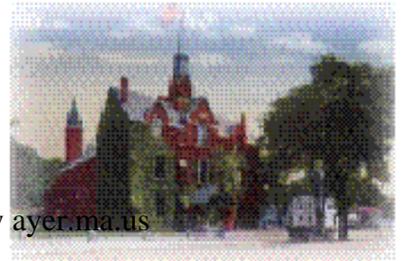


Town of Ayer
Board of Selectmen
Town Hall, First Floor Meeting Room
Ayer Massachusetts, 1432
Tuesday, March 13, 2012



Selectmen's Meeting on Town of Ayer Website www.ayer.ma.us

7:00p.m. Open Session

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

Chairman Luca called the meeting to order. Chairman Luca advised to the Board taking up an Update from the Chairman of the DPW Superintendent's Screening Committee, Daniel Wolfe, JBoS Update, and Selectman McCreary requesting the Board hear discussion from David Maher under his report re Solarization Grant Opportunity for Town of Ayer/residents. Selectman Conley re Executive Session Minutes.

Announcements- Chairman Luca advised to Lt. Governor coming out on 3-19-12 at 9:15a.m. for Press Conference re Vicksburg Sq.

The Board met with Daniel Wolfe, DPW Superintendent Screening Committee Chairman. Mr. Wolfe advising to the Committee made up of Mary Spinner, Joseph Sampson-SIU representative, James Stephen, Resident, Chas Barrett- Town of Westford DPW Supt., Kenneth Kaliowski- Director Of Public Works- Town of Pepperell and Ayer Fire Chief Robert Pedrazzi. Mr. Wolfe advising to Committee receiving eleven (11) resumes of which seven (7) were eliminated/not qualified. Mr. Wolfe stating by unanimous decision the Committee interviewed four (4) candidates and of the four candidates one was highly recommended by the Committee to bring forward to the Board of Selectmen to interview, Mark Wetzel of Reading, MA. Mr. Wolfe spoke to Mr. Wetzels background, management/leadership style along with strong wastewater, water, storm water, as well as roadway/streetscape management in municipal public works engineering in MA.

Mr. Wolfe also stating should the Board not chose Mr. Wetzel the Committee will meet again to restart process . The Board requested copies of Mr. Wetzel's resume be forward to them and requested the Town Administrator send out thank you letters to the other three candidates. Chairman Luca to coordinate a date for the Board to meet with Mr. Wetzel.

Agenda Item #1. Public Input- Chairman Luca requested if there was anyone present wishing to meet with the Board under Public Input. No one stepped forward.

Chairman Luca called for a motion to approve the Agenda. Selectman Maxant moved the Board vote to approve the Agenda, 2nd by Selectman Conley, VOTE: unanimous, so moved.

Agenda Item #2. Stephanie Gintner, Town Treasurer re Bond Refinancing-present for the discussion Abby Jeffers, Vice-President FirstSouthwest, sitting in for Peter Frasier. Ms. Jeffers advised the Board to updated refunding:

Current refunding of April 1, 2002: 12.225% present value -\$311,302 budgetary savings- of the total Amount of bonds being called \$1,823,500 and exempt from Prop 2 ½

Advance refunding of June 14, 2004: 492.7% present value-\$343,298 budgetary savings-of the total amount of bonds called \$2,960,000 are exempt from Prop 2 ½. Ms. Jeffers advising to monitoring the rates to see if Town can get a better one, stating other businesses is refunding as well which pushes

interest rates higher. Selectman McCreary moved the Board authorize the Town Treasurer to go forward with refunding, 2nd by Selectman Conley, VOTE: unanimous, so moved. (see attached)

