A due to Supt Mock being present and to take up NVTHS Bus Contract as 2B. Under Agenda Item #6. Fire Chief's Flammable liquids license add item #2. Call-Firefighters Fy-13 rate increase.

Chairman Fay called for a motion to approve the Agenda as amended. Motion to approve the agenda made by Selectman Luca, 2nd by Selectman Maxant VOTE: Unanimous, so moved.

**Agenda Item #2. Public Input-**

Selectman Hillman-

1. Traffic Circle- updated the Board to clean-up work completed re overgrowth.
2. Homeless in Ayer Selectman Hillman advising the Board to his receiving many emails and telephone calls encouraging the Board to look into more to help fix problem.

**Agenda Item #8. Item #6. -Vote declaring Election on 11-17-12 for the ASRSD Building Project.**

The Board met with Supt. Carl Mock.-Supt Mock updated the Board to Town of Shirley voting to conduct election on November 17, 2012 from 8am to 4pm urging the Board to keep same date and hours. Selectman Conley expressed her concern re Town's election hours bylaw being 7am-8p.m., urging the Board to check with the Secretary of State's Office. Selectman Luca moved the Board vote to approve Saturday, November 17, 2012, Debt Exclusion Election for the hours of 8a.m. to 4p.m. to run concurrently with the Town of Shirley subject to Secretary of State's concurrence, 2nd by Selectman Conley VOTE: unanimous, so moved.

Mary Spinner questioning if absentee ballots would be made available and Supt. Mock advising to Town of Shirley making them available hopeful the same would apply in Ayer.

**Agenda Item #3. Supt. Wetzel's Report-**the Board met with Mark Wetzel

1. WeCare Organics LLC Contract Extension-Supt. Wetzel presented the Town of Ayer's back-up sludge disposal agreement which expired on June 30, 2012 requesting the Board sign a one year Agreement from 9-25-12 to 6-30-13. Motion to approve made by Selectman Conley, 2nd Selectman Maxant, VOTE: unanimous, so moved.

2. Hoyle Tanner Associates General Services Agreement- re task orders re specific projects i.e. Town of Groton tie-in on Westford Rd.-( \$7,500.00) I/I investigations re high wet weather flows and Capital Improvement budget. Supt. Wetzel requested this item be set back and brought back for the Board's next meeting re changing Terms of the Agreement to be updated to one million. Selectman Conley expressed her concern re special rate/s for projects. Supt. Wetzel advising to requesting wage schedule with multiplier. Selectman Conley suggesting to also request hourly rate schedule and task order rate as well. Selectman Luca requesting looking into charging infrastructure re sewer lines to Groton re section of sewer pipe/replacement. Selectman Maxant requesting close monitoring re capacity of our system- watch growth in area by Groton and ensure Town of Ayer employees maintain the pump station. Supt. Wetzel to review and revise Reciprocal indemnity Insurance.
3. WasteZero Amendment-(pay as you throw bags-bag quality)-Supt. Wetzel updated the Board to complaints coming into DPW re blue bags ripping and being defective when purchased locally-merchants complaining. Supt. Wetzel demonstrating quality -ripped/torn bag and requesting this item be taken off until he investigates could just have been one bad batch, advising to Waste-Zero provides the Town good services and WasteZero has replaced all defective bags.
4. Asst. Foreman's Position Appointment-Supt. Wetzel advised the Board due to the recent appointment of Doug Jasperson to Highway Foreman's position left the Asst. Foreman's position open. Supt. Wetzel informed Board to open position posted in-house and two candidates applying and interviewed. Supt. Wetzel recommended the appointment of David Nelson Sr. to the Asst. Highway Foreman's position. Supt. Wetzel updated the Board to Mr. Nelson is an eight (8) year employee at the DPW, knowledgeable and does a good job. Selectman Conley requesting clarification re position posting. Supt. Wetzel advising position is a Union position-Union polls members result may/may not advertise position. Selectman Conley moved the Board vote to accept Supt. Wetzel's recommendation and appoint David Nelson Sr. to the Asst. Highway Foreman's position, 2nd by Selectman Maxant, VOTE: unanimous, so moved. Selectman Hillman stating his appreciation of Mr. Nelson's forward and progressive thinking re Town/work/ and projects. Selectman Conley requesting if six-month probation is part of appointment and advised it was in place. Selectman Luca questing if there was policy in place should Mr. Jasperson request to go back to his original position as Asst. Highway Foreman. Ms. Conley related her concerns re vacant lot next to Kelley's on Main St. having dangerous pedestrian walking conditions and requesting Supt. Wetzel to review and assist before someone gets hurt. Selectman Hillman requested status of Natural Grid road re-surfacing repairs/recourse in town. Supt. Wetzel advising to this working with National Grid & State with the hope of getting some of this work on the TIPS Program. National Grid being very cooperative re coming back to resurface but Supt. Wetzel advising to East Main St. water main replacement needs to done prior to doing paving upgrades.

