

Town of Ayer

Board of Selectmen

Town Hall, First Floor Meeting Room Ayer Massachusetts, 01432

Selectmen's Meeting Tuesday, August 3, 2010



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	Robert Pontbriand, Town Administrator	X
Janet Lewis, Secretary (Mrs. Lewis)	X		

7:00p.m. Open Session

Vice-Chair Fay sitting in for Chairman Rick Gilles opened the meeting. Vice-Chairman Fay read into the record the Agenda for 8-3-10.

Public Input

Selectman McCreary-trash at Town Beach-Sandy Pond Rd. Complaints have been coming in re trash on roadway, parking lot, beach, as well as across the street from the beach. Selectman McCreary urging residents to pick up after themselves stating this should not be the responsibility of the DPW- The Board requested Jeff Thomas, Park Dept. Director is notified.

Selectmen Luca-Tri-Board Meeting-Requested this item be taken up under the Town Administrator's Report Agenda Item #12 bullet #7.

Agenda Item #3. Vice-Chair Fay read into the record the follow-up report from the Selectmen's 7-20-10 Meeting prepared by Interim Town Administrator Jeff Ritter. The Board recommended after a short discussion to have the Town Administrator report back to the Board only on unfinished (not completed) business/matters or on specific items –work in progress. Vice-Chairman Fay also related to the Board complaints he has received re Board members not speaking into mics (inaudible) and to moved microphones closer to them.

Agenda Item # 4. Chief of Police-Ayer Greenway Committee –Crosswalk request Groton-Harvard Rd.

The Board met with Chief Murray who stated the goal of the Department is to make roadways as safe as possible for pedestrians and towards that end a crosswalk on Groton Harvard Road is not the answer. Crosswalks are designed for areas with large volume of pedestrian traffic. Chief Murray recommending signage is set back on both ends of Groton Harvard Rd warning motorist to "CAUTION pedestrian crossing". The Board after a short discussion agreed with the Chief's recommendation. Selectman McCreary suggesting a parking area on the same side of street at the Trail Head be considered when school is in session i.e. Ginny Egans's "Nature's Classroom". The Chief recommending Ms. Egan contact/work with the APD when she is planning classroom visits to the Trail Head (Pine Meadow Conservation Trail Head) to assist the students crossing the street, again advising to signage being the best solution. Patrick Hughes thanked everyone for their support and solution to request and advising to Committee being 100% behind the Chief's recommendation. The Board requested Supt. Nason be copied on signage request.

Agenda Item #5. Chief of Police –Patrolman Appointment and Dispatcher Appointment

Patrolman-Chief Murray introduced Eric Pearson, of Pepperell, MA to the Board. Chief Murray gave the Board a brief background re Mr. Pearson being recommended to the Board for appointment to the vacant Patrolman's position at the Ayer Police Department. Chief Murray advising to Mr. Pearson chosen from a field of 27 candidates having passed a panel review board interview and thorough background investigation. The Board acknowledged Mr. Pearson's family presence and the round of applause for Mr. Pearson's appointment from his fellow peers from the Department present for the meeting. The Board questioned when Mr. Pearson's

ould be available for work. Chief Murray advising to Mr. Pearson's first day 8-16-10. Selectman Luca moved the Board vote to appoint Eric Pearson to the Patrolman's position at the Ayer Police Department contingent upon Department's terms and conditions: Mr. Pearson's successful passing of a psychological and physical examination, probationary period of one year from the date of appointment and any other department policies as directed by the Chief, 2nd by Selectman Maxant, VOTE: unanimous, so moved. Mr. Pearson to be hired at Step #2 of the Grade Scale as denoted in Article 25 of the CBA.

Per Diem Dispatcher Appointment-The Board met with Chief Murray re Dispatcher's position. Chief Murray introduced Casey Scott to the Board. Chief Murray advising to per diem position augmenting his dispatch staff as well as allowing senior dispatcher to utilize her administrative leave as opposed to paying her. Chief Murray advising the Board to Mr. Scott chosen from a pool of candidates through advertisement on the Fitchburg State College job board. Mr. Scott resides in Townsend and a graduate of North Middlesex Regional High School and is currently a senior enrolled in the Criminal Justice Degree Program at Fitchburg State College with hopes of someday becoming a career police officer. After a brief discussion re emergency/ ambulance training taken by Mr. Scott Selectman Luca moved to appoint Casey Scott as Police/Fire/EMS per diem dispatcher effective immediately, 2nd by Selectman McCreary, VOTE: unanimous, so moved.

