

# Town of Ayer

## Board of Selectmen

### Town Hall, First Floor Meeting Room Ayer Massachusetts, 01432



**Selectmen's Meeting**  
**Ayer Town Hall 1<sup>st</sup> Floor Meeting Room, Main Street, Ayer, MA**  
**Tuesday, July 6, 2010**

Present:

Richard D. Gilles Chairman (Chairman Gilles)	A	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	Jeff Ritter, Town Administrator (Mr. Ritter)	X
Janet Lewis, Secretary (Mrs. Lewis)	X		

Open 7:00p.m. Vice Chairman Fay in the absence of Chairman Gilles called the meeting to order  
**Agenda Item #2** Vice Chairman Fay read into the record the agenda of 7-6-10. Vice-Chairman Fay moved the Board vote to remove Agenda Item #12 from the Agenda due to the absence of the Chairman and not having a full Board's vote. Selectman Luca opposing this and moved the Board vote with a four member Board, 2<sup>nd</sup> by Selectman McCreary for discussion, agreeing this is an important decision and should have a full board's vote. Selectman Luca feeling decision should be made without further delay. VOTE: 2-1-1 abstention motion carries. Vice-Chairman Fay requested the Board meet on Wednesday the 14<sup>th</sup> for a one item Agenda that being the appointment of the Town Administrator and called for a motion. Selectman McCreary moved the Board remove Agenda Item #12 from the 7-6-10 Selectmen's Agenda and conduct a meeting of the Board on Wednesday, July 14, 2010 with sole agenda item being the appointment of the Town Administrator, 2<sup>nd</sup> by Selectman Maxant, VOTE: Selectman McCreary aye, Selectman Maxant aye, Selectman Luca no, Vice-Chairman Fay, aye 3-1 motion passes.

**Announcements-**Vice-Chairman Fay took this opportunity to thank the Ayer Fire Dept. for their untiring efforts fighting the 7 acre brush fire on the Groton Town line Monday & Tuesday in the Long Pond area. Selectman Fay advising to regional response involved from twenty communities - part of the Metro Fire Mutual Aid District 13-A- assisting to put down fire in temperature reaching over 100 degrees.. Thank you extended to all for their response and assistance.

**Agenda Item #3-Public Input** -Vice-Chairman Fay requested if there was anyone present who wished to meet with the Board.

1. Mary Arata-Nashoba Publications re-IDFA Loan-for properties on Central Avenue.
2. Patrick Hughes-Greenway Com. request for crosswalk on Groton Harvard Rd.

Vice-Chair called for a motion to approve the Agenda as amended. Selectman Maxant moved the Board vote to amend the Agenda as stated above, 2<sup>nd</sup> the Selectman McCreary, VOTE: unanimous, so moved.

**Mary Arata-**Queried the Board re Selectmen receiving an IDFA Loan for the purchase of land on Central Ave. and how they intend to pay back? Ms Arata advised to meeting minutes being under IDFA Executive Session and requested to contact Brian Anderson re release of the IDFA Minutes.

**Patrick Hughes-**Mr. Hughes elaborated to the success of the trail building at Pine Meadow Conservation land on Groton-Harvard Rd. advising they are seeing a lot of activity and as such traffic on Groton Harvard Rd., the third busiest road in Ayer, is moving at excessive rates of speed. Mr. Hughes requesting the Town paint yellow & white crosswalk from the parking area at the foot of the trail to the Middle School across Groton Harvard Rd. to the trail head to act as a calming & warning device for potential foot traffic. Selectman McCreary moved the Board request the Town Administrator contact the Police Chief re reporting on his concerns or recommendations re this request for their upcoming meeting. (7-20-10), 2<sup>nd</sup> by Selectman Luca, VOTE: unanimous, so moved.

**Agenda Item #4-**Mr. Ritter read in to the record his report re his follow-up from the Selectmen's 6-15-10 meeting. (see attached).

Selectman Fay requested an update on the Parking Garage Progress as part of the Board's Goals & Objectives. Selectman Maxant updated the Board to meetings in Lowell & Fitchburg recently and of decision by MPO on 7-7-10 re spending money on Town's downtown parking facility.

