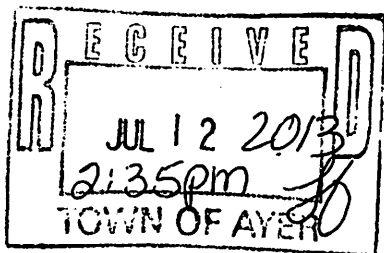




**Town of Ayer
Board of Selectmen
Ayer Town Hall – 1st Floor Meeting Room
Ayer, MA 01432**

Tuesday, July 16, 2013, 7:00pm



OPEN SESSION MEETING AGENDA*

7:00pm Call to Order: Review, Amend & Approve the Agenda.

Announcements

Approval of Meeting Minutes:

PUBLIC INPUT

1. BOS Public Input Tracking System

Superintendent Carl Mock, ASRSD

1. Request for waiving of ASRSD High School Renovation Project Water Connection Permit Fee

Mr. Scott Houde, Chairman, Ayer Finance Committee

1. Town Financial Policies Discussion

Town Clerk/Tax Collector Office/Supplies Expenditures

1. Town Hall Purchasing Policy Discussion (Town Administrator)
2. Centralized Town Hall Purchasing/Supplies – Selectman Livingston

Surviving Spouse Health Benefits for Former Ayer Teachers

Attorney Mark Reich, Town Counsel, Kopelman and Paige

DPW Superintendent Mark Wetzel

1. Recommendation of Award for Groton School Road Wastewater Pumping Station Replacement
2. Main St. Street Lighting Plan

Town Administrator's Report

1. AFSCME 93 Town Hall/Clerical Union Wage Reopener MOA (For Approval)
2. Fletcher Building Historic Preservation Restriction (For Approval)
3. Authorization to Change the Electrical/Wiring Inspector Fee Percentage (For Approval)
4. Status Update on Home Rule Petition Re: Reduction in the Number of Selectmen

BOS Open Discussion (20 min/time permitting)

1. Open Discussion
 - a. "Guilt by Omission" – Selectman Fay
 - b. Building Permits and Public Land Sign Policy – Selectman Hillman
 - c. Continuation of "Board Communication" discussion from 7/9/13
2. New Business/Future Topics: Meeting with Building Department; Dept. Head Meetings/Evaluations; Review/Approval of BOS ES Minutes; GPS/Transponders; Town Management Letter Discussion: Aug. 6, 2013; Park Street Crosswalk; Establishing Town-Wide Code of Conduct; BOS Policies & Procedures; Future Meeting Schedule

NEXT MEETING: Tuesday, July 23, 2013, 7:00pm

ADJOURNMENT

**Note: All Open Session Meetings of the Ayer Board of Selectmen are video recorded by APAC and audio recorded by the Board of Selectmen.*

AYER BOARD OF SELECTMEN

OPEN SESSION MEETING

TUESDAY, JULY 16, 2013

7:00pm Call To Order: Review, Amend and Approve the Agenda

1. Announcements.

Approval of Meeting Minutes

July 2, 2013

TOWN OF AYER SELECTMEN MEETING MINUTES

Tuesday, July 2, 2013

The Selectmen's Meeting can be viewed in its entirety on the Town's Website at: www.ayer.ma.us

Chairman Conley called the meeting to order at 7:05p.m. advising to the Board of Selectmen's Open Session Meeting is video recorded by APAC Present: Chairman-Pauline Conley, Gary J. Luca-Vice Chairman, Members- James M. Fay and Jannice Livingston, Town Administrator Robert A. Pontbriand and Janet Lewis Secretary.

Chairman Conley requested if there were any amendments to the Agenda of July 2nd. Town Administrator Robert Pontbriand requested the Board's permission to add under his report the following items:

10.4 Authorization to have MRPC conduct Street Lighting Study

10.5 Park Street cross-walk

10.6 Assistant Tax Collector's appointment

10.7 Town Sign Policy

10.8 Approval of the 6-4-13 Minutes

Ms. Livingston requested Agenda Item #9 be moved to the end of the meeting

Mr. Fay requested the Board revisit the Boston Post Cane tradition

Chairman Conley advised to Agenda Item #5 Class II License-Partridge Auto Sales, Inc. continued to the August 6, 2013 Selectmen's Meeting.

Chairman Conley called for a motion to approve the agenda. Mr. Luca moved the Board vote to approve the Agenda as amended, 2nd by Mr. Fay, VOTE: unanimous, so moved.

7:10p.m. Selectman Hillman entered the meeting.

Announcements-

Mr. Fay reminded all to the Town's 4th of July Celebration being held on Saturday, July 6, 2013 starting at 3p.m. with a parade. Pirone Park activities include: crafts, games, food vendors, and other activities, and fireworks at dusk. Rain Date -Sunday July 8, 2013.

2013 4th of July Grand Marshall Recognition-The Board welcomed former Selectwoman Pauline Hamel to the meeting. Chairman Conley read into the record a Certificate of Recognition presented to Ms. Hamel for her many years of Public Service to the Town of Ayer/community. (see attached) Chairman Conley presented Ms. Hamel the Certificate, flowers and sash exemplifying "2013 Grand Marshall". Ms. Hamel paused a moment for a picture with the Board and thanked the Board and Committee for this honor bestowed upon her.

Public Input-

Mary Spinner-New Retiree Health Insurance Law- and Joint Appointment of Planning Board member.

