

# Town of Ayer

## Board of Selectmen

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



6-1-10

**Selectmen's Meeting**  
**Ayer Town Hall 1<sup>st</sup> Floor Meeting Room, Main Street, Ayer, MA**  
**Tuesday, June 1, 2010**

**Meeting Date: 6-1-10**

Present:

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	Jeff Ritter, Town Administrator (Mr. Ritter)	X
Janet Lewis, Secretary (Mrs. Lewis)	X		

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

Chairman Gilles requested if there was anyone present who wished to meet with the Board. No one stepped forward.

The Board per the Town Administrator to take up a One Day Beer & Wine License on 6-9-10 for the Ayer/Shirley Lions Club Annual Spaghetti Dinner at Dan's Place after Girl Scout Presentation later this evening.

Chairman Gilles called for a motion to approve the Agenda. Selectman Luca moved the Board vote to approve the agenda as amended, 2<sup>nd</sup> by Selectman Fay, VOTE: 4-0 (Selectman Maxant stepped away from the table).

**Agenda Item #1.** –Ayer/Shirley Daisy Girl Scout Troop 81319 Recognition-The Board welcomed Daisy Troop 81319 to the meeting along with their Scout leaders: Jennifer Martinez, Shilou Kidder, and Christine Logan. Chairman Gilles read into the record a Joint Citation from the Ayer Board of Selectman and the Ayer Park Commissioners recognizing the troop for their efforts cleaning-filling the Pirone Park planters with new soil and flowers from a portion of their profits from the troops Girl Scout Cookies sales. The Board congratulated the Troop for their efforts on behalf of the town and also taking the opportunity to recognize Junior Juliette Girl Scout Brooke Martinez for assisting the Troop with their project. The Board paused to take a picture with the Troop and thanked them for coming in to meet with the Board.

**Agenda Item #2.** Announcements- Mr. Ritter made the following announcements-

- Annual Appointments-Fy-11 to be made at the Selectmen's 6-15-10 meeting-reminders sent out to Town Departments, Committees, Boards, Commissions re current membership up for re-appointment/s.
- Town Government Committee-seeking interested residents. Applicants to remit letter of interest/resume to the Selectmen's Office.
- Thank you extended to all participants participating in the Memorial Day Parade and activities.
- Organic Lawn presentation at Sandy Pond Beach 6-5-10 at 2:00p.m.
- Selectman Fay announced 5'8" Flag donation from Congresswoman Tsongas-Flag flown over Capital on 5-28-10 presented to Memorial Garden Committee. Selectman Fay suggesting the flag is placed on the stage in the Great Hall along with Town flag. The Board thanked Congresswoman Tsongas for her generous gift and thoughtfulness.

**Agenda Item 3.** Ayer/Shirley Lion's Club annual spaghetti dinner fundraiser at Dan's Place-200 West Main St., Ayer, MA –Mr. Ritter presented the Board a One (1) Day Beer & Wine License for the Club's Annual fundraiser at Dan's Place advising the Board to event taking place on June 9, 2010 from 4-8pm. Billiard's Cafés pouring license (Beer & Wine License)-Calvin Moore-proprietor to be on site re sale of beer & wine.

Selectman Luca moved the Board vote to approve the One Day Beer & Wine License for the Ayer/Shirley Lions fundraiser on 6-9-10 from 4-8pm at Dan's Place, 2<sup>nd</sup> by Selectman Fay, VOTE: unanimous, so moved.

**Agenda Item #4. Town Administrator-Follow-up from Selectmen's 5-18-10 Action Items**

Mr. Ritter updated the Board to his actions taken See attached report

**Agenda Item #5. Public Hearing-Billiard's Café-Change of License from Beer & Wine to All Alcohol.**

Continued to 6-15-10 at 7:15p.m. due to Abutters not being notified by petitioner. Selectman Luca making motion to extend Hearing to 6-15-10 at 7:15.m. 2<sup>nd</sup> by Selectman Fay, VOTE: unanimous, so moved.

