

Town of Ayer
Board of Selectmen
Town Hall, First Floor Meeting Room
Ayer Massachusetts, 01432
Tuesday, October 5, 2010



Richard D. Gilles Chairman (Chairman Gilles)	A	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		

7:00p.m. Open Session -Selectman Fay opened the Meeting in the absence of Chairman Gilles.

Selectman Fay opened the meeting and read the Agenda into the record.

Selectman Luca requested the Board move Agenda Item #5 Trinity Properties up to Agenda Item # 3 and Agenda #6 Devens Recycling up to Agenda #4.and JBoS to Agenda #6. Motion to approve made by Selectman Luca, 2nd by Selectman McCreary, VOTE: Selectman Luca aye, Selectman McCreary aye, Selectman Fay aye, Selectman Maxant no, 3-1 motion carries.

Town Administrator advising Board to late submission by Town Clerk of the November 2, 2010 State Election Warrant for the Board's signature & posting; requesting this item be added under his report.

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

Selectman Maxant taking this opportunity to remind everyone to Public Input moved back on the Agenda to 7:30p.m.

Agenda Item #5. Trinity Properties-the Board met with Abby Goldenfarb of Trinity Financial along with Dan _____ and Larry _____. Ms. Goldenfarb presented to the Board brochures re vision session/s to be conducted by Trinity Financial re their public planning process; utilizing a series of planning meetings which will include baseline information gathering, significant stakeholder involvement and public review and comments to each of the three communities comprising Devens. The goal being to create a feasible vision for Vicksburg Square that reflects the consensus of the four communities of Devens, Ayer, Harvard and Shirley. Ms Goldenfard requested permission to conduct a vision session (#1) at the Ayer Town Hall re this proposal on Saturday, October 30, 2010 from 9-11am which will include bus transportation to Vicksburg Sq. and back to Town Hall. Following this session the Board was advised to Trinity conducting a tour of its developments in Boston on November 11, 2010 (Veterans Day) to interested parties in the four communities also to include transportation. Site Concept will be conducted in Session #II. Which will Provide a review of the issues that are important to the four communities which will help the development team determine if there are other issues need further exploration. Session # III will be the presentation of the development plan and program which will commence with a review of community feedback from the previous sessions and the team will present the plan that will serve as the basis o f the consensus plan for Vicksburg Square. The Board thanked Ms. Goldenfarb for coming in to meet with the Board and updating them to Trinity's proposal.

Agenda Item #3 Town Administrator's Action from 9-21-10 Meeting.

Green Community Committee Citizen appointments-per the Committee Charge. Mr. Pontbriand recommended the following appointments: Edmund "Ted" Staples, Patrick Hughes, and Ms. Faith Salter all of Ayer, MA. The Board welcomed all to the meeting and conducted a brief background/interest session with each candidate. Selectman Luca moved the Board vote to appoint Ted Staples, Patrick Hughes and Faith Salter to the Green Community Committee and thanked them for volunteering their service , 2nd by Selectman Maxant VOTE: unanimous, so moved.

Mr. Pontbriand updated the Board to his follow-up of items and actions from the Selectmen's September 21, 2010 meeting. (see attached)

Agenda Item #6. Devens Recycling Center-The Board met with Judy Cohen, Facility Director and Kurt McNamara, Owner of the Devens Recycling Center. Mr. McNamara requested the Board reconsider their vote taken earlier re not supporting Devens Recycling Co. Saturday five (5) hour opening. Mr. McNamara stated Ms. Cohen and he were present to clarify statements made at a recent Selectmen's Meeting re odor, rodents and traffic by a former employee of the facility. Ms. Cohen advising she had personally spent five (5) hours parked by former employees home to monitor traffic/odor herself and not observing anything and this supported by State Police who have also been monitoring traffic in residential areas. The Board requested copy of that traffic report is sent to resident. Ms. Cohen advising to Saturday opening requested by citizens who cannot get there during the week and wishing to utilize the facility. Selectman Luca stating he is against Saturday opening because of traffic coming and going through the town of Ayer, more traffic on Main Street. Mr. McNamara stating Devens has companies now open seven days a week and Recycling Center only asking for five (5) additional hours a week. The Board has been submitted reports from Company addressing all citizens concerns re odor, traffic and rodents which reported the facility is below regulatory standard re odor, rodents not being an issue and traffic reports from State Police supporting companies statement to minimal if any truck traffic in residential area/s, due to occasional truck getting lost. Mr. McNamara argued one person came before the Board and damaged company and letter sent by Ayer Selectmen denying Devens Recycling Co. Saturday opening mailed to Governor, MADEV, DEC, State Reps and he is before the Board this evening doing damage control and trying to undo damage to a state of the art facility. Selectman Maxant arguing the letter sent asked for investigation of matter. Peter Lowitt recognized by the Board who was present for meeting re DEC permit for facility. Selectman McCreary moved the Board send another letter to DEC advising to the Board of Selectmen satisfied their concerns were met and will not oppose whatever decision DEC makes re Saturday five hour opening request by the Devens Recycling Center, 2nd by Selectman Maxant, VOTE: Selectman Fay aye, Selectman McCreary aye, Selectman Maxant aye, Selectman Luca no 3-1- motion passes.