John Hillierd-extended his thank you to the Board for support at Town Meeting on June 30, 2013 re moratorium vote. Mr. Hillierd requested a Letter of Support to accompany his application for his Compassionate Care Facility (Medical Marijuana Dispensary) to be located on Central Ave, Ayer, MA. Chairman Conley requesting Mr. Hillierd comes before the Board formally to allow the Town residents to be aware of position. Mr. Fay disagreeing stating overwhelming support at Town Meeting was very clear by voters. Mr. Fay moved the Board authorize the Town Administrator to write a Letter of Support per Mr. Hillierd 's request, 2nd by Selectman Livingston, VOTE: Mr. Fay aye, Ms. Livingston aye, Mr. Luca aye, Mr. Hillman no, stating he did not have enough information, and Chairman Conley no for the same reason she stated above. Mr. Fay stating he likes that someone known locally is going to run business.

Department of Economic Development-The Board met with Alicia Hersey

1. The Board approved an amendment to extend the Fy-11 CDBG Grant ending of 6-30-13 to 9-30-13 ~~allowing \$3K from the Grant Administration Budget into the Grant Housing Rehabilitation Budget to~~ allow the completion of three additional housing units under this grant with all funds being disbursed.

Ms. Hersey advising to receiving initial approval of this re-allocation from DHCD. Motion to approve made by Mr. Fay, 2nd by Mr. Hillman VOTE: unanimous, so moved.

2. Lien Subordination Case #09-336-The Board voted to approve the Town's subordination of 36 Nashua Street, Ayer, MA's lien to obtain a new mortgage to lower the interest rate conditioned upon new mortgage not to exceed \$175,700.00. Motion to approve made by Mr. Luca, 2nd by Mr. Fay, VOTE: unanimous, so moved.

Public Hearing-Class II Amendment -Partridge's Auto Sales Inc. rescheduled to August 6, 2013 at 7:15pm in order to allow Mr. Partridge to meet with the Planning Board. Motion to approve rescheduling made by Mr. Hillman 2nd by Mr. Fay, VOTE: unanimous, so moved.

Public Hearing-Pole Petitions -National Grid-Washington St. Plan #14748957 dated 5-24-13 and Washington & Howard Plan #14748957-1 dated 6-5-13.-The Board met with National Grid Representative Ken Dobie-Chairman Conley opened the Public Hearing/s by requesting the Legal Notices be read by the Clerk of the Board, Mr. Hillman. Chairman Conley advising to Memo from Supt. Wetzel requesting DPW concerns being met prior to approval of petitions.

1. **Plan #14748957-install one (1) solely owned (SO) pole beginning at a point approximately 90 feet SW of the centerline of the intersection of Howard Street. The Board voted to approve this petition subject to Supt. Wetzel's approval and no sidewalk installation. Motion made by Mr. Fay, 2nd by Mr. Luca, VOTE: Mr. Fay aye, Mr. Luca aye, Ms. Livingston aye, Mr. Hillman aye, Chairman Conley no, 4-1- motion passes. Ms. Conley advising to not signing petition due to Supt. Wetzel not being present to address his concerns. Mr. Dobie advising to this pole being a stub pole to keep line straight (support line at junction-guide wire)**

2. **Plan #14748957-1-Washington St. install P71-1 approximately 10 feet NE of P70 Washington St. The Board voted to approve this petition subject to Supt. Wetzel's approval and no sidewalk installation. Motion made by Mr. Luca 2nd by Mr. Fay, VOTE: Mr. Fay aye, Mr. Luca aye, Ms. Livingston aye, Mr. Hillman aye, Chairman Conley no, for the same reasons as above on Petition Plan #14748957, 4-1 motion passes. Mr. Dobie advising this also being a support pole-stub pole with guide wire.**

North Central MA Habitat for Humanity -76 Central Ave., Ayer, MA-The Board met with Maggi Monroe Cassel, Director of No Central MA Habitat for Humanity. Mr. Pontbriand advised the Board to Directors of the No Central MA Habitat for Humanity recently voting to approach the Town of Ayer about moving forward with this project on Central Ave. Benefits to the Town: property goes back on tax role, would be included on inventory for affordable housing and positive reflection on Town. Mr. Pontbriand stating a vote of the Board of Selectmen authorizing the transfer of the 76 Central Ave. property is required and Habitat is requesting a waiver for water/sewer connection fees, building permits on this property. Mr. Pontbriand stating the success of a Habitat Home is dependent upon an Ayer Habitat Home Committee to be made up of residents, businesses in Town and to be advertised on Town's Website, Facebook and local media seeking interested people to serve on this Committee. Maggi stating Ayer is a perfect place to build, this being the 2nd Habitat in Ayer having successfully built a habitat in Ayer in 2005 on Shirley Street. Mr. Luca moved the Board vote to authorize the transfer of the 76 Central Ave., Ayer, MA property to North Central MA Habitat for Humanity contingent upon LIP Agreement, 2nd by Ms. Livingston, VOTE: unanimous, so moved. Draft Agreement to be prepared by Town Administrator and Maggi re Water/Sewer Permits, Building Permits, etc. Mr. Luca suggesting and welcoming Maggi meet with the CPA Committee re funding for this project. Maggi advising to project start up being scheduled for mid June 2014 and completed within six (6) months.

Town Administrator's Report-The Board met with Robert Pontbriand

1. **Fire Station Reuse RFP-Mr. Pontbriand presented the Board the finalized RFP for the rehabilitation and reuse of the former Ayer Central Fire Station-14 Washington St., Ayer, MA. Mr. Luca Moved the Board vote to approve the RFP as presented, 2nd by Mr. Fay, proposals to be held harmless to vote of Town Meeting, VOTE: unanimous, so moved. Mr. Pontbriand advised the Board to the RFP to be advertised the weeks of 7-12-14 in the Lowell Sun and 7-19-13 in the Public Spirit as well as the State Central Register and various media i.e. Website/Face book. Closing date for submission of RFP's 7-26-13**

@ 4:00p.m. to the Town Administrator. Mr. Fay thanked all involved who assisted the project/process along, stating ten years in the making. Final Report available through David Maher.