**Agenda Item #6. Recognition of Wellman Parker-Emergency Management Director-The Board met with Wellman Parker who is retiring after twenty one (21) years of service as EMD. Chairman Gilles read into the record a Certificate of Appreciation to Mr. Parker recognizing and thanking him for his past and present public service to the Town of Ayer serving as the Town's Fire Chief, and currently as the Town's Electrical Inspector. The Board paused briefly for a picture with Mr. Parker. Mr. Parker advised to Fire Chief Robert Pedrazzi working with him over the past few years and recommending Chief Pedrazzi to replace him as Emergency Management Director. Selectman McCreary moved the Board vote to appoint Fire Chief Robert Pedrazzi as the Town's Emergency Management Director, 2<sup>nd</sup> by Selectman Maxant, for the term of office effective 6-1-10 to 6-30-11, VOTE: unanimous, so moved.**

**Agenda Item #7. Joint Appointment Board of Assessors & Board of Selectmen-The Board met with Edward Cornellier and Denis Callahan re the appointment of Paul Bresnahan to the Board of Assessors to fill the unexpired term of office of Sandi Jones until the next town election-April 2011 (one (1) year remaining of Mrs. Jones term). The Board reviewed with Mr. Bresnahan his long record of public and community service serving the Town as a Selectman, and serving on the Planning Board, and Zoning Board for many years. Selectman Fay moved the Board vote to appoint Paul Bresnahan to fill Mrs. Jones term of office until April 2011 (the next town election), 2<sup>nd</sup> by Selectman McCreary, VOTE: unanimous, so moved. The Board requested to accept the resignation of Sandi Jones from the Board of Assessors with regrets due to health related issues and requested a letter of appreciation be sent from the Board thanking her for her ten years of service on the Board of Assessors.**

**Agenda Item #8. Supt. Nason's Report-The Board met with Dan Nason**

1. Abatement request-48 Jackson Street-The Board reviewed Supt. Nason's recommendation re abatement request not being justified due to house being re-plumbed and Jackson St. service abandoned and rerouted toward Pearl St. which is technically a violation of the Board of Health regulations. Selectman McCreary moved the Board reject the abatement request as recommended by Supt. Nason, 2<sup>nd</sup> by Selectman Luca, VOTE: unanimous, so moved.
2. Municipal Solid Waste Contract-Mr. Nason advised the Board to contract reviewed and approved by Town Counsel re changing the Town's Municipal Solid Waste vendor from Covanta to Casella to provide the Town with zero sort -single stream recycling at the Transfer Station at the rate of \$12.85/ton less than Town is paying now which also includes the trucking and disposal saving the Town time, labor costs, fuel and vehicle maintenance. Selectman Luca moved the Board vote to approve the contract, 2<sup>nd</sup> by Selectman Fay, VOTE: unanimous, so moved. Selectman McCreary urging Supt. Nason to educate the residents and advised to Casella placing video on Town's Website and Cable (APAC).
3. National Pollutant Discharge Elimination System (NPDES) Contract-Supt. Nason recommended the Board endorse the National Pollutant Discharge Elimination Contract with Hoyle Tanner and Assoc. (HTA) for the Town's publicly owned treatment works (POTW) and filing by HTA with USEPA & MADEP 180 days prior to the expiration of the Town's current permit (Aug. 2010) in the amount not to exceed \$7,800.00. Selectman Fay moving the motion and 2<sup>nd</sup> by Selectman McCreary, VOTE: unanimous, so moved.
4. US Army Corps of Engineers/Right-of-Entry Agreement-Shirley Street: per the recommendation of Supt. Nason the Board approved the Right-of-Entry Agreement (ROE NO.2093) for Environmental Assessment-

sovereign Consulting, Mansfield, MA performing investigation on Shirley St. relating to Shepley's Hill Landfill in Devens for the Army Corps of Engineers. Supt. Nason advising Board to same process performed at WWTP earlier. Selectman McCreary moved the Board vote to approve the Right-of-Entry Agreement for the Army Corps of Engineers for Shirley St., and authorize the Chairman's Signature, 2<sup>nd</sup> by Selectman Fay, VOTE: unanimous, so moved.

