

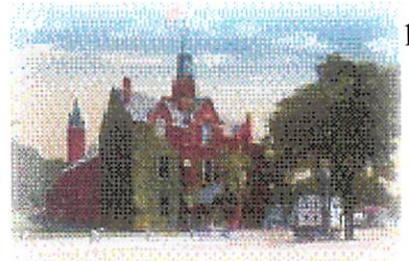
# Town of Ayer

## Board of Selectmen

### Town Hall, First Floor Meeting Room

### Ayer Massachusetts, 01432

### Tuesday, November 9, 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		

7:15p.m. Open Session

Chairman Gilles opened the meeting by apologizing for late start due to earlier Executive Session.

The Agenda of 11-9-10 was read into the record by Chairman Gilles.

**Public Input-** Chairman Gilles requesting if there was anyone present wishing to meet with the Board under Public Input.

Selectman Fay-Thanked the Board for their sanctioning his absence for the past two weeks and announced to the Board the birth of his newest grandchild a baby girl Vanassa AnnMarie Fay born on November 3, 2010 to his youngest son John and his wife of Florida which he Ann had traveled down to be with. The Board expressed their congratulations to the Fay family.

Town Administrator Robert Pontbriand advised to late requests coming in:

- a. Town Accountant requesting the Board vote to identify and approve funding source from UDAG re Board's vote on 8-17-10 re Stormwater Contract to VHB.
- b. Declaration of vacant position on Fin-Com due to verbal resignation of Glen Lappierre.

Selectman Fay moved the Board vote to approve the Agenda of 11-9-10 with amendments, 2<sup>nd</sup> by Selectman McCreary, VOTE: unanimous, so moved.

**Agenda Item #3. Town Administrator's Report-See report dated 11-9-10 re follow-up of 9-17-10**

**Meeting.**

Mr. Pontbriand requested the Board take up the crosswalk on Central Ave./Adams St. under his report this evening (Agenda #7). Motion to approve made by Selectman Luca 2<sup>nd</sup> by Selectman Maxant VOTE: unanimous, so moved.

**Agenda Item #4. Fire Chief-Robert Pedrazzi**

1. Dam Door System-Ayer Fire Station-Flood Mitigation Plan. Chief Pedrazzi reviewed with the Board Presray Critical Containment Systems proposal before the Board for the door dam system funded by previously approved UDAG funds. Selectman Fay moved the Board vote to approve Presray 's P.O. #1. BGIWQ3735-RI dated 10-28-10 in the amount of \$24,627.00, 2<sup>nd</sup> by Selectman McCreary for discussion requesting assurances re guarantees re reliability of doors and authorize the Chairman's signature, VOTE: unanimous, so moved.

2. Chief Pedrazzi requesting the Board's indulgence re the Fiber Optic Cable connection between the Fire Department & Police Department is taken up on tonight's Agenda advising to this item taken off Agenda without his knowledge. Chief Pedrazzi advising to this component critical to FEMA's four (4) part Grant award to the Ayer Fire Department. Payment for the Cable funded by Fire Alarm Revolving Account and Grant Assistance to Firefighters. Chairman Gilles advising Chief Pedrazzi to VerizonFIOS also having capability of providing Fiber Optic Cable services to municipalities at reduced funding. The Chief again advising to this component part & parcel to grant all works together this being part 3 of Part 4 of FEMA's Award. Selectman Fay moved the Board vote to approve P.O. #10282010F dated 10-28-10 to Celergy Networks Inc. of Carlsbad, CA in the amount of \$12,353.00 with conditions so stated re funding mechanism and authorize the Chairman's signature 2<sup>nd</sup> by Selectman Maxant, VOTE: unanimous so moved.

