

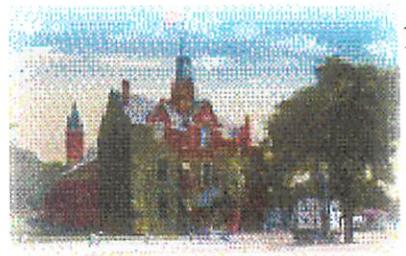
Town of Ayer

Board of Selectmen

Town Hall, First Floor Meeting Room

Ayer Massachusetts, 01432

Tuesday, December 7, 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		

7:05p.m. Open Session

Chairman Gilles opened the meeting by welcoming Cub Scout Pack 32 to the meeting advising to Cub Scouts present to observe Selectmen's Meeting.

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

Announcements-Chairman Gilles read into the record the Downtown Business Assoc. Christmas Celebration to be held on Saturday, December 11, 2010 from 12-3p.m. with Hayrides with Santa, Concert at Town Hall at 2:00p.m. Sunday Tuba Christmas Celebration Sunday, December 12, 2010. Selectman Maxant acknowledging Pearl Harbor Day- 69th Anniversary of Pearl Harbor today. The Board called for a Moment of Silence.

Agenda Item #2. Town Administrator's Report- see report dated 12-7-10

Agenda Item #3. Supt. Nason's Report-The Board met with Dan Nason

1. Spectacle Pond Replacement Well #2 Replacement Wellfield-Supt. Nason advised to three (3) bids received and recommended the Board award the contract to F.G. Sullivan Drilling Co., Inc. of Lancaster, MA the low bidder in the amount not to exceed one hundred thirteen thousand eight hundred and ninety two dollars. Supt. Nason advising to six (6) originals of the Notice of Award along with six (6) contract agreements and Notice to Proceed prepared by Tata & Howard ready for the Boards signature. Selectman Luca moved the Board vote to approve the contract and notice of award, 2nd by Selectman Maxant VOTE: unanimous, so moved.
2. MIIA Loss Control Grant Award-Mr. Nason updated the Board to the Town's insurance carrier awarding the DPW a \$5K Loss Control Grant for the purchase of an Emergency Response trailer. The cost of the trailer \$5,600.00 the DPW to pay remaining \$600.00 from the Fy-10 Budget.
3. Transfer Station Loader Tires-Mr. Nason presented the Board the P.O. for tires for the T.S. Loader purchased under the State Bid from Petes Tire Barn in the amount of \$5,589.00 to be split 50% from Fy-10 Transfer Station Budget & 50% Snow Budget. Selectman Luca moved the Board vote to approve P.O. 19579 for Petes Tire Barn at the price not to exceed \$5,589.00, 2nd by Selectman Fay, VOTE: unanimous, so moved.

7:15p.m. Agenda Item #4 -FY-11 TAX CLASSIFICATION PUBLIC HEARING

The Board met with the Edward Cornellier, Chairman, Denis Callahan, and Paul Bresnahan-Board of Assessors and Chief Assessor Thomas Hogan. Chairman Gilles opened the Fy-11 Tax Classification Public Hearing by requesting Selectman Maxant read the Legal Notice into the record. Mr. Cornellier presented the Selectmen the Board of Assessors information packet to assist the Selectmen in their decision process and turned the floor over to Mr. Hogan. Mr. Hogan reviewed with the Board the four classification determinations in accordance with MGL Chapter 40, Section 56. Mr. Hogan reminded the Board to past practice not adopting classes 1, 2, or 3 and recommending they not adopt this year as well.

- **Open Space-** discount factor up to 25%- Residential Exemption Selectman Luca moved the Board not adopt the Open Space discount, 2nd by Selectman McCreary, VOTE: unanimous, so moved.

- Residential Exemption up to 20%-Selectman Luca moved the Board vote to not adopt the Residential Exemption of up to 20%, 2nd by Selectman Fay, VOTE: unanimous, so moved.
- Small Commercial Exemption of up to 10%-Selectman McCreary requesting clarification re this exemption opposed to small business/large business and effect upon residential tax burden and advised to no effect on residential, shift (10%) absorbed by CIP. Commercial properties with assessed valuations of \$1 million dollars. Selectman McCreary suggesting the Board re-look at this exemption for next year and see if there is some way the Board could help the small businesses out. Selectman Luca moved the Board not adopt the small commercial exemption of up to 10%, 2nd by Selectman Fay, VOTE: unanimous, so moved.
- Residential Factor to Determine the Percentage to be born by each class of property- Mr. Hogan reviewed with the Board his classification value percentages and Levy percentages from 2006-2111 reflecting residential and CIP. The Board reviewed the current and past year's tax rate summary prepared by Mr. Hogan depicting single family valuations and percentage changes reflecting a 1.3% lower single family shift from 2010 and 4.4% upward shift to the tax levy from 2010. The Board reviewed the CIP/Residential shift factor/tax rate and percentage which would affect the average residential/C & I billing for residents/businesses prepared by Mr. Hogan. The Board took questions from residents/businesses during the Hearing: i.e. elderly exemption, Debt Exclusions, TIF's not going forward and updates being reported on yearly basis to town. Chairman Gilles called for a motion to set the FY-11 residential/CIP tax rate. Selectman Fay moved the Board set the FY-11 residential tax rate at \$12.18 and the CIP at \$26.65, 2nd by Selectman McCreary, VOTE: unanimous, so moved.
- 8:20p.m. Selectman Fay moved the Board close the FY-11 Tax Classification Public Hearing, 2nd by Selectman Maxant, VOTE: unanimous, so moved.