5. Groton School Road Pump Station Contract Amendment-Onsite Engineering –to perform a short-term flow monitoring program re existing volumes of sewage vs. what will be necessary in the future while designing a cost-effective and efficient pump station. Onsite is requesting an amendment to section 9.01 (payment) of the Contract to add a fee of \$1,700.00 to the original contract price of \$25,800.00 increasing Onsite's total not to exceed to \$27,500.00. Article 15 of the May ATM approved \$30K for engineering design services for this pump station and there is adequate funding for this service. Selectman Fay moved the Board authorize the Supt. of Public work's signature on this contract amendment not to exceed \$27,500.00, 2<sup>nd</sup> by Selectmen McCreary, VOTE: unanimous, so moved.

6. Abatement request-55 Littleton Rd-The Board after review of abatement request concurred with Supt. Nason and voted to reject the abatement request for 55 Littleton Rd. due to internal plumbing related issues (leaky toilet). Motion to not approve request made by Selectmen McCreary, 2<sup>nd</sup> by Selectman Fay, VOTE: Selectman McCreary aye, Selectman Fay aye, Selectman Luca aye, Selectman Gilles aye, Selectman Maxant not voting 4-1 motion passes.

#### **Agenda Item #9. Land Acquisition-Central Avenue-**

The Board met with Pauline Hamel-Town's Rep. to MJTC, David Maher-Planning & Development Director, and Cornelius Sullivan-Selectmen's Representative, re land acquisition-Central Avenue. Ms. Hamel opened the discussion by updating the Board to Mr. Sullivan & Mr. Maher meeting with property owners on Central Ave. re appraisals individually and as a whole as well as advising the Board to private interest as well re purchasing the property with IDFA Funding. The Board to make policy decision re purchasing property or having private party purchase. Discussion was held re other properties considered in Town for parking i.e. Shirley Street property (St. Mary's) Reggio Building as well as the Central Ave. site. Atty. Thomas Gibbons questioning if it was worth public expense taking property off the tax roles. Mr. Sullivan feeling it is in best interest of Town of Ayer to control parking-spend the money and getting return and not be held to the whim of private property owner. Parking on Central Ave. was a five (5) year planning process recommending Board stick to plan. Selectman McCreary also agreeing control of lot would be in the best interest of Town. Selectman Maxant spoke to private investor considering building partial deck on Central Ave. with parking under bridge –which met with concerns re safety. Selectman Fay & Gilles both proponents of Town ownership re Central Ave. properties. Selectman Maxant opting for private ownership feeling what's purchased by business must be good for business. Private investor meeting with Mo Khan later in week-feeling lot could be done much less with-out prevailing wage law urging the Board hold off decision until later in week. Discussion got off course re the rail trail parking facility with residents and business owners and Selectman McCreary calling for a point of order to bring discussion back to Central Ave. properties. Selectman Fay moved the Board authorize David Maher the Towns Planning & Development Director and Cornelius Sullivan on behalf of the Board of Selectmen pursue land acquisition on Central Avenue and funding through the IDFA, 2<sup>nd</sup> by Selectman McCreary, VOTE: Selectman Fay aye, Selectman McCreary aye, Chairman Gilles aye, Selectman Luca abstained and Selectman Maxant no, VOTE: 3 ayes, 1 abstained and 1 no vote 3-2 motion passes. On another related matter the Board took up the re-appointment of Pauline Hamel to the Montachusett Joint Transportation Committee (MJTC) effective July 1, 2010 to June 30, 2011. Selectman Fay move to re-appoint Ms Hamel to the MJTC effective 7-1-10 to 6-30-11, 2<sup>nd</sup> by Selectman Maxant VOTE: unanimous, so moved.

