



Tuesday, February 15, 2011

James M. Fay, Chairman		Carolyn McCreary, Member (Selectman McCreary)	A
Frank F. Maxant, Clerk	X	Gary J. Luca, Member- (Selectman Luca)	X
Janet S. Lewis, Secretary	X	Robert Pontbriand, Town Administrator	X
	X		

7:00p.m. Agenda Item #1. Call to Order-Chairman Fay opened the meeting by requesting a Moment of Silence for Gold Star Mother-Elizabeth Watts of Willow Road, Ayer, MA, mother of Town Historian Ruth Rhonemus, who passed away on February 10, 2011.

Agenda Item #2. Agenda & Announcements-Mr. Pontbriand requested the Board’s permission to revise the Agenda deferring Agenda Item #4 DPW Report -re lamp ballast P.O. deferred to 3-1-11 and Supt. Nason’s Report to be taken up later in the meeting under the Town Administrator’s Report re snow removal. Mr. Pontbriand updated the Board to letter received on 2-11-11 from MA Dept. of Transportation re the town’s proposed parking facility which advised to the **State local match of \$800K not being funded** this matter also being taken up under his report- Agenda Item #9 later this evening.

Announcements-Chairman Fay wished the Town of Ayer a very Happy Birthday upon its 140th Birthday on 2-14-11.

Agenda Item #3. Richard D. Gilles Recognition and Presentation-The Board welcomed former Selectman Richard Gilles to the table recognizing him for his past service to the Town of Ayer serving on various Town Boards as well as serving three years as a Selectman i.e. Executive Tri-Board, Full Tri-Board, Fin-Com, Fire Station, School. Chairman Fay presented Mr. Gilles the signatory gavel from the Board of Selectmen depicting Mr. Gilles tenure on the Board from 4-28-08 through 1-6-11. The Board paused for a picture with Mr. Gilles and his family and wished him much success with his future endeavors.

Agenda Item #4. Supt. Nason’s Report- The Board met with Dan Nason

1. **Fy2011 Snow Budget** Supt. Nason updated the Board that as of 2-11-11 the Fy-11 Snow Budget is fully expended. Supt. Nason advising to the typical snow removal budget operations in Ayer approximately \$155K and to date the DPW has spent greater than the budgeted amount. Supt. Nason stating not knowing what is ahead of us for weather conditions along with outstanding invoices for salt the DPW budget gap will be increasing further. Supt. Nason requesting the Board’s permission to deficit spend this budget, which is allowed by statute on this account. (Snow Removal). Selectman Luca moved the Board approve Deficit Spending on Fy-11 Snow Removal Budget i.e salt, materials, labor, repairs and/or anything else relating thereto, 2nd Selectman Maxant, VOTE: unanimous, so moved. The Board requested Supt. Nason meet with the Fin-Com re this matter as soon as possible.
2. **Wastewater UV Lamps/Ballasts P.O.-**Supt Nason –Supt. Nason updated the Board to need to replace ballast and of long and costly process to custom manufacture due to company located in Germany that manufactures the ballasts. Supt. Nason to report back at next Selectmen’s Meeting.

Agenda Item #5. Town Treasurer-Stephanie Gintner-Banking Update-Ms. Gintner updated the Board to Peter Fraser notifying the Town to the marketing and sale of General Obligation Bonds earlier this year but due to the present economy suggested Town wait until such time when the market is stronger/better. Ms. Gintner requesting to schedule this matter for the Selectmen’s 3-1-11 meeting per Mr. Fraser’s recommendation.

- **Health Insurance Update**-Ms. Gintner updated the Board to the Town's new rates advising to Minuteman Nashoba Health Group approving the Fy-12 rates which will be effective from 6-1-11 to 5-31-12. The rates represent a 14.5% increase for all plans except the Tufts POS which has a 25.5% increase. The senior plan rates being on a calendar year basis and no change for 6-1-11.

(see attached approved rates for Fy-12).

Health Insurance Advisory Committee-The Board requested to request the Health Insurance Advisory Committee reconvene re impact on Home Rule Petition on Town's Health Insurance premium/s.

Tax Title Update-Ms Gintner updated the Board to a few of the delinquent tax title properties being paid. Town Administrator advising Board to Town Clerk/Collector, Treasurer and himself meeting and putting together a pro-active plan/approach to go after these outstanding unpaid bills and will come back to Board in very near future.

Agenda Item #6. Police Chief-William Murray

- **Public Safety Update**-Chief Murray updated the Board to newly renovated Dispatch-Communication Center completed at Police Department i.e. updated state of the art radio/telephone communication technology equipment wiring, furniture all purchased through grant. Equipment more secure, more functional. Chief Murray extending invitation to public/town officials to tour new center.