2. Household Hazardous Waste Contract Amendment-Mr. Pontbriand updated the Board to this being the 2nd year of membership in HWCC on Devens and requested the Board's authorization of the Chairman's signature to allow the Town of Ashby to join which in turn will lower the annual membership cost for Ayer and the other communities. Mr. Luca moved the Board approve the Contract amendment and authorize the Chairmen's signature, 2nd by Mr. Hillman, Selectman Livingston stepped away from table and not present for vote, VOTE: 4-0, motion passes.

3. DEC Re-appointment -Martin Poutry- Mr. Pontbriand requested the Board reappoint Martin Poutry to a third term (4 year term July 1, 2013 to June 30, 2017) on the DEC from the Town of Ayer. Mr. Fay moved the Board vote to approve Mr. Martin Poutry's re-appointment on the DEC for 7-1-13 to 6-30-17, 2nd by Ms. Livingston, VOTE: unanimous, so moved. The Board requested the Town Administrator invite the Town's DEC members into a future meeting for status update.

4. MAPC-MRPC Letter-Street Light Assistance -Green Communities-The Board met with Carolyn McCreary, Chairman of the Green Communities-Ms. McCreary updated the Board to savings on Street lights through National Grid of up to 50% and perhaps an additional 25% through Montachusett Area Planning Commission. In order to receive these funds five (5) steps must be completed by Town of Ayer. Ms. McCreary requesting MRPC assist the Town through these steps/process, advising to an Energy Conservation Spread Sheet being prepared by National Grid re this study and advising to the Committee requesting the Board of Selectmen submit a letter for this assistance to MRPC. Mr. Luca moved the Board support the Green Committee effort by having the Town Administer prepare a letter to MRPC requesting their assistance with the street lighting proposal, 2nd by Mr. Fay, VOTE: unanimous, so moved.

Park Street Cross-walk-The Board reviewed areas along Park street where existing cross-walks exist and areas where cross-walks have been requested. The Board set this back until a location has been determined.

Asst. Tax Collector's Appointment-The Board met with Tax Collector/Town Clerk John Canney. Mr. Canney updated the Board to process conducted re vacancy created in November 2012 by former Asst. Collector due to unforeseen, long term back/leg problem resulting in surgery and then retirement. Mr. Canney advising to reducing field of applicants down to five which were interviewed at the Ayer Library by him and Ms. Gintner, Town Treasurer. Mr. Luca questioned process involved and requested copies of questions asked as well as list of names of applicants interviewed. Mr. Canney advising the Board to his nominating Ramona Bean to the full-time position of Assistant Tax Collector effective May 16, 2013 to Fy-14. Mr. Canney introduced Ms. Bean to the Board advising to Ms. Bean employed by the City of Chelmsford Community Education Program and having all criteria for position i.e. fees collection and disbursement, Munis experienced, and public service, CORI compliant and the best qualified candidate for this position. The Board conducted a brief background question and answer session with Ms. Bean i.e. why Ayer, answer-closer to home and more money. Mr. Hillman question if there is a probationary period and advised, yes- six (6) months by Mr. Canney. Mr. Luca moved the Board vote to appoint Ms. Ramona Bean to the full-time position of Asst. Tax. Collector, contingent upon a six (6) month probationary period, 2nd by Mr. Hillman, VOTE: unanimous, so moved. Mr. Luca advising Ms. Bean to this position a Union position and Ms. Bean acknowledging. The Board welcomed Ms. Bean to the position and looking forward to working with her.

Board of Selectmen Policies- Mr. Pontbriand updated the Board to putting policies in PDF- WORD document and all changes made put in red for final review by the Board.

Town Hall Break-room Petition dated 5-15-13-Mr. Pontbriand reviewed with the Board the Petition submitted by Town Hall Employees re condition of break-room and recommended changes. M r.

~~Pontbriand reviewed his recommendations with the Board submitted back to Town Hall employees. The Board stated their dismay re some of the items on the recommended list. The Board stated this is not a~~

Selectmen's issue it is a Town Administrator issue. Mr. Hillman stating just another example of a waste of time that the Board of Selectman has to deal with.

Boston Post Cane-Mr. Fay requesting the Town's tradition be revitalized.

Selectman Hillman-clean up of rotary, Main Street, E. Main Street i.e. grass cutting, litter, etc.

Selectman Luca-Have Planning Board look into comprehensive Sign Policy i.e. political signage, dedicated location.

Mr. Pontbriand-need for future Selectmen's meetings: Mr. Pontbriand advised the Board to need to have additional meetings to address Collective Bargaining, litigation, Properties enforcement, Fire Chief's contract, grievances/appeals. Mr. Pontbriand suggested the Board meet on their off weeks of their regular Selectmen's meeting to bring some of these pressing issues to resolution. The Board after a short discussion agreed to meet on 7-9-13 re Collective Bargaining, 7-23-13 re legal issues and 7-30-12 re property enforcement, five (5) meeting in the month of July 2013.

10:05p.m. Mr. Luca moved the Board vote to extend their meeting by fifteen minutes, Ms. Livingston no.

10:05p.m. Meeting adjourned.

