

- 
- 
- 
- 

Town of Ayer  
 Board of Selectmen  
 Town Hall, First Floor Meeting Room



**Tuesday June 14, 2011**

Gary J. Luca, Chairman	X	Carolyn McCreary, Member	X
James M. Fay, Vice Chairman	X	Pauline Conley, Member	X
Frank F. Maxant, Clerk	X	Robert Pontbriand, Town Administrator	X
Janet S. Lewis, Secretary	X		

7:06p.m. Open Session

Chairman Luca called the meeting to order.

**Agenda Item #1.** Town Administrator Robert Pontbriand requesting to take up three additional items under his report: Various items from 6-2-11 meeting; update re W/S collections; MART health insurance fee change; and per past tradition, the weekly warrant to be signed by Board. Selectman McCreary re Green Communities update to be taken up under Town Administrator’s Report, Selectman Conley requesting to go into Executive Session at the close of the meeting to discuss Patrolmen’s’ and other contract negotiations. Chairman Luca called for a motion to approve the agenda. Selectman Fay moved the Board approve the Agenda of 6-14-11 as amended, 2<sup>nd</sup> by Selectman Conley, VOTE: unanimous, so moved.

Chairman Luca called for a moment of silence in memory of Marine Sergeant William Waitowicz of Groton, who died June 7, 2011 while serving in Afghanistan.

Chairman Luca made the following announcements:

4<sup>th</sup> of July Celebration to be held on Saturday, July 2, 2011 kicking off with parade at 2:00p.m. from St. Mary’s parking lot onto West Main, Main St. to Pirone Park where a full days entertainment begins with games, music, vendors (craft & food) commencing at dusk with the fireworks encouraging all too attend.

**Agenda Item #2. Public Input-** Chairman Luca requested if there was anyone present wishing to meet with the Board , no one stepped forward.

**Agenda Item #3. Public Hearing C.R. Pierce, Inc. Transfer of Stock, New Officers/Directors/Manager-** Philip D. Berry to J. Timothy Bresnahan-30 Main Street, Ayer, MA 01432. Present for the discussion Atty. Darren Lanza sitting in on behalf of Thomas A. Gibbons representing Philip D. Berry and J. Timothy Bresnahan. Chairman Luca requested Selectman Maxant, Clerk open the hearing by reading the Legal Notice into the record. Chairman Luca requested if there was anyone present (abutters) to speak for or against the petition, no one stepped forward. Selectman Maxant brought the Board’s attention to Section 7. Description of Building being incorrect, correcting one story wood building to state street level unit of two story wood building. Mr. Bresnahan advising the Board to his being familiar with Alcohol Beverage Control Act- Section 15 Package Store License as he is also the owner of Piccalino’s Restaurant in Shirley, MA holding a Section 12 General on Premise License for eight years. Selectman Fay moved the Board vote to approve the Transfer of Stock, New Officers/Directors/Manager for C. R. Pierce, Inc. 30 Main St., Ayer, MA from Philip D. Berry to J. Timothy Bresnahan of Shirley, MA as presented, 2<sup>nd</sup> by Selectman Conley, VOTE: unanimous, so moved.

7:20p.m. Selectman McCreary moved the Board close the Public Hearing, 2<sup>nd</sup> by Selectman Fay, VOTE: unanimous, so moved.

- 
- 

6-14-11

**Agenda Item #4. Town Clerk, John Canney II re information on re-districting.** The Board was advised by Mr. Pontbriand to Mr. Canney not present for discussion. Mr. Pontbriand advising to letter received from the Town Clerk re the Town of Ayer’s 2011 re-precincting based upon the 2010 Federal Census. Mr. Pontbriand updated the Board to being advised by the Town Clerk to the Town’s boundaries and legal description/s did not change from 2000 and will remain intact until the 2020 Federal Census. The Board requested to see the map verifying boundaries and descriptions. Mr. Pontbriand advising the Board to not have been given the map/description/s and unable to verify as he not see the map or description/s himself. The Board continued the discussion to the 28<sup>th</sup> the Board’s next meeting requesting the Town Clerk’s presence.