**Agenda Item #5. Surplus Property/Equipment Sale-**Supt. Nason updated the Board to the Bid Opening conducted on 6-24-10 at 12:00 noon and bids awarded to: Alan Chuckran for the following: 1994 Ford Crown Vic-\$325.00, 1995 Ford Crown Vic.-\$325.00, 1984 Ford F250 truck-\$379.00 and Ford V6 diesel generator-\$659.00-total award: \$1,688.00. David Caruso-tractor with plow-total bid \$460.00. LaMountain's Const. Co. 100 CY dump trailer-810.00, Oliver Tractor-\$610.00 total award: \$1,420.00. Corkery Tractor Trailer-Detroit Diesel Generator Motor-total award \$239.00. H. Swartz & Sons -275-gallon above ground oil tank-\$55.00- Total Bid Awards \$3,862.00 to the Town of Ayer. Selectman Luca moved the Board vote to approve the surplus property/equipment bid awards as stated above by Supt. Nason and bill of sale approved by Town Counsel and authorize the Vice-Chairman's signature and Supt. Nason's signature on the bill of sales, 2<sup>nd</sup> by Selectman Maxant, VOTE: unanimous, so moved. Selectman Maxant taking the opportunity to advise the general public to this auction being open to the general public-good example of public service.

**Agenda Item #6. David Maher-Director of Economic & Community Development-**The Board met with David Maher and Susan Provencher.

**Rail Trail Survey-**Mr Maher updated the Board re the transfer of property to take place between the Dept. of Conservation & Recreation (DCR) a land survey of the property and an appraisal must take place for the State which will cost \$6,350.00 prior to the transfer. Mr. Maher advised to 3 bids received: \$10K, \$8,500 and \$6,300-low bidder Northeast Survey Consultants PC-Easthampton, MA. Mr. Maher advising this appraisal can be funded from unused funds from the Dept. of Economic Development Budget along with an additional request for \$2K to solicit an appraiser to finalize the process. Selectman Maxant questioning why State did not do survey. Mr. Maher advising State did not require when property was transferred only when acquired. Mr. Maher advising to funds being encumbered and available per Town Accountant's Office. Selectman McCreary moved the Board vote to approve the land survey and appraiser funding request for the Rail Trail Survey-funding from the Economic Development Budget as proposed by Mr. Maher, 2<sup>nd</sup> by Selectman Maxant for discussion, Selectman Maxant stating his displeasure with Town having to fund survey at the expense of taxpayers when State should have surveyed property in the beginning. VOTE: Selectman Luca abstained, Selectman McCreary aye, Chairman Fay aye, Selectman Maxant no 2-1 motion passes.

**2009 Community Development Strategy-**Mr. Maher updated the Board to process of preparing the Town's 2011 CDBG Grant Application being underway and that public meetings/hearings will be taking place. Mr. Maher advising to ongoing meeting with the Ayer Business Alliance, Chamber of Commerce, Conservation Commission, ZBA, etc to solicit possible activities re this application. Mr. Maher announced on August 4, 2010 a highly publicized Public Meeting will take place at Town Hall for public input. Mr. Maher requested the Board review the Community Development Strategy re edits/recommendations and get back to him. Mr. Maher advising to his coming back in August to review the information he collects with the Board.

**CDBG Property lien-**Ms Provencher advising to Atty. Tom Gibbons who is representing the owner is requesting a partial Release of Mortgage for 13 Sculley Road - Housing Rehabilitation Program Case # 04-279 re boundary line agreement between 13 & 17 Sculley Rd. property owners. Motion to approve made by Selectman Luca, 2<sup>nd</sup> by Selectman Maxant, VOTE: unanimous, so moved.

**Agenda Item 7 Appointments-**

**Jesse Reich- Energy Committee-**Selectman Luca moved the Board vote to appoint Jesse Reich the Fin-Com's representative to the Energy Committee, 2<sup>nd</sup> by Selectman McCreary, VOTE: unanimous, so moved.

Selectman Maxant inquired of Mr. Reich if there might be a conflict of interest whereas he owned a bio-fuel

Company, Mr. Reich advising he does not deal with heating oil, and felt he was well qualified to serve having a strong energy background.