_____ Date: _____

Christopher R. Hillman, Clerk

AYER BOARD OF SELECTMEN

Superintendent Carl Mock, ASRSD

- Request for a waiver of the water hook-up fee in the amount of \$35,000 for the ASRSD High School Renovation Project (See Enclosed) **[FOR APPROVAL]**

Robert Pontbriand

From: Carl Mock [cmock@asrsd.org]
Sent: Tuesday, July 09, 2013 8:38 AM
To: Robert Pontbriand; Mark Wetzel
Cc: Murray Clark; Trip Elmore; Riordan, Christian; Seeley, Joel
Subject: Water hook-up fee

Dear Robert and Mark:

Please consider this message a formal request by Ayer Shirley Regional School District for the Ayer Board of Selectmen to waive the \$35,000 water hook-up fee associated with the permit application recently submitted by ASRSD's construction management firm and its site-work subcontractor for work being done as part of the High School Project.

This request is made for the following reasons:

1. The project is for improvements to the property and building owned by the Town of Ayer;
2. The water hook-up is neither a new nor expanded service, but rather replacement/upgrading of the existing system.
3. As discussed previously, local permitting fees are not a reimbursable expense by MSBA, and according to our construction firm, designer and owner's project manager, it is common for communities to waive such fees for town and school-related projects. Therefore, the project budget does not include funds for fees and permitting, resulting in cuts in other areas of the project if these fees are not waived.

Thank you and the Board of Selectmen for consideration of this request.

--
Carl Mock, Superintendent
Ayer Shirley Regional School District
115 Washington Street - new
Ayer, MA 01432
(978) 772-8600 ext. 1507 - new

MR. SCOTT HOUDE, CHAIRMAN AYER FINANCE COMMITTEE

TOWN FINANCIAL POLICIES DISCUSSION

- Chairman Houde will appear before the BOS to discuss the Town's Financial Policies. Enclosed is a current version of the policies (See Enclosed) **[FOR DISCUSSION]**

TOWN OF AYER MASSACHUSETTES

Town of Ayer Financial Policies

S. Houde

9/23/2010

The Ayer Financial Policies were developed to guide the creation, maintenance, and use of resources for financial stability for the town of Ayer.

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Revision History

This table is used to track and changes to the Financial Policies.

Submitter	Version	Changes	Date
S. Houde	Draft	Initial Draft from working sessions	8/4/10
S. Houde	Draft 2	Changes from first Public Forum	8/19/20
S. Houde	Draft 3	Changes from second public forum	9/9/10
B. Muldoon	Draft 4	Incomplete update.	9/20/10
R. Gilles	Draft 5	Updates from Finance Policies group and general feedback.	9/21/10
B. Muldoon	1.0	Added revision history and TOC.	9/23/10

Description

The Ayer Financial Policies were developed to guide the creation, maintenance, and use of resources for financial stability for the town of Ayer.

Reasons and Objectives of the Financial Policies

1. To provide full value to Ayer residents and businesses by delivering quality services on a cost effective basis.
2. To preserve the town's quality of life by providing and maintaining adequate financial resources to sustain a sufficient level of services.
3. To allow response to changes in the economy, changes in government priorities, and other changes that may affect our well being.
4. To provide a road map for future civic leaders for the well being of Ayer's finances.

Maintenance of Financial Policies

1. The Board of Selectmen will create a subcommittee consisting of Tri-Board¹ members to review the financial policies and make necessary changes to the document every other year from the date of inception. This subcommittee shall take into account all recommendations of the Massachusetts Department of Revenue Division of Local Services and the General Finance Officers Association as part of its review.

Restrictions of Financial Policies

1. These policies will be binding to the Town of Ayer government once accepted by Town Meeting. In the event that the policies cannot or will not be adhered to, they can only be bypassed with a super majority (4-1) override vote by both the Board of Selectman and Finance Committee².

Audit of Town Financials

1. The Town will utilize accounting practices that conform to generally accepted accounting principles as set forth by the Government Accounting Standards Board (GASB). The Town will comply with GASB Statement 34 and continue to track, report, and depreciate capital assets as required. The Town will follow recommended reporting and development of a funding structure for GASB Statement 45 regarding accounting for Other Post-Employment Benefits (primarily health insurance) to retired employees (see General Fund item 5).
2. An annual audit will be performed by an independent public accounting firm. An examination of the community's financial systems, procedures, and data will be performed by a certified public accountant (independent auditor). The auditor shall also report on the fairness of financial statements and on local compliance with statutes and regulations. The audit serves as a valuable management tool for evaluating the fiscal performance of a community.
3. The Town should enter into multiyear agreements when obtaining the services of independent auditors. Such multiyear agreements can take a variety of different forms (e.g., a series of single-year contracts), consistent with applicable legal requirements. Such agreements allow for greater continuity and help to minimize the potential for disruption in connection with the independent audit. Multiyear agreements can also help to reduce audit costs by allowing auditors to recover certain "startup" costs over several years, rather than over a single year.
4. A committee comprised of representatives from the Select Board, Finance Committee, Town Accountant, and Town Administrator will review the management letter from the audit firm. The management letter details any discrepancies found during the audit. This information will be summarized and shared with department heads. The Finance Committee will review the recommendations and findings with the department heads and town officials in a public forum and implement changes if possible.

¹ Tri-Board: Committee consisting of all members of the Board of Selectmen; Ayer members of the Ayer-Shirley Regional School Committee; and, all members of the Ayer Finance Committee.

² Both the Board of Selectmen and the Finance Committee have 5 members.