**Agenda Item #5. Susan Provencher CDBG Fy-11 Budget-**

- Ms. Provencher advised the Board to the Office of Planning & Development to date have not heard anything on their Fy-11 CDBG grant application although announcements were scheduled for mid-April. Ms. Provencher also informed the Board to additional request for information submitted to DHCD re the Fletcher Building and awaiting further word from Boston. Ms. Provencher submitted the following ~~funding~~ proposal to the Board to fund her position through the month of July 2011..
- Get the Lead Out Account: \$2,260.82
- Owner’s Account: 408.18
- Program Income: 3,000.00

**Janet – do we have the APAC cd for this meeting yet? I’m not certain of the vote based on my notes and want to review it to be sure the minutes are correct**

*Selectman Conley moved the Board vote to approve funding not to exceed \$5,260.82 and leave the owner’s account alone 2<sup>nd</sup> by Selectman Maxant for discussion stating that will leave a balance of \$408.18 unfunded proposing to amend the motion to leave as Ms. Provencher has presented above. Selectman Conley suggesting the \$408.10 also come out of program income and leave the owners bank account alone. A brief discussion occurred re funding options. Selectman McCreary moved the Board vote to approve the funding proposal submitted by Susan Provencher, 2<sup>nd</sup> by Selectman Fay, VOTE: Selectman Fay aye, Selectman McCreary aye, Chairman Luca aye, Selectman Conley no, Selectman Maxant no 3-2 motion carries.*

- Ms. Provencher presented an increase of \$1,570.00 to the agreement between the Town and Donald Bucchianeri changing the amount of contract from the original \$36,100 to \$37,670 due to Mr. Bucchianeri having to inspect more houses than budgeted for. Selectman Conley moved the Board approve the contract amendment with Donald Bucchianeri to an amount NTE \$37,670 to be paid from Town’s Fy-09 CDBG Grant, 2<sup>nd</sup> by Selectman McCreary, VOTE: unanimous, so moved.
- Ms. Provencher presented the Board the Fy-09 Community Development Fund II (No.00014) Request for Budget Revision to add \$417.50 from Program Income to Line 4C of the Housing Rehabilitation Loans/Grant to cover additional costs associated with completing the final housing rehabilitation case which closes on 6-30-11 and authorize the Chairman’s signature. Selectman Fay moved the Board vote to approve \$417.50 from Program Income to Line 4C Housing Rehabilitation Loans/Grants, and authorize the Chairman’s signature 2<sup>nd</sup> by Selectman McCreary VOTE: unanimous, so moved.

**Agenda Item #6 Police Chief William Murray, re appointment of part-time EMS/Police/Fire dispatcher-**The Board met with Chief William Murray who **reintroduced** Casey Scott of Townsend, MA to the Board. Chief Murray gave the Board a brief background advising to Casey chosen from a pool of prospective candidates from the Fitchburg State College job board. Chief Murray advising to Casey currently enrolled in the Criminal Justice Degree Program at Fitchburg State with a goal to become a Police Officer. Chief Murray stating Casey is LEAPS and E911 certified. The Board spoke with Mr. Scott re his desire to become a police officer and career objectives. Selectman Conley mentioned Mr. Scott’s dispatching

capabilities –Chief Murray introduced Casey’s wife and mother **who were** present for the meeting. Selectman McCreary moved the Board vote to appoint Casey Scott to the part-time dispatcher’s position as recommended by Chief Murray, 2<sup>nd</sup> by Selectman Fay VOTE: unanimous, so moved.