Snow Removal -Selectman Maxant congratulating the Chief with enforcing by-law stating his pleasure observing sidewalks being cleared within 24hours. Chief Murray advising to Police Dept . working closely with DPW to address snow removal after storms. Chief Murray advising to most people cleaning/clearing snow off sidewalks and Police Dept. issuing letters to violators/residents not complying with By-law. Chief Murray elaborating on record snow fall 72" in relatively short period of time and overall residents coping and doing a great job keeping up with snow. Selectman Maxant questioning Chief re some of Town residents having cell phones and not having access to E911 during emergencies and advised by Chief Murray to his working with Sheriffs office re this situation and getting quotes presently.

Agenda Item #7. Crabtree Development-conveyance of property to Conservation Commission

The Board met with Rick Roper, Developer and Steve Mullaney. Mr. Roper stated he was before the Board re conveyance of a deed for a 7.62 acre parcel of land to the Town of Ayer under the care of the Conservation Commission(parcel-wetland and habitat). Mr. Roper advising to conveyance being part of a Consent Agreement and Final Order with R.A. Powell Construction Co. The Agreement Order consisting of a supplemental environmental project (SEP) which states the SEP consist of preservation of a wetland and upland habitat consisting of 7.62 acres known as Parcel H-2 on Snakehill Road granting the parcel without encumbrances to the Conservation Commission. Mr. Roper advising to the Planning Board and Conservation Commission approving the Agreement and the land transfer recorded with the Registry of Deeds and before the Board of Selectmen for consideration and approval.

Selectman Maxant moved the Board vote to approve the "Quitclaim Deed" gift granted to the Town of Ayer, Middlesex County, acting through its Conservation Commission for conservation purposes pursuant to MGL Chapter 40 Section 8C. The parcel of land fronting the eastside of Snakehill Rd and shown as Parcel H-2 on a plan prepared for Crabtree Development, LLC dated January 2011, Plan No.L-11545 by David E. Ross endorsed by the Planning Board on Feb. 2011 and recorded with the Middlesex Southern District Registry of Deeds., 2nd by Selectman Luca, VOTE unanimous, so moved. Selectman Maxant withholding his signature challenging signatory authority of full Board of Selectmen rather than Chairman's being that the care and custody is charged to the Conservation Commission and

Commission has endorsed the deed which falls under their jurisdiction. Town Administrator to research signatory authority under statute and report back.

Agenda Item #8. Director of Economic Development's Report- The Board met with David Maher

1. Evergreen Solar-Mr. Maher updated the Board to his submitting flyer (see attached) to HR Department at Evergreen Solar offering assistance to Ayer residents effected by closing i.e. contact job listing from surrounding communities, networking through Nashoba Chamber of Commerce, access with State-wide Workforce Development & Training as well as outreach through the offices of Economic Development and Town Administrator re proactively offering resources..
2. Newsletter-Mr. Maher advised to postcards sent out and newsletter/s hand delivered to all Town businesses, re business retention-reiterating programs and initiatives as well as initiating seasonal newsletter re Downtown business district information, updates, items of interest, share business info giving businesses a vehicle to express themselves i.e available rentals, lease and for sale properties. Actively working with businesses to bring new businesses to Town.
3. Brewery-Mr. Maher updated the Board to working with new brewery business to relocate on Westford Rd. Industrial area.
Fletcher Building.Mr. Maher advising to DHCD Economic Development pre-application currently under review in Boston. Once approve construction will begin with demolition and reconstruction of the commercial space. A bakery/restaurant is planned to go into that commercial space. Selectman Maxant encouraging to include Devens business community in this marketing strategy.

Great Hall Sound System

On another issue Mr. Maher updated the Board to being contacted by Don Massengill former long time resident who contacted him on behalf of the AuCoin family and opportunities for a memorial to the Town in Bill AuCoin's name Discussed was the upgrading acoustics and sound system in the Great Hall with the idea of marketing it for greater use to the community. Mr. Maher reviewed with the Board a possible outline of what would take place. Mr. Massengill would solicit and fund a sound engineer to evaluate the current acoustics of the Great Hall, provide portable sound system, fund dampers and new P.A. system, dedication and plaque highlighting the gift for Bill AuCoin. Selectman Luca feeling offer worth pursuing and moved to approve Sound system/Sound Engineer funding offer by Don Massengill, 2nd by Selectman Maxant, VOTE: unanimous, so moved.