Agenda Item #3. Public Hearing-All Alcohol License & Common Victualler's License- Mark DiCicco- Lucia's Tavola Ristorante-31 Main Street, Ayer, MA. The Board met with Mark DiCicco and Calvin Moore, property owner. Chairman Luca requested to open the Public Hearing by reading legal notice/s into the record. Selectman Maxant read into the record the legal notice with ran in the Nashoba Publications the weeks of March 2, and March 9, 2012. Mr. DiCicco advised to having another restaurant in Brookline, NH also known as Lucia 's and will be keeping the same name here in Ayer. Mr. DiCicco stated he plans to open a fine dining Italian restaurant (white tablecloth) and is very positive about opening in Ayer; stating he has had a lot of good feedback and interest from Ayer residents and surrounding Town's driving up to Brookline to try his food and look over his restaurant. Chairman Luca requested if there were abutters present wishing to speak for or against the petition, an abutter from Newton Street stated she was present to hear about the new restaurant and was excited and glad it was coming to Ayer. Selectman Conley requested hours of operation. Mr. DiCicco stated he would be open initially at first Monday through Friday only for dinner and judging how much business he generates may expand to including lunch. Mr. DiCicco stated he plans to close by 9:30p.m. -10:00p.m. not looking for bar atmosphere. Selectman Conley questioning if he plans to open on Sundays and advised to yes. Questions from room included hiring opportunities, menu items including take out. Mr. Moore requested if the Board would allow Lucia's a thirty day "One Day Beer & Wine License" while he is awaiting his alcohol license approval from the ABCC stating it could take up to 6-8 weeks before he would have it. The Board was advised by secretary that the local Gun Club had been issued a thirty day -One Day Beer & Wine License years ago and that she would look into it, stating the ABCC had tighten up One Day Beer & Wine Licenses recently. Selectman Conley suggested a two -day One Day & Beer License be approved. The Board reviewed the All Alcohol License Bylaw with Mr. DiCicco which allows establishments to be open from 8:00a.m.-2:00a.m. presently which Mr. DiCicco elected to obtain for weddings, celebrations. etc Selectman Conley moved the Board vote to approve Mark DiCicco's All Alcohol License application d/b/a Lucia' Tavola Ristorante at 31 Main Street, Ayer, MA Monday - Saturday from 8:00a.m. to 2:00a.m. and Sunday from 11:00a.m. to 2:00a.m., 2nd by Selectman Maxant, VOTE: unanimous, so moved. The Board requested when Mr. DiCicco plans to open and advised to next week perhaps Tuesday, the 20th.

Common Victualler's License- Mark DiCicco-Lucia's Tavola Ristorante-31 Main St., Ayer, MA

Chairman Luca requested the legal notice be read into the record. Selectman Maxant read the Legal Notice which ran in the Nashoba Publications the week of March 2 & March 9, 2012. Chairman Luca requesting again if there were abutters present, no one came forward. Selectman Conley moved the Board vote to approve the Common Victualler's License for Mark DiCicco d/b/a Lucia Tavola Ristorante at 31 Main Street, Ayer, MA effective 8:00am-2:00a.m. March 19, 2012, 2nd by Selectman McCreary, VOTE: unanimous, so moved.

Agenda Item #4. Continuation of Verizon Joint Pole Petition Public Hearing of 2-28-12 The Board met with Mr. Paul Schneider, Manager Right-of-Way-Verizon representative. Chairman Luca requested if there were abutters present wishing to speak for or against the petition, no one stepped forward. Mr. Schneider stated this pole relocation on Groton School Rd. is sought to allow the Town to connect to the Town's pump Station. The Board reviewed with Mr. Schneider problems Ayer residents have had with poles/wires/conduits being located on their property i.e. sidewalk, trees, etc. Mr. Schneider advised the Board to contact SAFE-Verizon Engineer would come out and look at property re safety concerns. Selectman Conley moved the Board approve the Pole Petition for Groton School Road adjacent to pumping station, 2nd by Selectman McCreary, VOTE: unanimous, so moved.

Agenda Item #6. Fire Chief-License Amendment -27 Harvard Rd.