Budgeting

1. A five-year financial projection model shall be prepared annually and jointly by the Town Accountant, the Finance Committee, Town Administrator, Board of Selectmen, and Board of Assessors projecting revenues and expenditures for all operating funds. Representatives of the aforementioned committees or their appointed representatives may participate in this work. This projection shall be used as a planning tool in developing the following year's operating budget and capital improvements plan. Revenue forecasts for property tax, local receipts and state aid shall be conservative, using generally accepted forecasting techniques and appropriate data. Revenue deficits will be avoided at all costs.
2. The five year financial projection model will be presented to the public in an open forum prior to the beginning of the next fiscal year budget process.
3. The five year financial projection model should consider at least two scenarios each year. One scenario should consider cost adjustments to align revenues with expenses and, one scenario should consider revenue adjustments to align revenues with expenses.
4. The objective of the five year projection model shall be to create a balanced budget going out as many years as is practicable when considering various scenarios.

General Fund Revenue

1. One-time revenues will be used for capital improvements, additions to reserves or as legally restricted to a specific purpose.
2. The year-to-year increase of actual revenue from the property tax levy shall generally not exceed 2.5% pursuant to the limitations of Proposition 2 ½ per Massachusetts General Law.
 - a. Excluding the value gained through new construction (new growth);
 - b. Excluding expenditure increases funded outside the tax limit cap.
3. Property values shall be re-appraised or re-certified per state statutes.
 - a. Currently the town is required to maintain values at 100% of their full and fair cash value. Municipalities are audited (certified) by DOR every 3 years to insure that they remain in compliance with the market value standard. Market values are maintained during the 2 years between certifications by what are termed "interim-year updates".
4. The Tax Collector and Treasurer will carefully and routinely monitor all amounts due the Town. A proactive policy of collection will be followed for all receivables, including property taxes. A target of 98% property tax collection rate by fiscal year end will be achieved. All collections activities by the Collector and Treasurer shall adhere to standard procedures jointly agreed to by the Town Accountant, Collector, Treasurer, and Board of Selectmen.
5. Town rates and fees will be reviewed annually by a committee appointed by the Board of Selectmen. The rate and fee review committee will consist of the town's finance professionals, representatives of the Finance Committee, and at least one business and a homeowner representative from town. The recommendations from said committee will be presented to the Board of Selectmen in a public forum.
6. The Town will appoint a Tax Increment Financing (TIF) review committee. The committee members will include the Town Administrator, Town Accountant, Economic Developer, Assessor, one member from the Finance Committee, one member from the Board of Selectmen, one member from the business community, and one citizen volunteer.
 - a. The committee will establish a base structure for TIF agreements as a guideline. However, each TIF agreement will be unique.
 - b. The committee will review TIF applications and make recommendations to the BOS and town meeting regarding approval.
 - c. The committee will review required reporting from current companies with a TIF agreement. If the TIF agreements are not being followed appropriately, the committee will recommend warrant articles reverse or rescind the agreement.

7. No committee or board will issue a license or permit to any person or business entity that is delinquent or in arrears on taxes or town fees. The sole exception is permits issued by the fire department which are safety related.

General Fund

1. All current operating expenditures should be paid for with current operating revenues.
2. External borrowing will not be used to fund current operating expenditures.
3. The Stabilization Fund should have a balance equal to 7% of the operating revenue for a given fiscal year. Stabilization should be funded to the maximum each year to maintain the 7% balance. The minimum funding for the Stabilization fund is 10% of the calculated fund balance or such an amount that maintains the stabilization fund at 7% of the operating budget in the same fiscal year budget.
4. 10% of all funding to Stabilization will be invested into Capital Stabilization.
5. Use of the Stabilization Fund is regulated by state law. If the town draws funds from Stabilization, it will implement a plan to replenish the balance in addition to the annual funding calculation.
6. Stabilization and Capital Stabilization funds will be invested in interest bearing funds.
7. Funding long term liabilities- The town will plan to fund long term liabilities in such a fashion as to pay down long term liabilities commensurate with the duration of the liability so as to reasonably share costs among tax payers over time.
 - a. Retirement Liabilities:
 - I. The Town will follow recommended reporting and development of a funding structure for GASB Statement 45 regarding accounting for Other Post-Employment Benefits (primarily health insurance) to retired employees."
 - II. The town will fund the retirement of its current retired population as details in the actuarial report received every 2 years.
 - III. The town acknowledges its current liability as, of the FY2009 report, mandated by law under GASB Statement 45 is \$1,366,315.
 - IV. The town will commit to the minimum funding of GASB 45, per the FY2009 report, in the amount of \$593,228
 - V. The town will commence its minimum funding of GASB 45 in FY 2012.
 - b. Federal and State Mandates
 - i. As federal and state mandates come into effect over time they often have associated costs. These costs can be substantial and subsequently should be shared over time.
 1. Enterprise and other similar funds
 - I. This type of fund should be established in such a way as to reasonably plan for and moderate the rate of cost increase to tax payers. Should the need for such a fund be determined, if any existing funding currently used for the purpose of the new fund is part of the general fund, then that amount should first be reallocated to the new fund before any new fees are considered or created.
 - II. Fees for the purpose of funding enterprise and other similar funds shall be established in such a way as to moderate the rate of cost increase for tax payers.
 - III. New funds shall comply with Massachusetts DOR regulations.

Capital Planning

1. The Capital Planning Committee will consist of:
 - 1 member of the Board of Selectmen (Chair)
 - 1 member of the Finance Committee
 - 5 or fewer (in an odd number) citizens

Support staff for the Capital Planning Committee will be Town Administrator, Treasurer, Town Accountant, Assistant Assessor, Economic Developer, department heads, and facilities manager.