Agenda Item #4. JBoS-Selectman Maxant re Boston Globe West article clarification re conditions of buildings at Vicksburg Square. Requesting Town Administrator submit letter from draft prepared by Selectman Maxant disputing conditions of buildings. The Board requested to take no action at this time due to elections coming up in November and could be new slate of representatives in the State House and after meeting with Trinity this evening and looking to future of what can be happening/developing at Vicksburg Square and move forward.

Agenda Item #7. David Maher Planning & Development Director-

1. Fletcher Bldg.-Mr. Maher advising the Board to Fletcher Bldg. purchased by Robert France of Senate Const./Shirley, MA. Senate Const. plans for renovation of the building includes first floor commercial space and six apartment units on the three floors above. Mr. Maher advised to Rick Lefferts the consultant who is pre-paring a pre-application re the rehabilitation of the building and availability of funding from DHCD and being advised from DHCD that funding would be available for the Fletcher Bldg. under EDF and his office will become the expediting agent for this grant. Mr. Maher stated he was before the Board this evening for a vote of support re the Senate Const. Application to EDF for grant funds. Selectman Luca moved the Board vote to support the renovation of the Fletcher Building through EDF grant funding, 2nd by Selectman McCreary VOTE: unanimous, so moved.

2. 2011 Community Development Strategy- Selectman Fay requesting the Board get their re-use input back to Mr. Maher within the next week or so reminding the Board to CDBG Grant due into Boston by 12-8-10. On another issue Selectman Luca questioning Mr. Maher who authorized the Income Survey mailed out to East Main St. residents and Board of Selectmen not advised or approving such a survey. Ms. Provencher stating she had placed information in their mailboxes re grant requirement for Housing Rehab. income qualification of target area and advised not to do again without advising the Board first.

3. Appointment Request of Department Assistant-Mr. Maher introduced Edith Migliaccio of Grove St., Ayer, MA to the Board. Mr. Maher advising the Board to this position being part-time, non-union, non-benefited, Admin support position split between the Department of Planning & Development and the Treasurer's Office for a total of thirteen (13) hours a week; 8 hours assigned to Plan & Dev. and 5 hours assigned to the Treasurer's Office. Selectman Luca moved the Board vote to approve Mr. Maher's recommendation and appoint Edith Migliaccio to the thirteen (13) hours a week non-benefited, non-union administrative assistant position as described above, 2nd by Selectman McCreary, VOTE; unanimous, so moved. The Board welcomed Ms. Migliaccio to the position.

4. Wholesome Café-“Bring your own Bottle” (BYO) Request-The Board requested a Public Hearing be conducted re Board of Selectmen considering adopting “BYO” policy and to notify Ms. Halloway/Wholesome Café. Re TIP's training, hours of operation and frequency issues of BYO needing to addressed.

Agenda Item #8. Jesse Gossett-Emergent Technologies-Mr Gossett conducted an overhead presentation re free technical assistance to the Town of Ayer through a state grant they are applying for alternative energy initiatives/projects. Mr. Gossett stated he is seeking a letter of support from the Board of Selectmen for the Town of Ayer to serve as a pilot community if Emergent is successful in obtaining grant funding and advising to the towns of Gloucester and Newburyport also being included as pilot communities. Mr. Gossett advising to timeliness of letter of support necessary by 1st of next week to make Grant deadline. The Board stated their enthusiasm and endorsed the concept and wishing success of their initiative. Selectman McCreary moved the Board vote to endorse a letter of support for Emergent Technologies, no 2nd the Board wishing more time to research background information. The Board wished Mr. Gossett success and thanked him for presenting his proposal to the Board.

Agenda item #9. Supt. Nason's Report-

1. Transfer Station Operator Appointment-Mr. Nason introduced Wade Dempsey of Bradford, MA to the Board. Supt. Nason advising to no interest in position in house and position advertised. Fourteen (14) applications were received, four were interviewed and Mr. Dempsey selected as the best candidate. Mr. Nason recommended the appointment of Wade Dempsey to Transfer Station Operator's position effective 10-9-10 pending a pre-employment physical, and a twelve month probationary period and contingent upon Mr. Dempsey obtaining his MA Hoisting License (2B) within six months of his start date. Selectman Luca moved the Board approve Supt. Nason's recommendation and appoint Wade Dempsey to the Transfer Station Operator's position with contingencies so stated and described above, 2nd by Selectman McCreary, VOTE: unanimous, so moved.

