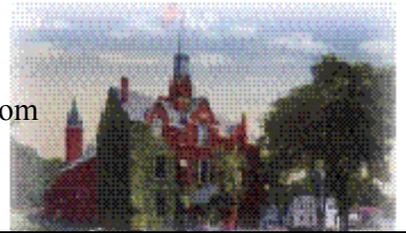


Town of Ayer
 Board of Selectmen
 Town Hall, First Floor Meeting Room
 Ayer Massachusetts, 01432



Tuesday, March 22, 2011

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

7:05p.m. Agenda Item #1. Call to Order-

Agenda Item #2. Chairman Fay opened the meeting by requesting a Moment of Silence for Sande Jones past 17 year Town of Ayer Assessor serving the Town for five & ½ terms of office who passed away on March 1, 2011 after a lengthy illness. Chairman Fay also requested a Moment of Silence for long time Town Hall employee- Assessors Clerk Claire Adams who passed away on March 19, 2011 serving the Town of Ayer for 42 years.

Agenda Item #3. Chairman Fay ran through the Agenda for 3-22-11 and called for a motion to approve the Agenda. Selectman Luca moved the Board approve the Agenda 2nd by Selectman McCreary, VOTE: unanimous, so moved.

Agenda Item #4. Murray Clark-W. Main Street Train Proposal-The Board met with Murray Clark and Atty. Thomas Gibbons. Mr. Clark stated he was before the Board to request the Board of Selectmen consider Plan B an Alternative Parking Plan on a parallel track on West Main Street and offering assurances per Jeffrey Mullan Director of DOT that the Depot Sq. stop in downtown Ayer is not slated to be shut down Mr. Clark stating ultimately his concern being not to lose the \$3.2 million dollar Federal earmark funding. Atty. Gibbons pressing for continued discussion at the Board's April 5, 2011 meeting outlining a six item to-do list for the Board's consideration beginning with having MA DOT Director Look at available privately owned parcels on W. Main Street, get Shirley Board of Selectmen and MADev. on board to solve regional issue/s, communicate with the MBTA re handicap accessible train platform and have them pay for it, a one stop file for all documents related to the project and the Board has a follow up discussion on their agenda re their proposal within thirty days. Mr. Clark also echoing Atty. Gibbons request for follow-up discussion.

Agenda Item #5. State Representative Sheila Harrington- position on MA DOT 2-28-11 Meeting Representative Harrington opened her discussion by referring everyone present to her packet re the DOT Feb.28, 2011 meeting with Secretary Jeffrey Mullan in Boston. Ms. Harrington stated State & local officials; MRPC representatives and our local newspaper reporter and Pauline Conley were present for this meeting. Rep. Harrington specifically addressed the brief from Selectwoman Carolyn McCreary which was sent to local papers and cc'd to State Reps., MRPC reps and local Board of Selectmen. Rep. Harrington challenged and rebutted article as to her being briefed prior to meeting and never meeting Selectman McCreary prior to this meeting on the 28th and to clear the air re her actions taken at this meeting was only to offer another option to not lose funding. Chairman Fay challenged the briefing statement given by Rep. Harrington. Chairman Fay also alluded to his surprise and that of everyone present at the meeting to the perception Rep. Harrington was pushing for W. Main Street site after having agreed to speak in only one voice. Selectman McCreary alluded that Rep. Harrington had been briefed by Town Administrator Robert Pontbriand prior to the meeting and further added: to five previous Boards of Selectmen approving and lobbied for the Rail Trail site for the downtown parking rail stop. When questioned about Brian Martin,

Aid to Congresswoman Tsongas, speaking to Rep. Harrington re representing the Governing Body stated when she took office she informed State delegation that she represents the people of the District and only spoke to open dialog as to other site proposals when Sec. Mullan advised to Rail Trail site not meeting the necessary criteria. Chairman Fay due to the lateness of the discussion offered everyone present to meet with Representative Harrington in the 2nd Floor Great Hall to further the discussion if they have more questions or concerns. The Board thanked Rep. Harrington for coming in to meet with the Board.