**Agenda Item #5. Stephanie Gintner-Town Treasurer-**The Board met with Stephanie Gintner-Money Management discussion. Ms. Gintner presented the Board a list of all the Town's bank accounts indicating which accounts are interest bearing and rates depicted. Ms. Gintner advising to Town utilizing local bank-North Middlesex Savings Bank and Bank of America for most of the Town's banking. Chairman Gilles promoting to bank locally so that money goes to local community more. Ms. Gintner advising the Board to her predecessors using bank of America even back when she worked as the Asst. Treasurer in 1991. Bank of America maintains a good relationship with the Town while it doesn't pay interest on funds it holds in return it provides free fee banking to the Town and provides reports and accounts tooled specifically to handle government accounts not available from other banking institutions. Chairman Gilles requesting Ms. Gintner consider instituting "Sweep Accounts" questioning accounts with quite a bit of money in them not getting interest on larger balances. Sweep Accounts earn interest immediately. Ms. Gintner advising to vendor and payroll account balances is zero balance accounts due to her only putting in enough money to cover bills. Selectman Luca requesting a fresh look at local banking institutions and negotiate no fee banking and monthly reports of funds in the Town's various accounts. Selectman Luca also requesting listing of properties taken for non payment of taxes. Selectman Maxant stated he was pleased Ms. Gintner was before the Board this evening adding the Treasurer labors in obscurity but does a tremendous job managing the Town's money and it's good to review Ayer's government banking practices. Selectman Fay stating his concern re time it takes for his personal checks to clear town accounts and the need to make timely deposits. Ms. Gintner replying it's up to the department to turn in their money in a timely fashion and sometimes you don't get a lot of cooperation. Chairman Gilles urging mandating direct deposit for all town employees opposed to receiving weekly checks. Chairman Gilles also urging considering allowing townspeople to pay on line to improve cash flow. Ms. Gintner advising to Bank of America's "Lock box" stating even if we went on line we would still have to manage the accounts. Chairman Gilles suggesting checks be scanned and faxed to banks permitting instantaneous draw of funds from taxpayer's accounts versus deposit and wait for check to clear. Ms. Gintner advised to her meeting with Bank of America later this month and would consider that technology for the Treasurer's Office. Selectman Luca stating the more options for the taxpayer the better suggesting all payments to the town be handled electronically. Ms. Gintner advising that the Town would have to move to a town Collector's position. Selectman Luca inquiring if there were a lot of bounced checks and advised that there were and she and the Asst. Treasurer plus the Deputy Collector are pursuing. Chairman Luca stated you have to be more aggressive. Chairman Gilles adding payments can be made with debit/credit cards on line. The Board asked Ms. Gintner to share her thoughts re how Town funds are spent and perhaps sit in on Fin-Com/Budget meetings. Ms. Gintner responding she sees a lot of waste and was requested to submit a memo to the Board depicting where she thought improvements could be made. Selectman Maxant chided the need to find \$600K worth of waste to fill gap for building the Park St, parking lot. Ms. Gintner responded refinancing Town borrowing to lower rates, half of that sum may soon be realized. The Board thanked Ms. Gintner for coming in to meet with the Board.

Mary Spinner-requesting why Water/Sewer outstanding accounts are not advertised in the newspaper along with taxes. Ms. Gintner to look into but advising to this activity falling under other Department/s jurisdiction.

**Agenda Item #6-ABCC 2011 License Renewals-**Selectman Fay read into the record the 2011 ABCC Renewal Applications: Ayer Package Store, Traffic Circle Liquors-DBA Jack-O-Lantern, CR Pierce Inc., Vineyard LTD, Kyung Enterprises Inc.-DBA Chung Ge Market, GW Archer Inc., Nashoba Restaurant Inc., Carlin's Restaurant Inc., Tiny's restaurant, Kane & Jennette Inc.-DBA J.P. O'Hanlons, Mango Grill, Page-Moore -DBA Billiards Café. Ingle PCO, Inc. DBA 31 Main Restaurant, Shaker Hills Golf Club Inc., Ayer Gun & Sportsmen's Club. Selectman Fay moved the Board vote to approve the above 2011 Alcohol Renewals as presented, 2<sup>nd</sup> by Selectman Luca, VOTE: unanimous, so moved.

**Shaker Hills Golf Club Change of Officer's & Directors.** The Board reviewed the application by Shaker Hills Golf Club. The Board was advised to the new Officers-Directors: Gloria Levine now the new President & Treasurer, new Director Robert Pereira both stockholders and Robert Jacobson the new Clerk. New Board members replacing Norman & Lynda Kenney and Brian Silva. Selectman Fay moved the Board vote to approve Shaker Hills Golf Club new Officers and Directors as stated above, 2<sup>nd</sup> by Selectman Luca, VOTE: unanimous, so moved. Selectman Fay moved the Board approve the use of the Selectmen's stamp on the renewals (new form-no signature lines) and Form 43, 2<sup>nd</sup> by Selectman Luca, VOTE: unanimous, so moved.

**Agenda Item #7 Town Administrator's Report-**The Board met with Robert Pontbriand

1. **Commuter Rail Parking Garage Update-**The Town Administrator updated the Board to hard copies of the revised proposal submitted to MART and Jeffrey Mullen/DOT on 10-25-10. Mr. Pontbriand also advised to Senator Eldridges/Rep. Hargraves letter of support & cover letter from him per the Board's request also included. Follow up calls made, everything submitted from Town of Ayer.

2. **Town of Ayer Bring your own Bottle (BYOB) Policy.** Mr. Pontbriand recommended the Board conduct a Public Hearing regarding Wholesome Café's request to have a BYOB at her establishment. Selectman Fay urged the Board to move forward non issue. Selectman Maxant feeling just the opposite recommending the Board keep away from request not get involved assume responsibility they don't have to assume. Selectman Luca expressing his concern urging controls of some kind should be put into place Chairman Gilles suggesting having the Hearing to see what residents want. Selectman Maxant stating controls are in place re illegal drinking and Board does not have to get involved just adding another layer of responsibility to Board. Mr. Pontbriand reviewed with the Board the City of Fitchburg's policy which spells out clear realistic controls and re-affirm nation of State law re the orderly and legal consumption of alcohol. The Board discussed among themselves other areas of concern i.e. fees paid by current licensees & parents concern. Selectman McCreary moved the Board schedule a Public Hearing on Bring your own Bottle Policy in the Town of Ayer, 2<sup>nd</sup> by Selectman Fay, VOTE: unanimous, so moved.