**Agenda Item #7. Supt. Nason’s Report**-The Board met with Dan Nason

1. Spectacle Pond BW Pump Engineering Agreement-Selectman Conley expressed concerns with language in contract re the Town waiving rights to make claims against the supplier and recommending against approving until revisions can be made. Supt. Nason stating language in contract standard, expressing his concern that companies will choose not to do work for the Town if held to insertion of liability clause. Selectman Maxant requesting Supt. Nason to ask contractor to change language before seeking Town Counsel’s review. Town Administrator to work on creating a standard contract suggesting the Board reschedule this issue for the 28<sup>th</sup> the next Selectmen’s Meeting.
2. Fuel Bid Awards:
  - #2. Heating Fuel-The Board awarded the contract for #2 Heating Fuel to Dennis K. Burke, Inc. of Chelsea, MA for the low bid of \$0.29 (29 cents) per gallon over the low market index price for Fy-12 for deliveries of 100-5000 gallons. Motion made by Selectman Maxant, 2<sup>nd</sup> by Selectman Conley, VOTE: unanimous, so moved.
  - No-brand-unleaded-The Board awarded the contract for No Lead Gasoline to Dennis K. Burke, Inc. of Chelsea, MA for the low bid price of \$0.024 (2.4 cents) per gallon over the low market index price for Fy-12. Motion made by Selectman Maxant 2, by Selectman Conley, VOTE: unanimous, so moved.
  - Ultra Low-Sulphur Diesel- The Board awarded the contract for Ultra-low Sulphur Diesel Fuel to Dennis K. Burke, Inc. of Chelsea, MA for the low bid of \$0.039 (3.9 cents) per gallon over the low market index price for Fy-12 for deliveries of 500-2500 gallons and \$0.45 (45 cents) per gallon over the low market index price for deliveries of 40-499 gallons. Motion made by Selectman Maxant, 2<sup>nd</sup> by Selectman Conley, VOTE: unanimous, so moved.
3. Reserve Fund Transfer-Street Lights-Acct. #001-01424 shortfall \$1,619.56 –Supt. Nason **reviewed** the street lighting budget and unexpected charges to the account for emergency service calls for downed street light poles on Main Street, advising to the average monthly expenditure estimated at \$5,945.00 leaving \$10,270.44 after paying invoices through April 2011 and an estimated shortfall \$1,619.56. Selectman Fay moved the Board vote to approve the Reserve Fund Transfer for street lights Account #001-01424 in the amount not to exceed \$1,619.56, Selectman Conley 2<sup>nd</sup> motion for discussion suggesting the Board hold off approving the transfer until actual bills are in as a transfer may not be needed at all, Selectman Maxant agreeing. Selectman Fay withdrew his motion to fund the Reserve Fund Transfer Request.
4. Stormwater Utility Enterprise Fund Committee-The Board voted to approve Supt. Nason’s recommendation and mission statement for up to a nine (9) member Committee made up of DPW Supt., 1 Member from Conservation Com., 1 local business leader, 1 SUI representative, 1 Selectman (Selectman McCreary volunteering) and four citizens. Motion made by Selectman McCreary, 2<sup>nd</sup> by Selectman Fay, VOTE: unanimous, so moved.
5. Wood Chipper Purchase Order-Solid Waste Division-Selectman Conley moved the Board vote to approve P.O.# 19978 dated 6-9-11 from Shelter Tree, Inc. of North Attleboro, MA for the purchase of 2011 Caron Chipper Model 1712, for the Solid Waste Div., funding approved at the 5-9-11 Annual Town Meeting-Article 19, with signature by the Chairman, 2<sup>nd</sup> by Selectman McCreary, VOTE: unanimous, so moved.
6. John Deere 544K Loader-Selectman Fay moved the Board vote to approve P.O. #19980 dated 6-10-11 **from** Schmidt Equipment of North Oxford, MA for the purchase of 2011 John Deere 544K Four Wheel Drive Loader Model MHDBMF03 for the Solid Waste Division funding approved at the 5-9-11 Annual

Town Meeting for the total purchase amount not to exceed \$152,524.00 , 2<sup>nd</sup> by Selectman Conley, VOTE: unanimous, so moved. The town will receive apprx 10K for trade in of the plow attachment \$10K