Agenda Item #6. Public Hearing-Class II License-6 Groton Street, Ayer, MA The Board met with Ronald Raffi of Littleton, MA seeking a Class II License at 6 Groton Street, Ayer, MA. Chairman Fay opened the Hearing by requesting the Legal Notice be read into the record. Selectman Maxant read the legal notice published in the Nashoba Publications the weeks of March 11th & 18th, 2011. Mr. Raffi advised the Board to his intended use of former Horn Building to store antique vehicles in the building and allow up to three vehicles to be displayed in or near the loading dock on Groton St. Chairman Fay requested if there were any abutters present wishing to speak for or against the petition. Pat Lynch, Lt. Gill from APD, inquiring about additional traffic from display lot on a very busy street re sales and Mr. Raffi responding to sales to be by appointment. Another question asked was location of lot and advised to display area to be adjacent to rail trail where there is a fence between trail and property and added motion light to deter vandals from graffiti (paint spraying) his vehicles. Selectman Maxant requesting a "Site Plan" (sketch) be prepared for Board depicting size of building to scale, behind building, entrances/exits and layout of lot where vehicles would be placed for Board to take up at their next meeting. Selectman Luca familiar with lot and comfortable with proposed use requesting if all taxes will be paid up to date before license is issued. Selectman McCreary moved the Board vote to approve the license to state three vehicles only to be displayed and all taxes be paid to date before license is issued, 2nd by Selectman Luca, VOTE Selectman McCreary aye, Selectman Luca aye, Chairman Fay aye, Selectman Maxant not voting 3-1 motion passes.

Agenda Item #7. Susan Provencher, Financial Manager CDBG -the Board met with sue Provencher

1. Fy-10 Economic Development Fund (EDF Grant)-Fletcher Bldg. Ms. Provencher stated she was before the Board seeking their approval of the following five (5) documents re the EDF Grant: Cover Page, Displacement of Non-CDBG Funds, Anti-displacement & relocation Assistance Certification, Timely Expenditure Threshold CEO Certification. Selectman Maxant moved the Board vote to approve and authorize the Chairman's signature on all the five abovementioned documents presented for the Fy10 EDF Grant application for the Fletcher Bldg., 2nd by Selectman Luca VOTE: unanimous, so moved.
2. Release of Property Liens-20 Bligh St.-Ms. Provencher advised the Board to the clients have completed their Program obligations and requested the Board to authorize the release of Certificate not to Encumber. Selectman Luca moved the Board vote to authorize the Chairman signature on the release of lien as recommended by Ms. Provencher per her memo of 3-16-11, 2nd by Selectman McCreary VOTE: unanimous, so moved.

Agenda Item #8. Finance Committee Appointment-The Board met with Brian Muldoon, Chairman of the Fin-Com and Cornelius Sullivan. Mr. Muldoon advised the Board to the Fin-Com meeting on 3-9-11 and interviewed Mr. Sullivan for the vacant position presently on the Fin-Com. Mr. Muldoon gave the Board a brief background re Mr. Sullivan's community service to the Town over the past twelve years. Mr. Muldoon advising to Mr. Sullivan willing to serve in this position until the close of the Fy-12 Budget year and requested the Board's approval of Mr. Sullivan to fill the vacated seat of Glen LaPierre for the remainder of Mr. LaPierre's term of 6-30-11. Selectman McCreary moved the Board vote to appoint Cornelius Sullivan to the vacated seat of Glen LaPierre on the Fin-Com effective immediately and expiring on 6-30-11, 2nd by Selectman Luca VOTE: unanimous, so moved.

Agenda Item #9. Supt. Nason's Report-The Board met with Dan Nason

1. **Pavement Management Program Dev.-Contract with VHB-Supt.** Nason presented the Board the Vanasse Hangen Brustlin (VHB) Inc. Highway Dept. Contract Agreement for the Pavement Management System dated 12-16-10 in the amount not to exceed \$29,050.00. Supt. Nason advising Board to this work including overlay & binder course with a 25/year expectancy for all the roadways throughout the Town and Chapter 90 approved, work to be completed within three (3) months 5-1-11. Selectman McCreary moved the Board vote to approve the Pavement Management System with VHB in the amount not to exceed \$29,050.00, 2nd by Selectman Maxant, VOTE: unanimous, so moved.
2. **TIP Update-Supt.** Nason advising the board to one TIP in the works presently. Rt2A to Shirley Town line-Park/Brook Street north area. The Board expressed their concern re pedestrian safety during work day and to undertake safety precautions.
3. **Water/Sewer Abatements-Pine Knoll Mobile Homes Suites and 50 Cambridge St.** taken under advisement to Selectmen's 4-5-11 meeting.
4. **PanAm-Supt.** Nason read into the record his response to PanAm's site development plans and Stormwater Pollution Prevention Plan-SWPPP (see attached) expressing his concerns over the amount of improvements being proposed over the Town's drinking water supply and finding further improvements being detrimental to the quality of the drinking water. Supt. Nason soliciting MADEP and USEPA comments on project. **Drainage** calculations requested re overland flow and attenuation facilities, total suspended solids and removal calculations worksheets as well as total oil capture volumes in the proposed structural BMPS. Long Term inspection & maintenance requests include replacing water quality inlets with appropriately sized stormceptors including in-line gate valves noting current WQI's not providing re-entrainment protection and dual wall storage of hydrocarbons. Supt Nason also requesting proposed fencing also includes the attenuation facility and fence should also be located along the outside limits of the stormwater basin. **Water** Supt. Nason requesting the water main along the northeasterly edge of pavement connecting the proposed dead-ends is extended to loop system back to water main installed during Phase I. Selectman Luca expressing concern re work start up by PanAm and advised not yet but equipment on site. Selectman Luca requesting Board to Agenda update for 4-5-11 Meeting.
5. **DPW Proclamation-Supt.** Nason advising the Board to National DPW Week to be celebrated May 15-21. Advising to the DPW giving tours to Schools of the WWTP and WTP i.e. exhibits to include bacteria prevention as well as displaying equipment and giving Stormwater Update.