2. The Capital Planning Committee will collect an annual ten year capital expense request package from each department including all necessary and appropriate back up materials and justifications. The request package will be submitted as an electronic spreadsheet. The Capital Planning Committee will establish a firm schedule for the submission and review of said rolling ten year capital expense packages that will allow sufficient time to review the request and make recommendations to the Finance Committee and the Board of Selectmen in time for the Board of Selectmen to consider the recommendations for the annual town meeting.
3. The Capital planning committee shall receive projected estimated maintenance costs going forward from department heads. Maintenance of each capital asset shall be assigned to a department head or facilities manager who will be responsible to assure maintenance is carried out according to the plan.

Capital Finance

Finance Committee Responsibilities

1. The Finance Committee will review the recommended capital improvements from the Capital Planning Committee.
2. The Finance Committee will decide the type of funding to pursue for each capital improvement and recommend this method to the Board of Selectmen for incorporation in the annual budget.
3. Each request will funded in one of three categories:
 - **Non-exempt or regular debt** – Articles with an expense less than \$250,000 which shall be considered non-exempt or regular debt and shall be funded through the operating budget
 - **Exempt or Debt Exclusion Debt** – Articles with an expense equal to or greater than \$250,000 which shall be considered exempt or debt exclusion and shall be funded through debt exclusion overrides votes.
 - **Capital Exclusion** - Shall be funded through a onetime annual tax rate increase for the fiscal year.

General Debt Restrictions

1. Total debt payments within the town budget may not exceed 8% of the overall omnibus budget.
2. 50% of all debt service within the operating budget must be payable within the next 10 years. Debt exclusions in excess of \$1,000,000 will be exempt from this requirement.
3. New debt commitments shall be made only after first confirming that long term implications of the new debt does not conflict with requirements 1 & 2.

TOWN CLERK/TAX COLLECTOR OFFICE/SUPPLIES EXPENDITURES

1. **Town Hall Purchasing Policy Discussion** (Town Administrator)

The Town Administrator will provide a memo on this topic to the BOS by Tuesday, July 16, 2013 at the latest to facilitate the discussion.

2. **Centralized Town Hall Purchasing/Supplies** (Selectman Livingston)

Selectman Livingston has asked for this agenda item and further discussion

- NOTE: Mr. Canney has been notified of this meeting and this agenda topic.

SURVIVING SPOUSE HEALTH BENEFITS FOR FORMER AYER TEACHERS

- Selectman Luca has asked for this issue to be on the Agenda. Enclosed is a copy of Town Counsel's Legal Opinion on this issue.



KOPELMAN AND PAIGE, P.C.

The Leader in Municipal Law

101 Arch Street
Boston, MA 02110
T: 617.556.0007
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www.k-plaw.com

June 13, 2013

Hon. Pauline Conley and
Members of the Board of Selectmen
Ayer Town Hall
One Main Street
Ayer, MA 01432



David C. Jenkins
djenkins@k-plaw.com

Re: Surviving Spouse Health Benefits for Former Ayer Teachers

Dear Members of the Board of Selectmen:

You have requested an opinion regarding continuation of certain health insurance benefits of former employees of the Ayer School Department who have become employees of the Ayer Shirley Regional School District. For the reasons set out below, it is my opinion that teachers previously employed by the Town but now employed by the District are entitled to all insurance benefits they enjoyed as Town employees.

You have advised me that prior to the formation of the regional school district, these employees received the same health insurance coverage as Town employees. Because the Town had accepted the provisions of G.L. c. 32B, §9D, these benefits included health insurance premium payments for surviving spouses of eligible employees and retirees. Upon the formation of the regional school district, the District's School Committee elected not to accept the provisions of §9D, purportedly because the former Shirley employees had not received surviving spouse benefits. Accordingly, the former Ayer teachers have been advised that they are no longer eligible for said surviving spouse benefits.

In light of these circumstances, you have inquired whether the law affords these individuals any right to continuation of surviving spouse health benefits despite the fact that the Regional School Committee has not accepted the provisions of G.L. c. 32B, §9D. Section 42B of G.L. c. 71 establishes the rights of employees in a regional school district. The relevant portion of that statute provides as follows:

Any such school personnel who have professional teacher status or other rights under section forty-one in a particular school district, whose positions are superseded by reasons of the establishment and operation of a regional school district, shall be employed with the same status by the regional school district. All such school personnel employed by regional school districts shall initially be placed on the salary schedule of the district *so that compensation to be paid to such school personnel shall not be less than the compensation received by such school personnel while previously employed with the same status*. Such school personnel shall also be given credit by the

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Members of the Board of Selectmen
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regional school district committee for all accumulated sick leave and accumulated sabbatical leave years of service while employed with such status *and for terminal compensation* due such school personnel on the termination of such service.

(Emphases added). Other sections of this statute extend its reach to non-tenured teachers and eligible staff.

In Allison v. Whittier Reg'l Vocational High Sch. Dist., 15 Mass. App. Ct. 944, 945-46 (1983), a Massachusetts appellate court had the opportunity to analyze a nearly identical factual scenario. In that case, the plaintiff was employed by the Haverhill School Committee as a tenured teacher at a trade school from 1959 until 1973. In 1966, Haverhill's City Council voted to accept several provisions of Chapter 32B, which led to its decision to pay seventy-five percent (75%) of the medical insurance premiums of employees, including teachers, retiring on and after 1966. In 1973, the plaintiff was transferred to a district-wide vocational high school, which had been recently formed to replace the trade school at which he had been working. The vocational school district had not voted to extend the same retiree health benefits to its employees. The plaintiff served at the vocational school until his retirement in 1980.