3. **Energy/Green Committees-**Mr. Pontbriand updated the Board to Energy Committee meeting tomorrow November 10, 2010 at 10:00a.m. and of savings being identified at the WWTP by Dan Sherman, Facilities Director.

**Town Government Study Committee-**Mr. Pontbriand updated the Board to this Committee meeting 4 times since establishment, advising the Board to a lot of progress being made. The Committee is scheduling meetings with Chairmans of various town Committees/Commissions and Boards along with Department Heads on December 13, 2010 and advising to Committee meeting twice a month beginning January 2011.

**UDAG Stormwater Award-VHB Contract-**Mr. Pontbriand advised the Board to Lisa Gabree requesting the Board revoke the VHB Stormwater funding award taken on 8-17-10 be stated funding source from UDAG re the \$8K Contract award to VHB. (\$3K implementation outline/\$5K public outreach/engagement) Selectman Luca moved the VHB 8-17-10 Stormwater Contract Award authorization be funded by UDAG, 2<sup>nd</sup> by Selectman Fay, VOTE: unanimous, so moved.

**Declaration of Vacancy Finance Committee-**Mr. Pontbriand updated the Board to one (1) member of the Fin-com not attending meetings since July 2010. Written request via emails and telephone calls being made and going unanswered prompted a visit to this person's home by another member of the Fin-Com who reported back to Committee individual not wishing to serve. Mr. Pontbriand advising to no written notification received and Board must declare a declaration of vacancy and post vacant position. Selectman Maxant moved the Board vote to accept verbal resignation of Glen LaPierre from the Fin-Com and post vacancy, 2<sup>nd</sup> by Selectman McCreary, VOTE: unanimous, so moved. Mr. Pontbriand requesting interested residents to contact him at the Ayer Town Hall. Selectman Maxant adding this is the most influential body in Town and will have a voice in how Town is run, welcoming residents to step up.

Green Committee-Mr. Pontbriand updated the Board to the Committee meeting and advised to receipt of \$150K grant to assist with upgrading equipment to be more fuel efficient per Dan Sherman's evaluation.

Parking Garage taken up earlier in meeting -Mr. Pontbriand taking opportunity to publicly thank Senator Eldridge for doing a wonderful job keeping ball rolling.

Central Ave./Adams Street Cross-Walk-Mr. Pontbriand advised the Board to Supt. Nason having no problem for crosswalk on Central Ave and awaiting Chief Murray's recommendation. Pauline Conley advising to placement of crosswalk under street light will eliminate dangerous crossing and advising to location also a school bus stop. .

**Agenda Item #8 Public Input-**

David Bodurtha-re progress of three (3) parcels currently under tax-title to be placed under Conservation Commission's control and advised presently before Town Counsel re mechanism to transfer to be taken up by Selectmen at their 11-23-10 meeting.

Mary Spinner-Background re original Town Government Study Committee's charge- i.e. clarification Town Meetings Spring/Fall, and requesting Town By-laws book is updated. Chairman Gilles also opting for electronic version as well.

Mr. Pontbriand advising to Town Clerk offering to make public announcements i.e. winter parking ban, upcoming town meetings/election to residents via tax bill mailings with the Board's approval. Mr. Pontbriand advising to the next tax bill mailing going out the end of December 2010. The Board requested this be run by the Communications Committee and IT Committee re receiving there recommendation first.

**Agenda Item #9. New Business/Selectmen's Questions-**

1. Selectman Luca-queried Chairman Gilles re conflict re support of green housing/MADEV construction pro bono services re developing housing designs to be built on Devens. Chairman Gilles advising to no conflict of interest as all appropriate disclosures were filed. Chairman Gilles also advising to Kopelman & Paige and the State Ethics Commission notified as well as the Ayer Town Clerk and Devens Enterprise Commission (DEC). Selectman Luca feeling there is a direct conflict of interest. Chairman Gilles stating he was on the SDW (Sustainable Development Workgroup) prior to becoming a Selectman and as his consulting and Selectmen's responsibilities came into contact he took measures to ensure all appropriate actions under the State's Conflict of Interest Laws were taken.

Selectman Fay-Groton Harvard Road resident letter re water running onto his property requesting to get the Conservation Commission involved.

Selectman Maxant-reminder to residents re Trinity's site visit to Boston re restored urban properties they have been involved with. Train leaves from Depot Sq. to Boston and back.

Agenda Item #10. Minutes- Selectman Maxant moved the Board vote to approve the Minutes of 10-19-10 and 10-29-10, 2<sup>nd</sup> by Selectman Fay, VOTE: unanimous, so moved.

9:25p.m. Selectman Fay moved the Board adjourn, 2<sup>nd</sup> by Selectman McCreary, VOTE: unanimous, so moved.

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

Frank F. Maxant, Clerk  
AYER BOARD OF SELECTMEN