Wholesome Café-BYOB (Bring Your Own Bottle)-Mr. Mayer presented his draft policy re Wholesome Café request. The Board after a brief discussion re conducting a Public Hearing on establishing a policy voted to hold a Public Hearing on BYOB Policy. Selectman Luca feeling policy would control public drinking. Motion to conduct Public Hearing made by Selectman Luca 2nd by Chairman Fay VOTE: Selectman Luca aye, Chairman Fay aye, Selectman Maxant no wishing to let statute dictate, feeling having policy places Town under more risk. Mr. Maher and Police Chief to review policy re legalities with emphasis on not placing Town or businesses at risk.

Fire Station Re-Use-Mr. Maher advising to RFP out and receiving two requests to date.

Fourth of July-Fundraising efforts going well, flyers out re 4-16-11 60's dance at the Sportsmen's Club. Vendor applications re booth activities at Pirone Park activities available at Selectmen's Office.

Business certificates-Mr. Maher updated the Board to new version of Business Certificates being proposed for two year cycle and for businesses over 10 years in business being granted a three year cycle. Mr. Maher advising Board to records in Clerk's office not up to date and home businesses need to be accounted for. Mr. Maher advising to Assessor's record more current and need to be more aggressive with businesses and get them accounted for. Selectman Luca suggested using Website to more aggressively pursue. Selectman Maxant wishing to see public benefit before supporting. Mr. Maher

stating current and up to date business certificates excellent marketing tool benefits i.e. zoning safety issues.

Agenda Item #9. Town Administrator's Report-The Board met with Robert Pontbriand

1. **Snow removal**-Mr. Pontbriand took this opportunity to publicly thank and commend the Department of Public Works for snow removal operations during the last month and a half of winter storms depositing over 72" of snow over the region. Special thanks went out to Foreman David Kidder of the Highway Dept and his entire department for doing an incredible job with incidental incidents and long hours, and to the entire DPW for assisting with removal operations.
2. **Snow Removal Town Building Roof/s Report**-Mr. Pontbriand updated the Board to minimal residential damage to roofs in town. Fire Department and Building Inspector pro-active inspecting municipal buildings. Fire Department roof cleared of snow by department, Police Station cleared of 30" of snow by Dan Sherman, Lt. Gill and Fire Dept. and on 2-8-11 Level Const. was on site due to pitched roof exceeding snow load limit. School Dept.- School Dept reporting no structural damage but closing schools necessary during snow removal operations on roof/s to avoid liability issues.. Local contractors were hired to clear the school roofs with schools to re-open by Friday. Mr. Pontbriand extending sincere thank you to all town employees assisting with removal operations. The Board echoed Mr. Pontbriand's gratitude to all employees who were part of removal operation.

Agenda Item #10. Town Administrator's Report –see report dated 1-31-11 to 2-15-11

Mr. Pontbriand highlighting a few items under his report-

- Fy-12 Water/Sewer Rates Public Hearing scheduled for 3-1-11 @7:30p.m. at the Town Hall 1st Floor Meeting Room as part of Selectmen's Meeting.
- Personnel Policy final draft to be distributed to Department Heads for review/edit back and before Board of Selectmen on 3-1-11 for consideration and adoption.
- Pan-Am Southern-Town received notice of expansion by Pan-Am of their SanVel Transfer Facility. Mr. Pontbriand advising to plans available for viewing in Selectmen's Office. Supt. Nason has submitted plans t MA DEP for review and consultation re proposed expansion and impact on Town's aquifer/water supply. Letter only informational.
- 4th of July-Pyrotecnico Firework's Contract-Mr. Pontbriand presented the Fireworks Contract to the Board for their endorsement advising to Fireworks exhibit/display to be conducted on 7-2-11 at dusk and raindate 7-9-11 in the amount of \$10K with signature by the Chairman. Selectman Luca moved the Board vote to approve the contract as presented and recommended by Mr. Poontbriand, 2nd by Selectman Maxant, VOTE: unanimous, so moved.
JBoS-DREZ-Letter of Support to Senator Eldredge and Representative Harrington requesting their assistance in seeking support of the Governor's Office through its Board of Directors at MA Dev. Requesting all contracts for municipal regional services provided within the Devens Regional Enterprise Zone (DREZ) be opeded to public bidding to the four host communities (Ayer, Harvard, Shirley and Lancaster) in accordance with Chapter 498 Section 12 paragraphs (a) through(d) of the Acts of 1993.Selectman Luca Moved the Board support Town of Harvard's endeavor, 2nd by Selectman Maxant, who read letter into record, VOTE: unanimous, so moved.
- Secretary Mullan, Director-Department of Transportation letter of 2-4-11 received by the Town on 2-11-11 advising to earmark of \$800K not being funded by State Dept. of Transportation due to 50 spaces reserved for DCR Rail Trail leaving on 140 spaces for commuter parking. Mr. Pontbriand advising to MA DOT not elaborating on Town's letter of 10-25-10 re revised plan for a surface parking lot. Mr. Pontbriand suggesting to regroup and decide how we wish to proceed need state match (\$800k) to activate \$2.3 Federal earmark. Chairman Fay requesting to reconvene working