**Selectman McCreary requested the Board take up Agenda Item #6 Fire Chief-License Amendment-27 Harvard Rd. The Board went off the posted agenda to meet with Robert Pedrazzi, Fire Chief. Chief Pedrazzi presented and reviewed with the Board change of ownership for an underground storage license from Peterborough Oil to Alliance Retail LLC with no change/alteration to flammable volumes on license. Selectman Conley requesting need for a Public Hearing. Chief Pedrazzi stating no Hearing is required re a change of ownership only necessary when there is a change of flammable fluids. Selectman Conley requesting to see language. Chief Pedrazzi to email requirements re no Hearing required for change of owner only amendment to license. Selectman Conley moved the Board vote to approve the amendment to 27 Harvard Rd. Ayer, MA as presented by Chief Pedrazzi for the storage of 23K gallons of flammable fluid, 2nd by Selectman McCreary VOTE: unanimous, so moved.

Agenda Item #5 Public Hearing-Intent to Lay out Roads-Crabtree Development, LLC-The Board met with Steve Mullaney of S. J. Mullaney Eng., Inc. Chairman Luca opened the Hearing by requesting the legal notice be read into the record. Selectman Maxant read the Legal Notice which ran in the Nashoba Publications the week of 3/9/12. Mr. Mullaney reviewed with the Board the aerial photograph requested at the last meeting by the Board which depicted the roads to be laid out –total length ¾ mile. Mr. Mullaney revisited previous discussion with Board held on January 24, 2012 re plans and documentation prepared for the street layout process. Mr. Mullaney submitted to the Board a letter addressed to the Ayer Planning Board advising the Planning Board to Board of Selectmen holding a meeting on 3-13-12 and voted its intent to layout Fox Run Dr., Quail Run, Haymeadow Lane, between Fox Run Dr and Old Farm Way between Haymeadow Lane and Holly Ridge Rd. as public ways. This done in accordance with MGL C82 S17 through 32 referring the matter to Planning Board for a non-binding recommendation within 45 days of the date of this letter. Mr. Mullaney advising to Planning Board provided with complete set of plans, and related documents regarding this matter. Selectman Conley stating the Board received a 47 page document and requested this not be required to be placed on Warrant. Mr. Mullaney advising only a short brief will be required re Warrant Article. Mr. Mullaney assuring Board to catch basins, roadways to be finished and street signs to be put up. Stormwater responsibility of Homeowners' Association. Selectman Conley moved the Board forward letter dated 3-14-12 to the Ayer Planning Board advising the Planning Board to the Selectmen's intent to lay out Fox Run Dr., Quail Run, Haymeadow Lane between Fox Run Drive and Old Farm Way between Haymeadow Lane and Holly Ridge Road as public ways and request they provide notification of receipt of this letter back to Board, 2nd by Selectman McCreary, VOTE: unanimous, so moved.

Agenda Item #7. David Maher-Economic Development Director

Mr. Maher advised the Board to Pond Street Construction Contract removed from Agenda and rescheduled for the Board's next meeting on March 27, 2012. Mr. Maher presented the Green Communities Solarization Grant application for the Town of Ayer. Mr. Maher advising to \$2K available to communities for marketing. Mr. Maher advising to this being the initial step to MASS Clean Energy Center stating the Town's intention to fulfill the requirement of the contract. The Board would authorize the Chairman to sign to make the March 21, 2012 deadline and appoint a Solar Coordinator to help facilitate the program's outreach. Selectman McCreary advising the Board to over 27 residents have opted/or expressed interest in solarizing their homes. Selectman McCreary moved to approve sending letter to MASS Clean Energy Ctr. designating Mr. Maher as Ayer's Municipal representative, and Carolyn McCreary as the Town's Community Solar Coach as well as Jeremy Callahan & Duke Pointer assisting in the selection of solar installer, participate in grassroots marketing, organizing volunteers and educate residents and businesses, 2nd by Selectman Maxant, VOTE: Selectman McCreary aye, Selectman Maxant aye, Selectman Conley no, Chairman Luca aye, 3-1 motion passes. Selectman