Agenda Item #6. Town Clerk John Canney-Registrar of Voters-The Board met with John Canney, Town Clerk/Collector. Mr. Canney advised to his receipt of resignation from Charles Lewis-Republican Registrar of Voters on July 1, 2010 and of his wishing to replace Mr. Lewis on the Board of Registrars. Selectman Luca moved the Board vote to accept the resignation of Charles Lewis from the Board of Registrars with regrets, 2nd by Selectman McCreary VOTE: unanimous, so moved. Selectman McCreary stated pursuant to MGL Chapter 51 S15 the Town Clerk automatically becomes Registrar of Voters. Mr. Canney stating Ann Callahan has stated her desire to remain on Registrar of Voters which would then have 2 Democratic and only 1 Republic Registrar and appointing him would even the office. Selectman McCreary questioning how Ms. Callahan could remain as Democratic Registrar without the being elected by the Democratic Town Committee. Selectman McCreary stated letter should be sent to both the Democratic & Republic Town Committees to list members and submit to Board of Selectmen for selection by Board of new Registrar/s. Selectman McCreary offering to work with Mr. Canney to get straightened out. The Board requested the Town Administrator submit letters to both the Republican & Democratic Town Committees for names to be considered for appointment to the Ayer Board of Registrars. Motion to approve made by Selectman Maxant 2nd by Selectman Luca, VOTE: unanimous, so moved. Selectman Luca moved the Board vote to appoint John Canney to the Registrar of Voters, as of right, because he is new Town Clerk, 2nd by Selectman Maxant VOTE: unanimous, so moved. The Board requested a letter of appreciation be sent to Charles Lewis for his service on the Registrar of Voters. Mr. Canney requesting the Board goes off their regular posted agenda to take up the Debt Exclusion Question. Selectman Maxant moved the Board take up Agenda Item 11 after Agenda Item #6., 2nd by Selectman McCreary VOTE: unanimous, so moved.

Agenda Item #11 Debt Exclusion Question-Mr. Canney read into the record a two (2) page letter re impact to his office re possible municipal ballot question for September 14, 2010 MA State Primary Election bulleting concerns re money, personnel, resources, training and timing issues (see attached) running dual elections on the same day with different requirements for each election. After a lengthy discussion re State (Sec. of State's Office) not looking favorably/discourages placing local ballot question/s on primary ballot. Mr. Canney advising the Board to Absentee ballots already in and must be out to meet 8-24-10 deadline. (Service men/Women mailing of ballots and timely return) The Board discussed placing the questions on the Special Fall Town Meeting Warrant & November General Election Ballot. Selectman McCreary moved the Board place the Capital Exclusion ballot questions on the Fall Town Meeting Warrant and November General Election Ballot, VOTE: Selectman McCreary aye, Selectman Maxant aye, Selectman Fay no, Selectman Luca no, 2-2 motion fails. Selectman Maxant moved the Board present ballot questions to Secretary of States Office

Tomorrow morning 8-4-10 to place on ballot on State Primary Election, 2nd by Selectman McCreary, VOTE; Selectman Maxant aye, Selectman Fay aye, Selectman McCreary aye, Selectman Luca no 3-1 motion passes. Selectman Maxant to deliver ballot questions to Secretary of States Office in the morning. (see ballot questions attached-8 questions)

Agenda Item #7. Supt. Dan Nason-Ayer DPW

1. Abatement-26 Howard St., Ayer, MA-The Board met with Mr. & Mrs. Joseph Ward of 26 Howard St. Supt. Nason gave the Board a brief background re site work done at property by the DPW i.e. new municipal sewer connection to the property, restored area of property disturbed by connection- i.e. leveling, loaming and seeding , replacing concrete where pipe exited house, reimbursement of camera fee re sewer line. Supt Nason recommending to deny abatement request based upon cost incurred by the Ayer DPW to connect the Ward's home to sewer system vs. what the Ward's paid in sewer fees over the past 18+/- months being significantly less than the municipalities cost to complete the connection. Mrs. Ward stated when house was purchased it included town sewer, Town records faulty, house was entitled to sewer. Mrs. Ward stated she is only requesting sewer bill be credited for \$125.42 during the time they did not receive sewer service. Selectman Fay feeling Town has responsibility to have records correct and would support abatement. Selectman Maxant also feeling house was entitled to sewer when purchased-Town records faulty. Selectman McCreary requesting abatement be given feeling this is a whole separate issue. Selectman McCreary moved the Board vote to approve the Abatement request for 26 Howard St., Ayer, MA, 2nd by Selectman Maxant VOTE: Selectman Fay aye, selectman McCreary aye, Selectman Maxant aye, Selectman Luca no 3-1 motion passes.