Agenda Item #10. Dan Gleason & Pat Kelly-Sex Offender By-law Proposal-Mr. Gleason opened the discussion re concern of 128 Washington St. in Ayer having three (3) sex offenders residing there and recent Donahue situation spurring issue. Mr. Gleason cited four areas of concern for the Town to be aware of: transit issue, proximity of Shirley Medium/Maximum Correctional Facility to Ayer re relocation issues, Bylaw adopted by Town of Shirley, two (2) properties in Ayer of concern re multiple renters on register residing there and Town should look into implementing restrictions re renters. Ayer obvious place to relocate with no by-law in place. Chairman Fay agreeing to this being a timely issue requesting Town Administrator look into adopting by-law, work with Chief Murray and Town Counsel re review of by-laws presented by Chief Murray, who also was in support of a sex offender by-law for adoption at Town Meeting. Mr. Kelly also presenting copies of Leominster's and Shirley's bylaws for review as well. Selectman Luca placing this in the form of a motion moving to direct Town Administrator and Chief of Police to prepare by-law for adoption by Town of Ayer and report back at next Selectmen's Meeting, 2nd by Selectman McCreary, VOTE: unanimous, so moved.

Agenda Item #11. Town Administrator's Report-The Board met with Robert Pontbriand. Mr. Pontbriand requesting to go off the Agenda to speak to Vehicle Purchase Policy which is one the five criteria necessary for "Green Communities Designation". Selectman McCreary spoke to purchase of fuel –

efficient vehicles for municipal use whenever such vehicles are commercially available and practicable. Selectman McCreary updated the Board to MA Dept. of Energy Resources requiring the town adopt the Fuel Efficient Vehicle Policy dated 3-18-11 which would include a replacement plan mandating the departments replace vehicles only with "Green" vehicles and ensure guidelines are met. Selectman McCreary reviewing with the Board the Town's fleet inventory and suggested fuel efficient replacement vehicles as submitted by State re the replacement of 2-wheel drives, 4-wheel drives for large/small trucks and cars. Selectman McCreary to help understand the financial implications created a cost comparison analysis re the 2010 Ford Escape 4WD and 2010 Ford Escape Hybrid 4-WD. Selectman McCreary requesting the Board approve the policy as presented. Selectman Luca move d the Board vote to approve the Vehicle Purchase Policy effective 7-1-11, 2nd by Selectman Maxant. VOTE: unanimous, so moved. Selectman McCreary took this opportunity to announce the "Stretch Code Public Meeting to be conducted at the Town Hall on 3-24-11 at 7pm in the 2nd Floor Great Hall. Chairman Fay also made the following announcements: 4th of July Committee Meeting also on the 24th of March at 6pm and at 6:30pm Fletcher Building discussion both also at Town Hall. Selectman Maxant took this opportunity to also announce the Ayer Community School Spaghetti Supper on Wednesday the 23rd from 5-8pm. Chairman Fay advising to Chuck Dillion, of the Ayer Fire Station deployed again and urged residents write to him.

Town Administrator's Report (cont.) -see report dated 3-2-11 to 3-22-11

Mr. Pontbriand spoke to a few of the items of importance under his report.