McCreary moved the Board authorize the Chairman's signature on Grant Application compiled by Mr. Maher which was reviewed by Chair. Selectman Conley stating her concern under Terms Item #6. Indemnification- indemnify Com. MassCEC against loss/s, claims, damages, etc. taking on burden if someone doesn't fulfill/perform obligations. Chairman Luca 2nd motion stating it is a standard contract, Town of Ayer chooses installer and resident contracts with installer. Selectman McCreary stating Town will work with people to guide them thru process. Selectman Conley wishing to see in writing first. Selectman McCreary stating residents clearly interested and Town should help them out. Selectman Conley again questioning the need to indemnify then, doesn't want to indemnify the Com. of MA. Selectman McCreary stating we do not know now even if Town of Ayer will be accepted, if accepted, we can advise them that we will not sign on to indemnification. Chairman Luca called for a vote: Selectman McCreary aye, Selectman Conley no, Selectman Maxant abstaining, Chairman Luca aye, 2-2. Chairman Luca requesting copy of application is placed in his mailbox.

Agenda item #8. Supt. Nason's Report- The Board met with Dan Nason, present for the discussion Steve Mullaney.

Petition for Street Acceptance-Crabtree Development-Supt. Nason advised the Board to Mr. Mullaney dropping off all documentation to his office re acceptance of roads. Mr. Nason stated it was not his recommendation to accept roads in parts and pieces. Recommending the Board make sure roads are in compliance and constructed properly. Protect what is there now. Selectman Maxant suggesting developer post bond. Mr. Mullaney stated bond never taken on unaccepted road. Mr. Mullaney to follow up with Dan ensuring all inspections is done and is in conformance.

Ayer-Groton MOU- Mr. Nason presented the Town of Groton's MOU wishing to convey approximately 125K gpd (average daily flow) of wastewater from the Lost Lake/Knop's Pond area to the Town of Ayer through a new connection to Ayer's existing collection system on Sandy Pond Rd (Westford Rd.) Mr. Nason stating this is 1st step –precursor to Intermunicipal Agreement which will allow Groton to go to the next phase, final application quite a ways out. Supt. Nason advising Board to HTA involved with project for the Town of Ayer. Mr. Nason advising to Town of Groton approved contract at their Town Meeting. Selectman Conley requesting to get a copy of Groton's Town Meeting Article for Board. Selectman Conley moved the Board vote to approve the Memorandum of Understanding (MOU) with the Town of Groton conveying wastewater from Lost Lake area to the Town of Ayer with final document to be submitted from Groton for Chairman's signature, 2nd by Selectman Maxant, VOTE: unanimous, so moved. Selectman Maxant stating this document is approved with full assurances the Town of Ayer will never be limited in its capacity to Town of Ayer residents.

Various DPW position/s recommendations-Supt. Nason revisited his request to the Board on 2-21-12 allowing him to interview consecutive persons within the DPW Union as the next position/s becomes available. Supt Nason advising scenario similar to the "domino effect" once he interviews and makes a recommendation for the vacant position that person's position becomes available. Supt. Nason stating the Union has agreed to this approach and would allow him to fill the positions before he leaves his employment with the Town of Ayer. Supt. Nason presented and recommended the following DPW personnel to the Board for his recommended appointments:

Brian Boomgaarden-currently Meter Reader/Laborer Water Div. be appointed to Treatment Plant Operator-Water Dept.

Aaron Chase-currently Utility Person/Laborer Highway Div. be appointed to Meter Reader/Laborer Water Div.

David Malatos-currently Transfer Station Operator-Solid Waste Div. be appointed to Utility Person/Laborer Highway Div.

Bruce Burns-currently Custodian at Town Hall be appointed to Transfer Station Operator-solid Waste Div.

Selectman Conley moved to approve the list as recommended by Supt. Nason contingent upon all requirements being met /operating licenses being obtained within time constraints required by Supt. Nason re new positions assigned as well as six (6) month probationary periods being required for all above appointments 2nd by Selectman Maxant, VOTE: unanimous, so moved.

Selectman Conley moved to authorized Dan Sherman, Facilities Director to post custodian's position to hire temporary custodian, to fill position vacated by Bruce Burns Chairman Luca suggesting the Town contract out Town Hall custodial services. Ms. Spinner advising the Board to Mr. Sherman wanted capability to move person around i.e. police station, DPW building/s and contracting out would prohibit this. Selectman McCreary 2nd Selectman Conley's VOTE: Selectman Conley aye, Selectman Maxant aye, Selectman McCreary aye, Chairman Luca no 3-1 motion passes. Position to be filled until end of Fy-12. The Board took this opportunity to thank Supt. Nason for all his work for the Town of Ayer and wished him the best of luck with his new position.