**Agenda Item #4. Public Hearing (cont.) -Common Victualler's License Natural Cafe &**

**Market-25 Main St.**-deferred to 10-2-12 due to Board being notified by Board of Health to Ms. Pulsifier not having her Food Handler's License required before Common Victualler License can be approved.

**Agenda Item #5. -Economic Development Director's Report**-The Board met with David Maher and Susan Provencher. Mr. Maher updated the Board to meeting in Worcester re Fy-13 CDBG Grant Application Action Plan on October 2, 2012Mr.Maher advising to his staff and himself to be in attendance. Mr. Maher on another matter advised to Field's applying for Consultant's Grant through Downtown Business and receiving \$10K assistance and Field's meeting on 9-26-12 with consultant; good progress being made.

Rehabilitation Specialist Funding Request-Ms. Provencher requested the Board sign the amendment to Agreement between the Town and Donald Bucchianeri changing the amount of the contract from original \$24K to \$32,900.00 (funding from the Town's Fy-11 CDBG Grant). Ms. Provencher advising the Board to number of cases the housing program changed from 12 to 14 cases with the hope for possibly two more and Don inspected one property that withdrew from the program before the work was started, additional funds are requested in the amount of \$8,900.00 to be added to Mr. Bucchianeri's contract. Selectman Luca inquiring if there are any rehab specialist in the Town of Ayer having heard stories. Ms. Provencher spoke to Mr. Bucchianeri's background and guidelines he must comply with that homeowners are not familiar with. Selectman Maxant moved to approve the Amendment to Agreement between the Town and Mr. Bucchianeri from \$24K to \$32,900.00 per recommendation of Susan Provencher in a memo dated 9-13-12 and authorize the Chairman's signature 2nd by Selectman Conley, VOTE: unanimous, so moved.

LIP Unit-Consent letter Case # 12-02-11B Walnut Street, Devens-Ms. Provencher presented the Board a letter of request to DHCD-authorizing the Chairman's signature on a consent letter to allow the refinancing by the homeowners of 11B Walnut St., Harvard. Ms. Provencher advising to DHCD is ready to approve the refinance but needs the Town's approval first. Selectman Conley moved to approve the refinancing and authorize the Chairman's signature on Consent Letter re Case # 12-02 LIP Unit at 11B Walnut St., Harvard 2nd, by Selectman Maxant, VOTE: unanimous, so moved. Mr. Maxant stated his objection to address showing as Devens an illegal address requesting address be shown as Ayer on all future legal documents. VOTE: Chairman Fay aye, Selectman Luca aye, Selectman Hillman aye, Selectman Conley aye, Selectman Maxant aye, motion passes. Ms. Provencher advising all LIP Agreements go into Ayer's affordable housing.