2. Primary Clarifier Drive Replacement Contract -WWTP-

Supt. Nason updated the Board to Bid opening on 9-16-10 and receipt of four (4) bids. The low bidder was Weston & Sampson of Peabody, MA at \$34,500.00 funding for this project approved at the May 2009 Meeting Article #16. and recommended the Notice of Award be authorized and endorsed by the Chairman. Supt. Nason to prepare construction contract and Notice to Proceed for the Board's next meeting. Selectman Luca moved the board vote to approve and authorize the Chairman's signature on the Notice of Award so stated in a Memo to the Board dated 9-29-10, 2nd by Selectman McCreary, VOTE: unanimous, so moved.

3. UV System Upgrade Contract-WWTP-Supt. Nason requested the Board vote to approve the WWTP UV system Upgrade to OnSite Engineering of Franklin, MA for the amount not to exceed \$24,800.00. Supt. Nason advising to Article 17 of the May 2010 ATM approved upgrade of the WWTP UV System. Motion to approve made by Selectman McCreary, 2nd by Selectman Luca VOTE: unanimous, so moved.

4. Stormwater Public Meeting-Supt. Nason updated the Board to his Public Meeting held at the Town Hall on 10-4-10 advising to approximately twenty-five (25) people in attendance. Supt. Nason advised to his addressing concerns by residents and cost estimated per household around three dollars (\$3.00) per month.

Supt. Nason meeting with local businesses later this month and will report back at the next Selectmen's Meeting (10-19-10).

Agenda Item #10. October 25, 2010 Special Fall Town Meeting Warrant Approval. Mr. Pontbriand advised the Board to Fin-Com not having a quorum on 9-29-10 and unable to take any official action and their rescheduling another meeting to review financial articles on warrant. Mr. Pontbriand advising to Storm Water Article to be revised incorporating 4 separate Articles to include: Stormwater Utility Fund, Amendment to Stormwater Bylaw, Amendment to Illicit Discharge Stormwater Bylaw, and Amendment to Non-Criminal Disposition Bylaw and kept on Warrant, Financial Policy to be taken off and Home Rule Petition-Health Insurance to be put on per request of Mary Spinner. Motion to approve Home Rule Petition re Health Insurance be put on FTM Warrant made by Selectman Luca, 2nd by Selectman McCreary, VOTE: unanimous, so moved. The Board voted not to endorse Articles 5&6 the Board does not have executed Purchase & Sale Agreements. The Board to meet on Friday, October 8, 2010 at 8:00a.m. to sign finalized 10-25-10 Special Fall Town Meeting Warrant, the warrant goes to print at 12:00 noon on October 8, 2010. Total Warrant Articles fourteen (14).

Selectman Luca moved the Board vote to re-open the Fall Town Meeting Warrant until Friday 10-8-10 at 8:00a.m. 2, by Selectman McCreary VOTE: unanimous, so moved.

Agenda Item #11: Town Administrator's Report-

1. Certificate not to Encumber-Mr. Pontbriand presented the Certificate Not to Encumber submitted by Hous. Rehab. Program for 16 Pineridge Drive, Ayer, MA required to close-out project. Motion to approve made by Selectman Luca, 2nd by Selectman McCreary, VOTE: unanimous, so moved.

2. Commuter Rail Parking Garage-Mr. Pontbriand reviewed with the Board the earlier meeting with staff from Congresswoman Tsongas's Office, State Representatives Eldredge & Hargraves, Mohammed Khan and George Kahale of MRPC. Mr. Pontbriand advised to MRPC revising proposal without deck 190 parking spaces with twenty (20) spaces set aside for Rail Trail parking- an all surface lot, the closest option to \$4million dollars requested by MassDOT and the Secretary of Transportation for the commuter parking garage. Once revised and proposal presented to the state, that should release the \$800,000.00 which will then release the \$3.2 million dollar Federal earmark. Mr. Pontbriand advised to Mohammed Khan being present at the next Selectmen's Meeting 10-19-10 for powerpoint presentation re three options one of which being the all surface parking lot. The Board requested Mr. Khan be put on early at the 10-19-10 meeting.

Election Warrant-Mr. Pontbriand presented the Board the November 2, 2010 State Election Warrant submitted by the Town Clerk for the Board's signatures. Selectman McCreary moved the Board vote to approve and endorse the 11-2-10 State Election Warrant, 2nd by Selectman Luca, VOTE: unanimous, so moved.

November Board of Selectmen Meetings-Due to conflicts with State Election the Board approved meeting on November 9th & 23rd 2010.

Agenda Item #12 Public Input – none

Agenda Item #13. New Business/Selectmen's Questions- none

Agenda Item #14. Minutes -Selectmen Maxant moved the Board vote to approve the Minutes of 9-21-10, 2nd by Selectman McCreary VOTE: Selectman Fay aye, Selectman Maxant aye, Selectman McCreary aye, Selectman Luca abstained absent from last meeting 3-1 motion passes.

10:14p.m. Selectman McCreary moved to adjourn, 2nd by Selectman Maxant. VOTE; unanimous, so moved.

10:14p.m. Meeting adjourned.

DATE: _____

Frank F. Maxant, Clerk