1. Veterans Contract issues resolved and funded and provided white paper to Mr. Ramirez re excess sewer capacity in the amount of approximately \$60K to be placed on Selectmen's 4-5-11 Agenda.
2. Awarded the RFP re the WWTP Heating System Upgrade to Comfort Systems USA of Woburn, MA for \$102,300.00 on 3-18-11, which came in under \$150K Energy Grant Award. Project to be completed by 6-30-11.
3. Mr. Pontbriand requested the Board open 2011 Spring Town Meeting Warrant and close Warrant on April 15, 2011 at 5:00p.m. Motion to approve opening the STM Warrant and close Warrant on 4-15-11 made by Selectman McCreary 2nd by Selectman Luca, VOTE: unanimous, so moved.
4. The Board approved the Capital Exclusion Ballot Questions for Fy-12 for the 2011 Spring Town Election Ballot:
 - Public Safety Radio Upgrades -\$193,039.00 for DPW, AFD & APD
 - Street Signs-\$58,000.00
 - DPW Equipment-\$175,000.00 (6-W Dump Truck)
 - Town Hall Improvements-\$128,605.00 (generator & HVAC controls)

Mr. Pontbriand advising to Public Meeting/s to be held to educate residents to financial benefit re questions appearing on ballot. Selectman Maxant moved the Board approve the Capital Exclusion Questions be on the 2011 Town Election Ballot, 2nd by Selectman Luca, VOTE: unanimous, so moved.

5. Chairman Fay remitted his report for the Board of Selectmen's 2010 Town Report requesting the Board review and edit back to him, final edits to be remitted back to him by Friday 3-25-11. Selectman Luca requesting items included and not happening in 2010 be removed.
6. Commuter parking-Mr. Pontbriand advised Board to waiting for response from Sec. Mullan re 3-4-11 revised budget.
7. COA-Town Hall yard sale 6-4-11 from 8am-3pm back of Town Hall-employee parking area and if inclimate weather, will use Great Hall. Motion made by Selectman Luca to approve request 2nd by Selectman McCreary, VOTE: unanimous, so moved.
8. Mr. Pontbriand updated the Board to Administrative Consent Order agreed between MADEP and Optometrics Corp. electing to donate 75% of penalty under the Consent Order on behalf of the town of

Ayer under Supplemental Environmental Project SEP to the Devens Regional Household Hazardous Products Collection Center Collaborative in the amount of \$7,871.34 as outlined in Attachment A Items to be purchased and estimated costs. (see attached list) .

SELECTMEN’S QUESTIONS/NEW BUSINESS

Selectman Luca inquiring re letter to Sec. Mullan & who approved Town Administrator to do so on behalf of Board and advised to approval given at DOT Meeting with Sec..Mullan attended by Selectman Maxant, Selectman McCreary and Chairman Fay for Mr. Pontbriand to answer Sec. Mullans questions..

Selectman Luca updating the Board to Regional School District going with MIIA for Health Insurance at a savings of 20% and requesting the Treasurer’s Office look into rate if Town changed to MIIA as well and advise. Mr. Pontbriand advising to Home Rule Petition out from Committee in a couple of weeks and will get quote for the next Selectmen’s Meeting.

Chairman Fay requesting why it takes so long for checks to clear Town Hall, being advised by residents to their checks taking two to two and a half weeks to clear sometime longer. Selectman Luca requesting in the form of a motion for a memo is sent to the Treasurer requesting why it takes so long for checks to clear, 2nd by Selectman McCreary, VOTE: unanimous, so moved.

Agenda Item #12 JBOS

Mission Statement-The Board approved the Mission Statement 2015 as presented for the Joint Board of Selectmen for Ayer, Shirley, Harvard and the Community of Devens. Motion to approve made by Selectman Luca 2nd by Selectman Maxant, VOTE: unanimous, so moved.

The Board appointed Selectman Luca and Selectman McCreary to the JBOS Governance Committee as the representatives from the Town of Ayer. Chairman Fay updating the Board to municipal agreement discussion re Ayer/Shirley dispatch service.

Agenda #13. Public Input

Michael Pattenden- re Road signs status.

3. Email open to everyone re all town business

Minutes-deferred to next Selectmen’s Meeting for approval.

- **FYI-** Mr. Pontbriand advising to Public Forum to be conducted re BYOB Policy re Wholesome Café and need to get public input tentatively scheduled for 4-19-11.
- Fin-com Meting April 12, 2011 at 7pm Ayer Town Hall
- Board of Selectmen & Personnel Board re final revisions to Personnel Policy 3-29-11 @7p.m.
- Capital Exclusion Public Meeting April 6, 2011

Selectman McCreary took this opportunity to state her displeasure with local coverage by Nashoba Publications re recent DOT Meeting . Chairman Fay echoing Selectman McCreary’s statement stating his displeasure with having only one newspaper in town and they’re not doing a very good job covering Town. Selectman Maxant encouraging straight journalism being reported and not opinions reflected in editorials. Selectman Luca stating editorials reflect opinion/s articles don’t.

Selectman Luca moved to adjourn the meeting, 2nd by Selectman McCreary VOTE: unanimous, so moved.

10:30p.m. Meeting adjourned.

Date: _____

Frank F. Maxant, Clerk
AYER BOARD OF SELELCTMEN

•

3-22-11

•

6

•

3-22-11