2. Fy-11 Road Maintenance Salt Bid Award-The Board per the recommendation of Supt. Nason awarded the 7-14-10 Road Maintenance Salt bid award contract to International Salt Company LLC @\$59.65/ton for both mined salt and solar salt. Motion to award made by Selectman Luca and authorize the Chairman's signature, 2nd by Selectman McCreary, VOTE: unanimous, so moved.

.. Stormwater Improvement Program-VHB-Watertown, MA

The Board met with of VHB consultant who outlined the Stormwater Program evaluating the cost, staffing, operation and funding implications of the town's existing stormwater program and emerging stormwater management needs re permit compliance and local needs. And to develop a specific program budget that can cover management needs and can be funded by a stable, predictable and adequate funding source. The following was estimated re the Town's existing stormwater management budget, estimate of optimal full compliance stormwater budget for the Town, evaluation of hurdles to be encountered relating to fee based stormwater program, and recommended steps to move forward re fee based stormwater program. Key findings of the Town's current stormwater program: **tracking**-the Town does not track stormwater costs as a line item or by specific department. An updated computer system that allows for data management and sharing is needed for compliance tracking, maintenance tracking and expenditure tracking. **The Town currently spends \$123K/yr. on stormwater, i.e.** maintenance, street sweeping, catch basin cleaning, contracted services and emergency (flood related management) which is not sufficient to meet current and upcoming regulatory requirements as well as maintenance, capital and management needs. **Increased cost for stormwater services with the upcoming issuance of the 2nd EPA Municipal Separate stormwater (MS4) permit** requiring the Town to make substantial new investments increasing annual costs for stormwater management. **Key requirements:** updating the Town's tax parcel and stormwater maps to GIS standards, increasing staff availability for site inspection/enforcement, conducting stormwater sampling in wet/dry conditions, water quality in impaired waters, stormwater education and outreach programs. **Stormwater point person** for implementation of program requirements. **Projected Stormwater services budget**-estimated at \$312K dependent upon level of program provided and capital improvements necessary. **Dam Inspections**-need was identified as a cost to fall under stormwater program budget. **Stormwater fee for Stormwater services**-ased up impervious area (per unit) while Ayer parcel data/mapping needs updating the existing impervious

Surface & parcel ownership data was used in preliminary study showed a minimum program budget of \$312K per year resulting in a monthly fee per equivalent residential unit of \$2.50 to \$3.00. For a single family home the fee would be \$30 to \$36 a year. This is a modest fee for homeowners but concern re potential impact to the town's base of commercial businesses with large impervious areas would pay increased fee per increased ERU's. The town may make adjustments, credits or assist in achieving a lesser fee. Other hurdles: public reaction, staffing & billing, date and information management. **Next Steps:** update town parcel maps, complete fee structure analysis with updated maps, identify key capital projects and services, identify options for credit/exemptions, identify management needs i.e. staff, billing procedures, management, public response, assure leaser acceptance, update ordinances, test billing process prior to initiating and put trained staffing place. Supt. Nason to prepare report for the Board's 8-17-10 meeting.

4. Landfill post closure monitoring-Onsite Engineering Agreement-Supt. Nason reviewed with the Board Onsite Eng. Contract award of June 2010. Supt. Nason reviewed with the Board bid results of proposals received depicting Onsite Engineering as lowest proposal including laboratory testing. Problem with bid awarded not to exceed \$22K for lab services and billing coming in at \$33,341.70. Contract did not reflect true cost of laboratory analyses. Supt. Nason to prepare options for the Board for their next Selectmen's Meeting on 8-17-10.

Agenda Item #9. Historical Commission-Former Fire Station Reuse recommendation-Selectman Fay updated the Board to the Fire Station Reuse Com. meeting on Monday, August 2, 2010, and advising to the Committee's review of potential reuses of the building reflecting a dual municipal & community use i.e. Parks/Historical/theatre and Town Hall storage. The Historical Commission supporting same. The Historical Commission opposed to demolition and sale of the building. The committee looking now to engage a full blown engineering cost analysis for inclusion on the Town's 2011 Spring Annual Town Meeting Warrant. The Committee thanked the Historical Commission for their input and looking to the future the Committee looking to transfer care, custody and control over to the Commission.