Supt. Nason's Report (cont.)- Supt. Nason requested the Board take up the Brook Street-Pump Station Cutting Blade Purchase Order in the amount not to exceed \$20,732.00 funding from the Sewer Enterprise fund. Selectman Luca moved the Board vote to approve Supt. Nason's request, 2nd by Selectman Fay, VOTE: unanimous so moved.

Agenda Item #5 2011 License Renewals -The Board reviewed the 2011 Blanket License Renewal Listing for Common Victueller's License, Amusement, Entertainment, Class I, II, & III. Selectman Luca moved the Board vote to approve the FY-11 License Renewals as submitted contingent upon all outstanding taxes, water/sewer bills are current, 2nd Selectman Fay, Vote: unanimous so moved.

Agenda Item #6. Economic Development-The Board met with Susan Provencher sitting in for David Maher who was unavailable due to prior commitment.

Fletcher Building Easement-Present for the discussion Robert France, owner of the Fletcher Bldg. and Bill Hamel-Senate Construction and Dan Nason, Supt. of Public Works re the Handicapped ramp within sidewalk easement at the Fletcher Building.

Mr. France updated the Board to contractor (Bill Hamel) seeking relief from having to provide an accessible entrance for persons with disabilities for the retail entrance located on Main St. side of the building (leads to residential units above not subject to 521 CMR). The owner proposed a side accessible entrance for persons with disabilities located on Pleasant Street for the retail which Mr. France reviewed with the Board showing the scheme & elevations proposed. Mr. France advising to which also requires handrails on the steps to retail and ramp which will encroach onto Town property requiring an easement be granted by the Town to be in conformance with American Disability Act (ADA) and satisfying the Architectural Access Board's (AAB) approval of side ramp. Selectman Maxant opposing handrails, not being appropriate fearing problems with skateboards and ramp located on west side of the building (don't own property) and narrowness of sidewalk feeling three feet was very narrow. Selectman Maxant also advising to building being historic and Historical Commission should be contacted. Chairman Gilles feeling proposal makes access and parking on Main Street

a sound manner re ADA compliance as well as making building handicap accessible and would support plan. Selectman Luca questioning ramp and sidewalk maintenance responsibility re tenants/disabled i.e. shoveling snow off sidewalks/ramp area. Selectman Fay questioning 3.5 feet encroaching public walkway i.e. liability easement property of town of Ayer get legal opinion also questioning if 3.5 feet adequate feeling will force people into street- potential hazard. Supt. Nason offering his comments and suggestions re Pleasant St. being a one way and suggesting contractor remove curbing taper back to driveway, ramp proposed creates an obstruction for safe and effective winter snow removal along that portion of Pleasant St. the remaining portion of the sidewalk varies in width from 3 feet to three and a half feet and produces a dangerous condition for the general public and the ramp easement if granted should be recorded re maintaining ramp/sidewalk i.e. handrail damages re ice & snow removal should not be the responsibility of the DPW. Supt. Nason offering to evaluate all viable options. Residents present offering their concerns re ramp, liability re easement on Town property. Selectman Fay stating Board cannot do anything without metes and bounds. The owner advising he did not go into this project blindly exhausted all avenues, open to all suggestions limited to resolve issue due to being limited geographically, appears to best location for a viable business investment. Selectman Luca applauding effort likes project would like to get whole ramp on sidewalk while resolving maintenance issues. Selectman McCreary moved the Board vote to approve the easement from the Town of Ayer contingent upon contractor working with Town's Engineer including the Building Inspector and upon release of liability from Town to owner of easement. Selectman Maxant making friendly amendment to include Historical Commissions recommendations, no 2nd, motion fails. Selectman Fay moved the Board request the applicant come back before the Board with site specific assessment re easement with specific engineering language to include metes & bounds and indemnification re conditional easement, no 2nd motion fails. Chairman Gilles moved the Board approve the Easement for the Fletcher Building contingent upon endorsement by Supt. Nason, Gabe Vallenti-Building Inspector, ADA/AAB and proof of liability coverage naming Town of Ayer as insured for sidewalk maintenance re snow & ice removal i.e. shoveling/sanding/salting re the installation of ramp/handrails on sidewalk, all to be run by Town Counsel before endorsement 2nd by Selectman Luca, VOTE: Selectman Fay aye, Selectman McCreary aye, Chairman Gilles aye, Selectman Luca no, Selectman Maxant no 3-2 motion passes.