**Kim Krieser**-The Board met with Lori Sabol, Chairman of the Recycling Com. who introduced Kim Krieser to the Board. Ms. Krieser gave the Board a brief background re her interest in the Recycling Committee having introduced recycling programs to the schools. Selectman Luca moved the Appointment of Kim Krieser to the Recycling Committee, 2<sup>nd</sup> by Selectman McCreary, VOTE: unanimous, so moved. The Board thanked Ms. Krieser for joining this organization and looked forward to working with her in the future. Ms. Sabol announced the Towns Recycling –Clean Up Day on Saturday, October 23, 2010 in conjunction with Lowell Wish Project having six (6) vendors re swap off i.e. sporting goods, sneakers, Loaves & Fishes. Etc. up at the High School Parking Lot on Washington St. encouraging residents to participate.

**The Board set back the 2011 Annual Appointments back –to be taken up after Agenda Item 9-(9A)**

Motion to approve made by Selectman Luca 2<sup>nd</sup> by Selectman McCreary, VOTE: unanimous, so moved.

**Agenda Item #8 Reserve Fund Transfer**-Mr. Ritter presented Reserve Fund for the following Departments: Veteran's Agent, Board of Selectmen, and Street Lighting.

- Veterans Agent-\$328.00 Selectman Luca moved the Board vote to approve a Reserve Fund Transfer in the amount of \$328.00 for the Veterans budget with signature by the Vice Chairman-, 2<sup>nd</sup> by Selectman Maxant, VOTE: unanimous, so moved.
- Selectmen's Budget Line Item 01122 \$1,398.83 Selectman Luca vote to approve a Reserve Fund Transfer in the amount of \$1,398.83 to the Selectmen Budget and authorize the Vice-Chairman's signature, 2<sup>nd</sup> by Selectman McCreary, VOTE: unanimous, so moved.
- Street Lighting-\$3,225.63 Line Item 01424 Supt. Nason reviewed with the Board the appropriation under-funded and this year bringing this budget up to avoid shortfall in Fy-11. Selectman Luca moved the Board vote to approve the Reserve Fund Transfer in the amount of \$3,225.63 with signature by the Chairman, 2<sup>nd</sup> by Selectman McCreary, VOTE: unanimous, so moved.

**Agenda Item # 9 Fire Station Re-Use Committee Report**-Selectman Fay gave the Board a brief background re the Committee Meeting for over ten (10) years re re-use, sale of building. Gabe Vellante reporting building structurally sound needing usual maintenance due to being unoccupied i.e. electrical, plumbing, roof, etc. Committee looked into possible re-use i.e. storage/archiving Town Hall records, Community Ctr., School Drama Club, Theatre, and Meeting Ctr. Mr. Maher adding building is a viable structure, located in heart of community has strong community/commercial component. Selectman Fay presented the Board the Committee's Report requesting it be sent to the Historical Commission for their review and with the Committee's hope to transfer over to the Commission re care, custody and control. Selectman Fay requesting this item be placed on the Selectmen's Agenda for 7-20-10

**Agenda Item #7 Continuation-Fy-11-Appointment Renewals**-The Board set this back until July 20, 2010, their next meeting, the Board is not prepared to vote on list as presented. The Board voted to rescind their vote of 6-15-10 re the Town Government Study Committee opening the membership to 11 people wishing to serve with no exclusions, motion to amend made by Selectman Maxant, 2<sup>nd</sup> by Selectman McCreary, VOTE Selectman Maxant aye, Selectman McCreary ay, Vice-Chairman Fay aye, Selectman Luca no 3-1 motion passes.

**Agenda item #10-Town Administrator's Report-**

1. **Board of Health –No Smoking Regulations**-Mr. Ritter reconfirming the Board of Health No Smoking Regulation prohibiting smoking in/on public property and places adopted on 2-8-10
2. **Fy-11 Non-Union Cola (2%) Salary Rate Adjustments**-Mr. Ritter advising to Town Meeting approving the increases-no action required by Board other than acknowledging.