Agenda Item #10. Town Government Study Committee-The Board discussed charge of committee to evaluate the current organizational structure of Ayer's Town Government, compare Ayer's current governmental structure to communities similar to Ayer, and recommend changes that would enhance efficiencies (including cost savings) of Ayer's governmental organization to the Selectmen and Town Meeting. The Board designated the Town Administrator as the Board's point person and also requested monthly reports from the Committee and requests for assistance is directed through the Town Administrator.

Agenda Item #11. Debt Exclusion- taken up earlier in Agenda under Agenda #6.

Agenda Item #12. Town Administrator's Report-The Board met with Robert Pontbriand

1. Part-time custodian-The Board requested the Town administrator have Custodian Dan Sherman and candidate Steve Perron, former Transfer Station employee, be present at the next Selectmen's Meeting re the appointment request to fill the part-time, no benefits position.

2. Special Fall Town Meeting-October 25, 2010-The Board voted to open the Special Fall Town Meeting Warrant effective 8-3-10 and closed the warrant on 9-2-10 at 12:00 noon. Motion to open warrant made by Selectman McCreary, 2nd by Selectman Luca, VOTE: unanimous, so moved. The Board requested the Town Administrator notify Town Boards, Committees, Commissions and Departments as well as Cable and place on Web for citizens.

3. Board of Selectmen's Goals & Objectives-The Board requested the Board submit their parameters to the Town Administrator for the Selectmen's Agenda of 8-17-10.

4. Use of Town Property/Equipment Policy-The Board requested revisions to the Policy as submitted by the Town Administrator. Motion to request to revisit policy at the next Selectmen's Meeting 8-17-10. Motion made by Selectman McCreary, 2nd by Selectman Maxant VOTE: unanimous, so moved.

5. **Donation of four (4) Polycom Conference Phones**-The Board accepted the donation from Emulex Corp. with sincere appreciation to Brian Muldoon for his effort towards this donation to the Town.

6. **Fy09 CDF Grant #00014=Quarterly Report #4 ending 6-30-10**-The Board moved to approve the Chairman's signature on the Department of Housing & Community Development Fy-09 CDF Grant 00014- quarterly report ending 6-30-10. Motion to approve made by Selectman McCreary, 2nd by Selectman Maxant, VOTE: unanimous, so moved.

7. **CDBG Quarterly Reports**-Selectman McCreary moved to approve the Chairman's authorization on quarterly reports when they are prepared so that they may be forwarded in a timely manner, 2nd by Selectman Maxant. Selectman Luca opposing this feeling nothing should be signed without the full board's knowledge. VOTE: Selectman McCreary aye, Selectman Maxant aye, Selectman Fay aye, Selectman Luca no 3-1 motion passes.

Agenda Item #13. New Business-

Selectman Luca-Tri-Board Meeting-Selectman Luca urging the Board facilitate a meeting of the full Tri-Board as soon as possible in light of the upcoming State Budget cuts and Regionalization issues before the Town and looming administrative salaries. Selectman Luca encouraging the School Committee and Regionalization Committee also be invited to attend. The Board looking at meeting dates of 8-10-10 and 8-24-10.

Selectman Fay-Advising Board to receiving Memo from Ayer Veteran's Agent re complaints being received re Veterans residing at the Devens Transitional Housing VRO not receiving services, serious complaints re conditions at Devens and being verbally abused by staff. Selectman Fay requesting to follow up on this matter, and to alert Veterans Agent on Devens to situation.

Agenda Item #14-. Minutes-Selectman Maxant moved to approve the Minutes of 7-20-10 with following amendments:

in-Com report to be made part of minutes and to add Selectman Fay & Selectman Maxant as being participants in the discussion re the No Smoking Signs at Town Hall. Minutes moved to be approved with above amendments, 2nd by Selectman McCreary VOTE: unanimous, so moved.

Selectman Maxant requesting the Board of Health No Smoking Signs located at the Town Hall is placed on the upcoming 8-17-10 Selectmen's Agenda.

10:15p.m. Selectman Luca moved to adjourn the meeting, 2nd by Selectman Maxant VOTE: unanimous, so moved.

10:15p.m. Open Session ended.

Approved

 _____ Date: 9/1/10
Frank F. Maxant Clerk
AYER BOARD OF SELECTMEN