Fy-10 EDF Grant-Fletcher Building Close Out Report-Ms. Provencher presented the Close-out (final report) to the Board filed with the Office Housing & Community Development advising to the Town bringing in four (4) new units of affordable housing as well as maintaining affordability restrictions on these units for fifteen years. Mr. Maher advising to units completed and now being marketed to income eligible tenants with three of the units occupied and two market rate units in the building. Ms Provencher advising to the total amount of the grant \$877,985.00 with the sum of \$750,000.00 going toward the rehabilitation of the Fletcher Building and the Town returning \$16,692.33 to the State in the form of unutilized administrative funds. Mr. Maher advising to total funding re the purchase & restoration of the Fletcher Building totaled more than \$1,800,000.00. Selectman Conley requesting where \$111K of the Grant went Ms. Provencher advising to two grants running at the same time period and salaries including hers, Mr. Maher's and Mr. Bucchianeri's paid from grants. Selectman Conley moved the Board vote to approve the Fy10 EDF Grant #00528 for the Fletcher Building Close Out Report returning the amount of \$16,692.33 to the State, 2nd by Selectman Maxant, VOTE: unanimous, so moved.

**Agenda Item #Fire Chief- re Shaker Hills Golf Club -storage of flammable liquids amendment to license.**

Chief Pedrazzi reviewed Shaker Hills current and amended license for the storage of flammable liquids with the Board advising to original license issued in Feb 1992 which transfers with ownership advising to this being just a name change on the license so that permits for the tank can be issued to the new owner per MGL C148c13 which requires the signature of the Chairman.

Selectman Conley moved to approve the change of name of Shaker Hills Golf Club-Woodland Co. for 1K gallons of underground gasoline, 2nd by Selectman Maxant, VOTE: unanimous, so moved.

Fy-13 Call Fire-fighters Rates Chief Pedrazzi advised the Board to 2% increase in rates included in his Fy-13 Budget but informed by Lisa Gabree to Call Rates has to be officially voted and approved by

the Board of Selectmen. Selectman Conley moved the Board vote to approve a 2% rate increase for the Call Fire-fighters for Fy-13, 2nd by Selectman Maxant, VOTE: unanimous, so moved.

**Agenda item #7 Fire Station Re-use Committee's Final Report**-present for the discussion David Maher. Chairman Fay opened the discussion by advising the Board to this report compiling over ten years of work starting in late 1999 through 2012. Chairman Fay advising to station built in 1934 and gave background re repairs/renovations from 1940-1996 to closing in 2005. Chairman Fay advising final report includes assessment and Kang Report along with options/recommendations to include Municipal/Commercial re -use, sale and last resort demolition. Chairman Fay advising to Committee holding two Open Houses as well as conducting survey. Overhead presentation presented by Cindy Knox, IT Director. (see attached). Chairman Fay stated the Kang Report estimated cost to restore building would be \$1.9 million. Committee recommends adaptive reuse based on the needs of the community and Committee also recommends the original footprint be retained and grant funding be sought to reduce cost to restore with recommendation to sell in the event of prohibited cost. Chairman Fay advised to Article on Oct. 22, 2012 Special Fall Town Meeting Warrant for voters to decide. The Board requested presentation be put on town's website.