**Open Meeting Law**-Mr. Ritter updating the Board to the Town being in compliance. Postings posted on side door (Columbia St.) handicap accessible. Mr. Pattenton stated his concern with the Board not placing outside

Free standing lighted sign up offering his assistance to make one for the town. Selectman Fay voicing his dismay that one is not up yet advising to Job Corp contacted and was to build one and bill the town just for the cost of materials. Selectman Fay advising to State pushing off this mandate until November. Selectman Maxant advising as to mandate as usual unfunded and again cost being borne by municipalities. Selectman Luca agreeing posting is adequate on door/window so many notices is the problem and people have to have access to it. The Board to revisit at their next meeting. Mr. Pattenton to research cost to build board. Selectman Maxant reminding staff to double side copies in future re Board's packets. Mr. Ritter also clarifying town clerk's role re posting of meetings, now required to be filed where Town Clerk resides -Mr. Canney advising to law mandates postings to be officially stamped by Town Clerk but posting on Bulletin Board not his responsibility but responsibility of department/board/committee/commission. The Board expressed their concern re penalties being severe re fines and perhaps having someone administer to ensure postings are up and correct. Mr. Ritter updated the Board to other means looked into re notification of meetings placed on individual Department, Committee, Board, Commission's phone line

4. Litigation-Maher -Mr. Ritter presented the Board the Maher Litigation settlement in the amount of \$126,750.00 from a Reserve Fund Transfer or UDAG. Selectman Luca moved the Board vote to approve the Maher settlement litigation in the amount of \$126,750.00 from UDAG and present article on the Town's Fall Town Meeting to replace the money through Free Cash or Stabilization, 2<sup>nd</sup> by Selectman McCreary, VOTE: Selectman Luca aye, Selectman McCreary aye, Selectman Fay aye, Selectman Maxant no 3-1, motion passes, so moved. Selectman Maxant questioning if this allowable UDAG expenditure.

5. Use of Town Property/Equipment-Mr. Ritter reaffirmed the Board's long standing practice now placed in a policy form to be adopted by the Board at their next meeting.

6. Needs Assessment-Department Assistant-vacated position of Janet Berube-Accountant's Office (12 Hours), Treasurer's Office (7 hours) & Community Development (8 hours)- total 27 hours/week. -the Board voted to scale down the hours to fifteen hours per week Treasurer's Office (5 hours), Community Development (8 hours), other (2 hours) at \$1858/per hour = \$278.70 x 52 weeks = \$14,492.00 with no benefits. Selectman Luca moved to approve, 2<sup>nd</sup> by Selectman McCreary VOTE: unanimous, so moved.

7. Town Clerk's Office -bookshelves-the Board approved the bookshelves being done by Job Corp to house MGL books. Mr. Vellante concern re sprinkler system in vault were Town's records are kept. Mr. Ritter to meet with Gabe Vellante re same.

8. ABCC Restaurant Hours Changed on Sunday from 12:00 noon opening to 10:00a.m. to allow restaurants to be able to generate more revenue i.e. Sunday Brunch, etc. The Board advised to this being a local option.

9. Town Clerk-bonding- The Board held up on this request for clarification purposes.

**Agenda Item #11. Selectmen's Questions/New Business**

Selectman Luca reporting MADev will not be building Public Safety Building and Selectman Maxant commenting building not funded, MADev did not get \$5 million dollar grant.

Selectman Fay-Commenting he was glad to hear Ralph McNiff was able to keep his farm/back taxes paid.

Selectman Fay commenting he would like to see some of the Volunteer Groups in town step up and help him out fixing up his property. On another matter Selectman Fay urged all the past Executive Session Minutes be released as soon as possible, inventory and release minutes as soon as possible.

**Minutes**-Selectman Maxant moved the Board vote to approve the Minutes of 5-18-10, 2<sup>nd</sup> by Selectman Luca, 6-1-10 with amendment, 2<sup>nd</sup> by selectman Luca, 6-15-10 remove Selectman Luca name from present to absent, 2<sup>nd</sup> by Selectman Luca, Executive Session Minutes of 5-18-10, Open Session Minutes 6-1-10, 6-4-10, 6-8-10, 2<sup>nd</sup> by Selectman McCreary, VOTE: unanimous, so moved. 9:30p.m. Selectman Luca Moved to adjourn, 2<sup>nd</sup> by Selectman Maxant, VOTE: unanimous, so moved.

Grant Berube Date: 9/1/10 Approved 7/20/10