Group. Selectman Maxant suggesting contacting Pauline Hamel to make political contacts need pathway to reemphasize need to maintain rail stop in Ayer and she has had two (2) successful experiences with political contacts. Mr. Pontbriand addressed location of parking spaces not adjacent to platform and handicap issue of major concern to MA DOT as well. The Board requested MART be contacted re revised cost estimate for surface parking lot options as well.

- Mr. Pontbriand updated Board t Pleasant Street School Historic Exemption conclusion in March.
- Home Rule Petition-Removing Health Insurance from collective Bargaining-filed in House by Representative.. Harrington and Senate by Senator Eldridge. Mr. Pontbriand requesting Board remit letter of support to Legislature their action.
- Planning Board-Mr. Pontbriand updated the Board to Pondview Homeowner's Assoc. street acceptance issues resolved through resolution. Mr. Pontbriand advising to administrative nightmare dealing with this issue due to Planning Board administrator's premature release of the bond and work not complete on sub-division placing the homeowner and town in a horrible position stressing this cannot happen again. The Board questioning placing employee under supervision of Town Administrator. Mr. Pontbriand stating Planning Board is an elected Board with supervisory authority over employee. . Selectman Maxant stating Board of Selectmen have authority to investigate and responsibility to do something, gross error, exercise authorization to investigate and hold Planning Board's feet to fire. Mr. Pontbriand advising to administrative problem one of many and recommending position be placed under Board of Selectmen advising to prior temporary administrator having problems as well with employee. Mr. Pontbriand suggesting a Finding of Fact be conducted re matter. Selectman Maxant moved to add/include written instruction authorizing the Board of Selectmen to investigate matter, 2nd by Selectman Luca, VOTE: unanimous, so moved.
- Sandy Pond Road-Zoning Ordinance Violation- Chairman Fay revisited Public Health & Safety situation requesting the Building Inspector take action –Mr. Pontbriand advising to State Office of Disability contacted by individual matter to be taken up through court system. Selectman Luca advising to all avenues being exhausted. Board will have to commit Town Counsel funding to resolve issue.

Agenda Item #11 Public Input-

Martin Wallace-Stating his frustration re DOT letter re Downtown parking letter very clear not going to build lot in Town and shame to loose funding. Move station to more regional location, don't loose funding-depot used for flag stop.

Thomas Gibbons-Four (4) years ago he warned Selectmen to having a Plan B. in place urging Board to take political approach get on fast track to keep money here-closing with shame it took so long to have 2nd option in place.

Town Administrator advising to \$3.2 million dollar earmark still in place per Congresswoman Tsongas problem being is where should garage go? do we move platform? where does DOT want parking.

Agenda Item #12 Selectmen's Questions/New Business-

Selectman Maxant-Requesting to Agenda for 2-24-11 JBOS discussion re: Devens residents wanting own Town.

Selectman Luca-Supporting Harvard letter requesting MADev have own camera to video JBOS & DEC Meetings for distribution to Ayer, Shirley, Harvard & Lancaster. Selectman Luca moved to support Town of Harvard's letter to install video equipment at JBOS & DEC Meetings 2nd by Selectman Maxant, VOTE: unanimous, so moved.

Selectman Luca requesting cost of snow removal at school, and advised to school expenditure, will advise.

• 2-15-11

Mr. Pontbriand advising Board to meetings with Shirley Administrative Staff (Town Admin., Treas. & Accountant along with Lisa Gabree on the financial aspect of school regionalization. Mr. Pontbriand advising to \$900K deficit to be discussed at Tri-Board Meeting on Thursday at the Page/Hilltop School at 7:00p.m. along with Shirley Representatives- Fin-Com and Selectmen.

Minutes- 1-11-11, 1-21-11, 2-1-11 Selectman Maxant moved the Board vote to approve the edited minutes so stated, 2nd by Selectman Luca, VOTE: unanimous, so moved.

10:20p.m. Selectman Luca moved to adjourn the meeting, 2nd by Selectman Maxant, VOTE: unanimous, so moved.

_____ Date: _____

Selectman Maxant, Clerk