Selectman Maxant updated the Board to PanAm car carriers leaking hydraulic fluid in parking area and stating if leaking now we have a serious problem re the Town's aquifer. Supt. Nason advising to Town not having authority to tell them where to park their vehicles and monitoring devices will ensure integrity is there, re water quality policing.

Agenda Item #9-Fy-13 Budget Update-The Board discussed the recent meeting (3-6-12) with the Ayer/Shirley Regional School Committee re their Fy-13 Budget. Michael Pattenden(Fin-Com) spoke to being at this meeting stating he went as a private citizen not as Fin-Com member. Mr. Pattendon stated the 11.9% budget message delivered by the Town Administrator being totally ignored. Selectman Conley speaking to the School Budget Hearing based draft municipal budgets on only 2% increases in assessments each town pays into the district. Mr. Pattenden stated he thought the schools were requesting 4.5% more over present numbers. Chairman Luca expressing concerns re Central Office increases requesting if they gave a reason for 40% increase. Selectman Conley advising to \$226K set aside for Collective Bargaining with the teachers as a placeholder. Selectman McCreary requesting to postpone this discussion until the Town Administrator can schedule a meeting with the School Committee to meet with the Board re actual numbers. Selectman McCreary stating she is uncomfortable talking about the school budget based upon what people do or don't remember. Selectman Maxant inquiring if anyone had mentioned Ayer's Structural Deficit and need for a 2 ½ override. Selectman Maxant stating there was never talk of a 2 ½ override and furthermore there would be no need unless the schools requested anything over the 2% increase. Selectman Conley spoke to the Committee's draft 3 budget seeking \$13.5 million from the towns: \$8.5million from Ayer up \$364K and \$4.9 million from Shirley up \$231K and questioning School Committee's one time Federal Education Job monies to pay teachers benefits or other cost effective health insurance. Mr. Pattenden stating if forced to choose between funding schools and public safety –no teacher is going to save his life. Selectman McCreary again stating this conversation will end or she would leave. Mr. Pattenden requested a joint meeting of the Board of Selectmen, School Committee and Fin-Com to review the School Budget. Mary Spinner speaking for Capital Plan Com. requested if the School has begun investigation health insurance alternatives. Selectman McCreary apologizing and left meeting.

Agenda Item #10. Collective Bargaining Representative-postponed to 3-20-12 (executive meeting)

Agenda Item #11. JBoS-Selectman Maxant advising to JBoS requesting Board's vote re Vicksburg Square. The Board stated earlier in meeting that the Board agreed not to take a formal Vicksburg Square vote. Selectman Maxant stated his dismay re MADEV representative's disrespect/contempt not making meetings no sense of importance to organization.

on another matter Selectman Maxand updated the Board to Marty Meehan quoted in local paper to a satellite campus on Devens being a possible spot. Selectman Maxant encouraging Board to invite Mr. Meehan in to meet with the Board re his vision for Devens and what might be and to send him an invitation to present this vision re Vicksburg Square expansion.

Agenda Item #12. Selectmen's Questions/New Business-Selectman Conley suggesting the Board be more productive by making meetings shorter and meet bi-weekly in summer and Executive Session be

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prepared for alternate evening no Executive Sessions in Open Session. Selectman Conley further suggesting the Board amend their policies re Executive Sessions to never being scheduled for 10:00p.m . The Board discussed meeting every week and bi-weekly.

Agenda Item #13 Minutes-Selectman Maxant moved the Board vote to approve the minutes of 2-7-12 and 2-21-12, 2nd by Selectman Fay, VOTE: unanimous, so moved.

9:57p.m. Selectman Fay moved to adjourn 2nd by Selectman Conley VOTE: unanimous, so moved.

DATE:_____

Frank Maxant, Clerk