The plaintiff thereafter sought declaratory relief concerning his entitlement to 75% of his health insurance premiums upon retirement. In its analysis of Section 42B, the court held that:

[t]he section's general import is that a city school teacher whose functions are 'superseded' by his employment by a regional school district is not to be reduced in compensation by the change of employer. The plain language of the section strongly suggests that a 'superseded' city teacher is to carry with him or her to district employment an accrued claim to all the benefits (whether to take effect during subsequent district employment or upon and after retirement from district employment) of which that teacher had become the beneficiary as a consequence of city employment.

In support of this conclusion, the court emphasized that §42B did not place any limitations on which benefits survive the transfer between employers. Accordingly, the court held that "such a contribution to health insurance premiums seems plainly a form of 'compensation' and probably also of 'terminal compensation.'" As a result, the vocational school district was ordered to pay for 75% of the plaintiff's healthcare premiums following his retirement.

The same analysis holds true for entitlement to surviving spouse health benefits granted to former employees of the Ayer School Department. The crux of the court's decision in Allison is that "superseded" Town teachers have "an accrued claim to all of the benefits (whether to take effect during subsequent district employment or upon and after retirement from district employment) of which that teacher had become the beneficiary...." With respect to the former Ayer teachers, they

KOPELMAN AND PAIGE, P.C.

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accrued a claim for surviving spouse benefits during their employment with the Town, and the holding in the Allison case confirms that they may not be deprived of those benefits as a result of the school regionalization.

In light of the foregoing, it is my opinion that former employees of the Ayer School Department now employed by the Ayer Shirley Regional School District are entitled to surviving spouse health benefits under G.L. c. 32B, §9D. The cost of these benefits is to be borne by the Regional School District.

Please feel free to call me with any questions.

Very truly yours,



David C. Jenkins

DCJ/TDZ/lem
475865/AYER/0002

ATTORNEY MARK REICH, TOWN COUNSEL, KOPELMAN AND PAIGE

- At the request of the BOS, Town Counsel will appear before the BOS for a discussion and Q&A on various municipal legal matters.

DPW SUPERINTENDENT MARK WETZEL

1. Recommendation of Award for Groton School Road Wastewater Pumping Station Replacement (See Enclosed) [FOR APPROVAL]
2. Main St. Street Lighting Plan (See Enclosed) [FOR CONSIDERATION/APPROVAL]

DEPARTMENT OF PUBLIC WORKS

Mark L. Wetzel, P.E., Superintendent
Pamela J. Martin, Office Manager

25 BROOK STREET
AYER, MASSACHUSETTS 01432
T: (978) 772-8240
F: (978) 772-8244

Memorandum

Date: June 28, 2013

To: Robert Pontbriand, Town Administrator

From: Mark Wetzel P.E., Public Works Superintendent

Re: Main St. Street Lighting Plan



As we have discussed, it is my recommendation that we implement the street light improvements in two phases. The initial phase would include evaluation of existing lights and design of replacement light pole units and lighting elements. The scope of the initial phase would include:

1. Site Investigation -This includes performing a night time evaluation of the existing lighting system to review performance and preparation of a summary report.
2. Existing Lighting Level Evaluation- This includes performing lighting calculations representative of the lighting system currently in place along the project limits. Where poles are missing from original locations, they will be represented in calculations to evaluate the system as if it was still in service. A summary of the evaluation will be submitted.
3. Improvements Plan -This includes developing a plan for recommended improvements of the existing system based on repair and/or replacement (where poles are missing) to achieve illumination performance appropriate for the lighted roadway areas acceptable to the Town. This assumes re-use of the existing light pole locations only and includes an Engineer's Estimate of probable construction costs.
4. Replacement Lighting Design - This includes preparing documents for public bidding to replace luminaires on existing bases determined to be deficient and completely new luminaires, poles and bases in locations where they are missing. The documents will include plan sketches of the locations for each luminaire replacement or repair along with material specifications.
5. Construction - The DPW will perform the bidding and construction services. The project will need to be publicly bid in accordance with Chapter 30 S39M.

I have a proposal from VHB to complete the above tasks 1 through 4 for \$8,800. We will see if Chapter 90 funds can be used for this, If not, There is money in the DPW budget(\$10,000) for professional services.

The intent is to complete this work in order to have new lights installed by October.

The long term phase is to evaluate the entire sidewalk, crosswalk, traffic calming and streetscape elements for Main Street. I have a proposal from VHB to complete a Pre-Planning study to develop a community vision for the corridor from the Rotary to Devens. This proposal is for \$6,300. Unless the lighting project is funded under a different source, there are not sufficient funds in the DPW budget for this project.

TOWN ADMINISTRATOR'S REPORT

1. AFSCME 93 Town Hall/Clerical Union Wage Reopener MOA (See Enclosed) **[FOR APPROVAL]**
2. Fletcher Building Historic Preservation Restriction (See Enclosed) **[FOR APPROVAL]**
3. Authorization to Change the Electrical/Wiring Inspector Fee Percentage (See Enclosed) **[FOR APPROVAL]**
4. Status Update on Home Rule Petition Re: Reduction of the Number of Selectmen **(Oral Report)**

MEMORANDUM OF AGREEMENT

BETWEEN

THE TOWN OF AYER

AND

TOWN HALL / CLERICAL UNION AFSCME 93

July 10, 2013

Now comes the Town of Ayer, (hereafter "the Town") and the Town Hall/Clerical Union ("the Union") and for good and valuable consideration agrees as follows:

WHEREAS, the Town and the Union have been negotiating the terms of the wage reopener to the Collective Bargaining Agreement;

WHEREAS, the Town and Union, subject to ratification by the Union and the Board of Selectmen have come to terms relative to the wage reopener for FY 2014 between the Parties;

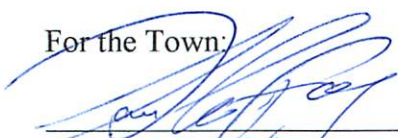
WHEREAS, the Parties have agreed to execute a Memorandum of Agreement pending the final drafting of an amendment to the existing Agreement;


NOW, THEREFORE, the Town and the Union agree as follows:

1. The existing Contract shall continue in force and effect and its terms, except to the extent specifically amended as below, shall be incorporated with the successor agreement. The Collective Bargaining Agreements represent the entire Agreement between the parties.
2. The Parties mutually agree in accordance with the provisions of the wage re-opener article of the Agreement, to amend the Agreement to include a two percent (2%) base wage increase for FY 2014 only (retroactive to July 1, 2013).

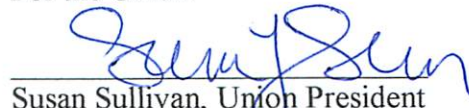
The Parties agree to the terms of this Memorandum of Agreement on July 10, 2013.

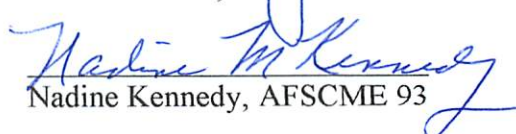
For the Town:


James M. Fay, Selectman


Robert A. Pontbriand
Town Administrator

For the Union:


Susan Sullivan, Union President


Nadine Kennedy, AFSCME 93

FOR SUBMISSION TO TOWN ADMINISTRATOR
FOR BOARD OF SELECTMEN AGENDA
JULY 16, 2013

Town of Ayer

Office of Community & Economic Development

Town Hall ♦ One Main Street ♦ Ayer, MA 01432 ♦ 978-772-8206 ♦ Fax: 978-772-8208



TO: Ayer BOS & Town Administrator, Robert Pontbriand

FR: David Maher

RE: Fletcher Building Historic Preservation Restriction

DT: July

To Members of the Ayer BOS and Town Administrator:

On behalf of Bonnet Realty and Ayer's Historic Commission I am requesting that you include the Fletcher Building Historic Preservation Restriction as one of your agenda items for July 16, 2013

To date: This document was sent and approved by the Mass Historic Commission a few weeks ago and was then sent to Bonnet Realty for Ayer's Historic Commission approval.

Ayer's Historic Commission did meet on Wednesday July 10, and per communication that I had with one of their members, Ms. Rhonemus, did by verbal vote approve the document. At that time they were unable to sign due to the lack of a notary being present.

They intend to re-meet on Monday July 15th at 6:30 pm, at which time the members of the Commission will sign in the presence of a notary and will have this document ready for approval by the Ayer BOS at their July 16th meeting. Present at that meeting to answer any questions the BOS might have will be Mr. France, president of Bonnet Realty and owner of the Fletcher Building and members of the Ayer Historic Commission, probably Mr. Bacon and Ms. Rhonemus.

This item should only take a maximum of 10 minutes for any questions and signature by the members.

This document has taken a long time to secure from Mass Historic and is needed to finish closing the DHCD Economic Development grant that it currently entails. Bonnet Realty, Ayer Historic Commission and Ayer's Office of Community Development would appreciate the BOS consideration to help us close this project.

A handwritten signature in blue ink that reads 'David Maher'.

David Maher
Director, Community and Economic Development

Robert Pontbriand

From: Gabriel Vellante [bldg@ayer.ma.us]
Sent: Thursday, May 30, 2013 3:21 PM
To: ta@ayer.ma.us
Subject: Electrical inspectors fees.

Rob,
The electrical and plumbing/gas inspectors are paid by a percentage of the collected fees.
This has been a long standing practice and is used by many towns.

At present the plumbing/gas inspector receives 60% of the fee, while the electrical inspector only receives 50%.
It is unclear why this discrepancy exists.

I fully support the electrical inspectors request to increase the fee to 60% so as to be consistent with the plumbing/gas inspectors fee structure.

Gabriel J. Vellante
Building Commissioner

Robert Pontbriand

From: Lisa Gabree [acct@ayer.ma.us]
Sent: Friday, July 12, 2013 12:42 PM
To: rpontbriand@ayer.ma.us
Cc: 'Gabriel Vellante'
Subject: Retro impact of increase from 50% to 60% split of plumbing fees to inspector

Hi Robert,

You asked that I calculate the impact of a retroactive payment to the plumbing inspector to reflect the change from 50% to 60% of fees collected during FY13 from 50% to 60%. The total retroactive amount is \$2,686.11.

Please let me know if you need further details of the calculation.

Lisa

BOS OPEN DISCUSSION

1. Open Discussion

- a. "Guilt by Omission" – Selectman Fay
- b. Building Permits and Public Land Sign Policy – Selectman Hillman
- c. Continuation of "Board Communication" discussion from 7/9/2013

2. New Business/Future Topics:

- Meeting with Building Department
- Dept. Head Meetings/Evaluations
- Review/Approval of BOS ES Minutes
- GPS/Transponders
- Town Management Letter Discussion (August 6, 2013)
- Park Street Crosswalk
- Establishing Town-Wide Code of Conduct
- BOS Policies and Procedures
- Future Meeting Schedule

NEXT MEETING: TUESDAY, JULY 23, 2013, 7:00PM

ADJOURNMENT