**Agenda Item #10-Devens Enterprise Committee Members: Russ Smith and Martin Poutry re New Public Safety Building-** DEC members reviewed with the Board the Boards letter to William Marshall,

Chairman of the Devens Enterprise Commission (DEC) re the Board of Selectmen's response to the proposed new public safety complex at Devens given the expense and close proximity to existing public safety facilities in Ayer, Shirley & Harvard. The Board stated they felt complex is inappropriate and not consistent with the goals of the Commonwealth to facilitate the consolidation of local government services. DEC members reviewed with the Board the Public Hearing process and notification process. The Board stressed the need for more communication/dialog from MADev to inform the Board as to what is coming up and perhaps have quarterly meetings with the Town's DEC representatives. Mr. Smith again advising to design funded through grant but knew of nothing re regionalization. The Board stated their interest re anything municipal related that might impact the town. The Board thanked the DEC members for coming in to meet with the Board.

**Agenda Item #10. Town Administrator's Report-**

- 1. Recycled Product Procurement Policy**-The Board voted to approve the Town Administrator's revised Recycled Product Procurement Policy dated 6-1-10. Motion to approve made by Selectman McCreary, 2<sup>nd</sup> by Selectman Fay, VOTE: unanimous, so moved.
- 2. Energy Committee Appointments**-The Board amended charge of Committee by replacing Finance Director with member from Fin-Com. Motion to approve made by Selectman McCreary, 2<sup>nd</sup> by Selectman Fay, VOTE: Selectman McCreary aye, Selectman Fay aye, Selectman Maxant aye, Selectman Luca no, Chairman Gilles aye 4-1 motion passes.
- 3. Wild & Scenic Rivers Study**-The Board voted to endorse the Nashua, Nissitissit and Squanacook Wild & Scenic Rivers Study presented by Al Futterman from the Nashua River Watershed Assoc. Motion to approve made by Selectman Fay, 2<sup>nd</sup> by Selectman McCreary, VOTE: unanimous, so moved.
- 4. Building & Grounds Custodian & Information Technology Coordinator (part-time positions)**  
The Board voted to approve the posting of the above two (2) nineteen (19) hours, non-benefited part-time positions. Closing date for applications 6-30-10. Motion to approve made by Selectman Luca, 2<sup>nd</sup> by Selectman Fay, VOTE: unanimous, so moved.

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

- 1. Selectman Maxant**-Harvard's letter to Robert Culver-The Board read the letter into the record, re the redevelopment of Vicksburg Sq... Selectman Maxant requesting his version be made available to the Board. Town Administrator to work with Selectman Maxant to bring back before the Board.
- 2. Selectman Maxant**-Vicksburg Sq. Campus-Selectman Maxant advising the Board to Atty. General will allow getting around the prevailing wage law including housing as well. Will drive cost & quality of development. Selectman Maxant advising the Board to regional Hearing planning in Lunenburg with the Governor.
- 3. Selectman Luca** taking this opportunity to admonish both Chairman Gilles re his inappropriate behavior with Ms. Conley earlier in the evening and Selectman McCreary re the discussion re the Commuter Rail Facility with the Downtown businesses earlier.
- 4. Selectman Fay advised to the next JBos Meeting 6-24-10 requesting meeting be posted if quorum.**

The Board requested to poll members re their next meeting date i.e. 6-29-10 or 7-6-10.

9:30p.m. Selectman Fay moved the Board adjourn from Open Session to enter into Executive Session pursuant to MGL Chapter 39 Section 23B Exemption #3 litigation to adjourn from this Executive Session to re-enter into Open Session for the sole purpose of adjoining the meeting, 2<sup>nd</sup> by Selectman McCreary, VOTE: Selectman Fay aye, Selectman McCreary aye, Selectman Maxant aye, Selectman Luca aye, Chairman Gilles, aye, so moved.

9:30p.m. Open Session concluded.

*BOARD APPROVED 7/1/10*

*Smart Contract Maxant, Clerk*