**Agenda Item #8. Town Administrator's Report-**

1. Veterans Services Contract-Selectman Luca moved the Board vote to approve the Agreement for Services effective September 25, 2012 through August 31, 2015 between the Town of Ayer and MA Development for Veterans Services as outlined in Agreement and authorize the Chairman's signature 2nd by Selectman Maxant, VOTE: unanimous, so moved.
2. Assignment of Town of Ayer to NVTHS Bus Contract-Chairman Fay advised per Town Counsel Mark Reich it appears necessary to add Ayer's bus route to the existing contract between the Nashoba Valley Technical High School (NVTHS) and Dee Bus Company. Selectman Luca moved that the Town, through its Town Administrator request that the NVTHS amend its contract with Dee Bus Company to include in that contract the bus routes required for the transportation of Ayer students to and from NVTHS said routes to be provided by the Town Administrator, 2nd by Selectman Maxant. Selectman Conley expressing her concern re Town Administrator establishing routes. Selectman Luca stating this should not be issue Town to get routes from NVTHS. VOTE: Selectman Luca aye, Selectman Hillman aye, Selectman Conley no, Selectman Maxant no, Chairman Fay aye, 3-2 motion passes.
3. Reserve Fund Transfer-The Board met with Cindy Knox, IT Director re the Reserve Fund Transfer Ms. Knox stated her request before the Board is to be able to provide additional services with MECnet, the Town's email provider for archiving of all email of the Ayer.MA US. domain. Ms Knox requested the reserve Fund Transfer in the amount of \$3K. Ms Knox stated this is a new service and will be included in Fy14's budget. Selectman Conley moved the Board approve the \$3K Reserve Fund Transfer Request in the amount of \$3K to be transferred to the IT Services Account #01166 52000, 2nd by Selectman Luca, VOTE: unanimous, so moved.
4. Special Fall Town Meeting Warrant- The Board reviewed Mr. Pontbriand's timeframe re the printing of the FTM Warrant: 10-2 finalize warrant, 10-5 to the printer, week of 10-9 printing of warrant, 10-13-12 warrants delivered to Post Office. Mr. Pontbriand reminded Board to Special Fall Town Meeting Warrant closing on 9-30-12 at 4:00P.M. The Board reviewed the 14 Article list prepared by Mr. Pontbriand. Selectman Conley requesting to include an amendment to the Personal Policy By-law, add the Fin-Com's approval of the MOA's & Union Contracts and to get list from Lisa Gabree re rescission of prior borrowing authorizations. Chairman Fay announced the Board's next meeting for Tuesday, October 2, 2012 at 7pm to finalize the Special Fall Town Meeting Warrant requesting

the Board forward him any agenda items as well for this meeting. The Board moved up the Devens Petition articles to #1. in order to allow more time re School Dept. Article.

**Agenda Item #9 JBOS Update**-Selectman Maxant updated the Board to MADev Board of Director's Meeting's not being a Joint meeting with MADev, as required by MOU on October 11, 2012 and requesting one member of the Board attend, Chairman Fay volunteering to attend.

**Agenda Item #10-New Business/Selectmen's Questions-**

Selectman Maxant-Selectmen's attire-Selectman Maxant stated he placed this on the Agenda re Selectmen showing respect for Office and to appreciate being voted as a Selectman. Position doesn't come with a crown, it is a public service position. Oath of Office particularly the last sentence sums it all up. Selectman Maxant closed by showing a quote by Thomas Jefferson- "*An Association of men who will not quarrel with one another is a thing which has never yet existed, from the largest confederacy of nations to a Town meeting or a vestry*". Selectman Hillman stating the Board has had good productive meetings the last 3 to 4 weeks and is working much better.

Selectman Hillman- requesting to remove Holiday lights at the rotary from discussion this evening. On another matter Selectman Hillman brought up discussion regarding re luring a Pharmacy to Ayer i.e. CVS, Rite-Aid requesting to have Mr. Maher investigate/look into. Selectman Maxant expressed his doubts.

Selectman Hillman also spoke to having Holiday lights downtown- civic pride- request businesses to donate lights. Selectman Conley reminded Board to Xmas tree in past years between Kelley's & Fletcher Bldg. falling by wayside. Selectman Hillman stating rotary is central area should promote festivities there-good power source. Ms. Spinner spoke to concerns re parking problem/traffic safety of residents and advising to Xmas lights available from old fire station storage found at the Pleasant St. School.

**Agenda Item #11. Minutes-** Selectman Conley requested to pass on the 8-7-12 minutes-incomplete. Selectman Conley moved to approve the Minutes of 8-25-12, 2nd by Selectman Maxant, VOTE: unanimous, so moved. Selectman Conley moved to approve the minutes of Selectmen's Executive Session dated 9-24-12 but not release due to ongoing litigation , 2nd by Selectman Maxant, VOTE: unanimous, so moved.

9:30p.m. Selectman Luca moved to adjourn the meeting, 2nd by Selectman Hillman VOTE: unanimous, so moved.

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

Pauline Conley, Clerk  
AYER BOARD OF SELECTMEN