PanAm Update-Supt. Nason stating his concerns re PanAm is constructing the new lot in Phase II without “Stormceptors” filtration system instead using generic, cheaper and less effective stormwater filtration devices than were installed during Phase I. Supt. Nason advising to his communications with Ms. Scarano and PanAm’s Engineer who advised Mr. Nason the devices they are using are consistent with the stormwater guidelines of MADEP and advising to DEP & EPA saying the water quality specs have been met. Mr. Nason says these claims are not consistent with the companies’ websites, indicating his concerns re nonproprietary system with definite limitations and not subject to 3<sup>rd</sup> party testing, using a model with no real data that is known to flush out solids that have been captured before, and while the devices meet the minimum standards, they directly infiltrate to the aquifer. Selectman McCreary requesting to include the STB again on these conversations. Chairman Luca expressing concern if bringing in the STB would hurt the town’s communications with PanAm, Supt. Nason stating it’s worth a try. Selectman Conley stating if PanAm used the other product for an 800 car lot there is no reason why they couldn’t do it for a 1200 car lot. Supt. Nason warned of talk re a Phase III start up. Selectman McCreary reminding Board to PanAm currently on probation re failure to report spill in 3-09. The Board requested Mr. Pontbriand and Supt Nason to contact EPA, DEP & STB for assistance. Selectman Maxant- on another matter Requested update re plank removal at dam questioning if we have right to remove. Supt. Nason to report back.

**Agenda Item # 8. Town Administrator’s Report** –The Board met with Robert Pontbriand

1. Zoning Board of Appeals Appointment-The Board met with Dale Taylor, Chairman of the Zoning Board of Appeals who introduced Jim Luchessi to the Board. Mr. Taylor gave the Board a brief background re Mr. Luchessi’s past service to the Town serving on the Planning Board. Mr. Luchessi stating he felt his serving on the Planning Board would serve as a good foundation to the Zoning Board. Selectman Conley moved the Board vote to approve the appointment of Jim Luchessi to the Zoning Board of Appeals for the period of 6-30-11 to 7-1-14 (3 year appointment) 2<sup>nd</sup> by Selectman Fay, VOTE: unanimous, so moved. Mr. Taylor taking opportunity to advise to ZBA seeking another volunteer to serve on this Board.
2. Auxiliary Police Appointment/s –  
Town of Ayer-Selectman Conley moved the Board approve Chief Murray’s request to appoint Ayer Reserve Officers as presented for one (1) year 7-1-11 to 6-30-12, 2<sup>nd</sup> by Selectman Maxant, VOTE: unanimous, so moved.  
Selectman Conley moved the Board approve Chief Murray’s request to appoint the police officers of the Towns of Shirley, Groton and Littleton as Special Out-of-Town Officers for the Town of Ayer for one (1) year, 7-1-11 to 6-30-12, 2<sup>nd</sup> by Selectman McCreary, VOTE: unanimous, so moved.
3. Fy—12 Appointments Update-work in progress scheduled for 6-28-11 Selectmen’s Meeting.  
**The Board voted to designate the Town Administrator as the Board’s representative to the MART Advisory Board (Janet – I didn’t record who made the motion and 2<sup>nd</sup>)**
4. Green Communities-Mr. Pontbriand updated the Board to the Town meeting the 6-10-11 deadline for the Green Communities application which was mailed over-night and electronically filed on 6-8-11. Mr. Pontbriand advising to Grant announcements by 7-10-11.  
Selectman McCreary giving the Board analysis of estimated energy savings: 2008-2012 25% reduction, and within twenty (20) years the Town will realize an additional 20% energy reduction strong testament to Town’s initiative. The Board took this opportunity to recognize the Energy

Committee Members: Alan Wilson-resident, Dan Sherman-Facilities Director, Lisa Gabree-Town Accountant, Robert Pedrazzi-Fire Chief, Robert Pontbriand-Town Administrator and Carolyn McCreary-Selectwoman.