2. Termination of Gap Filler Grant-Ms. Provencher requested the Board's endorsement re the Contract amendment for the \$70K Gap Filler Grant awarded in 2009 due to Town not having units with children five or under re the de-leading of homes and suggested the Board return the funding in the amount of \$11,459.59 less administrative & fringe of the \$40K delegated for the de-leading portion of the grant. Selectman Luca moved the Board vote to authorize the Chairman's signature on the termination of the Gap Filler Grant Amendment in the amount of \$11,459.59 to the Dept. of Housing & Community Development, 2nd by Selectman Fay, VOTE: unanimous, so moved.

3. Fy-11 CDBG Grant Application Cover Letter-Selectman Fay moved the Board authorize the Chairman's signature on the \$992,827.00 Fy-11 CDBG Grant Application cover letter, 2nd by Selectman Luca, VOTE: unanimous, so moved. Selectman Maxant moved to approve the Minutes of 11-23-10 with one edit-Agenda #5 Section 3, 2nd by Selectman Luca, VOTE, unanimous, so moved.

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

1. **Fy-10 Water & Sewer Liens-** Mr. Pontbriand presented the Fy-10 Water & Sewer Lien list to the Board in the amount of \$279,808.25 for the Board's review and endorsement. The Board stated their concerns re the five page list of delinquent billing looking at taking stronger measures re collections i.e. establishing payment plans and/or shutting off water to get their attention. Ms. Spinner suggesting placing delinquent list in the paper. The Board moved and 2nd this suggestion to place delinquent water/sewer list in paper. Motion made by Selectman Luca, 2nd by Selectman Fay, VOTE: Selectman Fay aye, Selectman Luca aye, Selectman McCreary aye, Chairman Gilles ay, Selectman Maxant

abstaining 4-1- motion passes. Selectman McCreary moved the Board vote to approve the list and have the Town Administrator come back to the Board with an implementation plan to collect Water/Sewer delinquent billing, 2nd by Selectman Fay, VOTE: unanimous, so moved.

2. Mr. Pontbriand requested the Board's indulgence re last minute invoices submitted by the Police Chief for approval by the Board for payment for the Communications Console for the Dispatch Center which is grant reimbursed in the amount/s not to exceed \$16,406.16 and \$17,083.00 for a fingerprint machine and \$5,750.00 for the software for the fingerprinting machine requiring signature by Chair for the Commonwealth Grant Application for the Communications Console for the Dispatch Center. The Board stated their displeasure with last minute request coming in from Department Heads without any prior backup material and not being present to inform Board re same and Board in general not liking last minute requests. Mr. Pontbriand agreeing with Board--- Department Heads should be present to present their own requests.

Selectman Fay moved the Board vote to approve the fingerprint machine and software as presented by the Town Administrator for the Ayer Police Dept., 2nd by Selectman Luca, VOTE: unanimous, so moved. Selectman Fay moved the board vote to approve the dispatch console as requested in the amount not to exceed \$16,406.16, 2nd by Selectman Luca, VOTE: unanimous, so moved. Selectman Fay moved the Board grant authorization re grant reimbursement for the communication console for the Dispatch Center, 2nd by Selectman Luca, VOTE: unanimous, so moved.

Agenda Item #8 Public Input-

Selectman Fay, re MADev Reserve Capacity MOU –Goal & Objectives, working with George Ramirez & Dan Nason to reduce capacity.

Selectman Fay-re Fire Station Re-use-apologized for his reaction at last Selectmen's Meeting. Selectman McCreary stated she believes in what Re-Use Committee is trying to accomplish but is not prepared to vote on tonight, having just received information. (Fire Station Building Assessment conducted by Carell Group in 1999). Other issues of concern discussed were bringing the building up to code, maintenance costs, occupancy permits, etc. The Board requested Selectman Fay receive comments, sort out, to decide whether to proceed further, keep building or not. George Bacon added his thoughts re generic costs/historical perspective. Town Administrator to receive comments on behalf of Board for incorporation into study.

Selectman Luca-again re-stating his earlier concerns re receiving last minute agenda requests from department heads and requesting Board not consider/take up in the future and ensure Department Heads are present to answer questions/concerns. Mr. Pontbriand advising to Department Head Meeting tomorrow and this matter will be shared with all.

Posting issues-re meetings posted without Agenda's in violation of Open Meeting Law. This to be corrected in future

Personal Board –Personnel Policy Update-Mr. Pontbriand advised the Board to meeting rescheduled with Personal Board for January 11, 2011.

Mr. Pontbriand queried the Board re their next scheduled meeting on 12-21-10 re quorum due to Selectmen Gilles and McCreary being unavailable. Mr. Pontbriand advised to availability of Selectman Fay, Luca & Maxant to meet on the 21st. Next scheduled Meeting in January 2011 set for 1-4-11.

Selectman McCreary – updated the Board re Dept. of Energy Resources (DOER) \$150K Grant award and Town spending a lot less on the WWTP thanks to the cooperative efforts of Dan Sherman & Dan Nason.

Fin-Com Vacany-Pauline Conley expressing her willingness to serve encouraging the Board to support her nomination to the Fin-Com Membership.

10:38p.m. Selectman Luca moved the Board adjourn the meeting, 2nd by Selectman Fay, VOTE: unanimous, so moved.

J. J. M.