5. Commuter Rail Surface Lot Update-Mr. Pontbriand advised to still waiting to hear MART's 5-17-11 proposed funding plan sent to Jeffrey Mullan and Secretary Bialecki.
6. Mr. Pontbriand gave brief updates to Various items under Public Input from 6-2-11 Board of Selectmen's Meeting-to be continued to 6-28-11 Selectmen's Meeting.
  - Tax Title- Met with Treasurer re Report for 6-28-11 progress of revenue back to Town.
  - Con-Com-RFP Flanagan (Fletcher) Pond-RFP –Contracts awarded re Flanagan (Fletcher's) Pond & all Town Ponds re weed control
  - Constellation Energy- presentation scheduled for 6-28-11
  - Groton InterMunicipal Agreement WW- Discussion re MADev & Town of Groton possibility re wastewater connection agreement with the Town of Ayer from Westford Rd to Devens. all construction/capital costs to be borne by Town of Groton. To be continued.
  - Devens excess capacity Town Administrator reviewing documentation submitted by MADev
  - Water/Sewer Outstanding bills-issues with system. Meeting to be set up with residents re payment plans.
  - Home Rule Petition re Health Insurance –advised to Senate changes favoring Unions/Retirees. Board to request final version to review first then comment on.
  - Re-establish Insurance Advisory Committee-include on Fy-12 Appointment matrix
  - 76 Central Ave.-letter to be sent to Habitat re interest
  - Campaign signs –policy to be submitted to Board on 6-28-11
  - Printing of Town Meeting Warrants- consider eliminating printing - place on Website, look into postcard mailings, putting up banner on telephone poles across Main St. Work in progress.
  - TIF Committee - to be done as part of Fy-12 Appointments
  - Re-Districting letter to be sent to Secretary of state supporting leaving 5<sup>th</sup> District as is, draft letter to be prepared for Board's review 6-28-11.
  - Willow Road Lights- Dan Nason to update Board on 6-28-11
  - Procurement Hours /General fund-re Project Administrator re Energy Grant to be prepared for Board review on 6-28-11

MART change in benefits-Van Driver effective 5-1-11. The Board voted to approve the new rate for Ayer's van Driver from \$451.37 to \$507.62 effective 5-1-11 and to reimburse MART. Motion made by Selectman Conley 2ns by Selectman Fay, VOTE: unanimous, so moved.

Selectman Conley moved the Board approve the Weekly Payroll Warrant in the amount of \$743,651.07 2nd by Selectman McCreary. VOTE: unanimous, so moved.

Letter from Atty. Jerome Benson re public shade trees to be removed on Groton Harvard Rd. by Tree Warden placed on 6-28-11 Agenda re Public Hearing violation.

Agenda Item # 9. JBoS Selectman Fay reminded all to Trinity's 3<sup>rd</sup> Vision Session Tuesday, June 21, 2011 @7:00p.m Ayer Town Hall, Board requested Devens residents be notified of session have Trinity notify them and mentioned the next JBoS meeting on June 23.

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

6-14-11

Selectman Fay-Old Fire Station update- Committee met with two(2) contractors, next meeting Friday June 15<sup>th</sup> at 9:00a.m.

- Veterans Memorial Plaque-W. Main Street Bridge found but in rough shape needs refinishing-whose responsibility-State Bridge-Town to work with State.

Selectman Fay updated the Board to Stewart Health donating \$2K to the Town's 4<sup>th</sup> of July celebration.

**Agenda Item #11. Minutes**

Selectman Maxant moved the Board vote to approve the amended minutes of 5-3-11, 2<sup>nd</sup> by Selectman Fay, VOTE: unanimous, so moved.

Selectman Maxant moved the Board vote to approve the amended minutes of 5-17-11, 2<sup>nd</sup> by Selectman Conley, VOTE: unanimous, so moved.

Selectman Maxant moved the Board vote to approve the minutes as presented for 6-2-11 (current version) 2<sup>nd</sup> by Selectman Fay, VOTE: unanimous, so moved.

9:55p.m. Selectman Conley moved the Board reconvene into Executive Session pursuant to MGL Ch 39, section 23B to discuss Patrolmen's' and other contract negotiations, and to adjourn from this Executive session for the sole purpose of adjourning the meeting, 2<sup>nd</sup> by Selectman Fay, VOTE: unanimous, so moved.

9:55p.m. Open Session concluded

\_\_\_\_\_date\_|\_\_\_\_\_

6

6-14-11