

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

Tuesday, December 3, 2013, 7:00pm

Executive Session Meeting Agenda (6:00pm)

- 6:00pm Call to Order in Open Session
- 6:05pm Executive Session pursuant to MGL Chapter 30A, Section 21A
- Exemption #3 (Collective Bargaining) DPW Union Transfer Station Hours
 - Exemption #3 (Collective Bargaining Strategy) Fire Contract Update
 - Exemption #3 (Collective Bargaining Strategy) Superiors Contract Update

*Open Session Meeting Agenda (7:00pm)

- **7:00pm Reconvene/Call to Order in Open Session – Review and Approve the Agenda
- 7:05pm Police Chief William Murray
- Ayer Police Holiday Toy Drive
- 7:10pm PUBLIC INPUT
- 7:15pm PUBLIC HEARING: FY 2014 Tax Rate Classification Public Hearing
- 8:00pm Board of Selectmen Nomination of Clerk of the Board of Selectmen
- 8:05pm Town Administrator’s Report
- Board of Selectmen’s Approval of 2014 Licenses
 - Authorization to give Notice of Hearing on Tuesday, December 17, 2013 at 7:15pm at the Ayer Town Hall for determination under MGL Chapter 139 as to whether or not 37 Willard Street, Ayer, MA is a nuisance as defined by Statute (MGL Chapter 139).
- 8:15pm New Business / Selectmen’s Questions
- 8:25pm Approval of Meeting Minutes: Oct. 8, 2013; Oct. 15, 2013; Nov. 12, 2013
- 8:30pm Adjournment

**Note: All Ayer Board of Selectmen Open Session Meetings are recorded and broadcast by Ayer Public Access Cable Television (APAC) and are posted at a later date on the Town of Ayer’s Website at www.ayer.ma.us*

***Note: Times assigned to Agenda Items are for planning purposes only and do not necessarily constitute the exact time for any Agenda Item.*

Town of Ayer
Board of Selectmen
Meeting Packet For
Tuesday, December 3, 2013, 7pm

RECONVENE (From Executive Session)/CALL TO ORDER IN OPEN SESSION
Review and Approve the Agenda

AYER HOLIDAY TOY DRIVE
Police Chief Murray

- Chief Murray will appear before the Board to announce this year's Ayer Holiday Toy Drive sponsored by the Ayer Police Department

PUBLIC INPUT

PUBLIC HEARING
FY 2014 Tax Rate Classification Public Hearing

- The Board of Selectmen in accordance with MGL Chapter 40, Section 56 will conduct a Public Hearing regarding the FY 2014 Tax Rate Classification. The Ayer Board of Assessors and Mr. Tom Hogan, Assessor Administrator will make a public presentation to the Board of Selectmen (See Enclosed)

- *Note: Public Notice of the Hearing was advertised in the newspaper on Nov. 22, 2013 and Nov. 29, 2013 as well as on the Town's Web-Site and Facebook Page.*

November 18, 2013

VIA FAX (978) 970-4700
Nashoba Publications
Ayer, MA 01432

VIA EMAIL Message@Ayerpac.org

**Re: Legal Notice-
Town of Ayer Fy-14 Tax Classification Public Hearing**

Please run the following Legal Notice for the periods of November 22, 2013, and November 29, 2013.

***TOWN OF AYER
BOARD OF SELECTMEN
LEGAL NOTICE***

The Ayer Board of Selectmen will be conducting a *Public Hearing* on Tuesday, December 3, 2013 at 7:15p.m at the Ayer Town Hall, 1st Floor Meeting Room, Main St., Ayer, MA re: the Town's *FY-2014 TAX CLASSIFICATION*.

At the Public Hearing the Ayer Board of Assessors shall provide all information and data relevant to making a decision on allocating the tax burden including the fiscal effect on the available alternatives.

**Pauline Conley, Chairman
Gary J. Luca, Vice Chairman
Christopher R. Hillman, Clerk
James M. Fay, Member
Jannice L. Livingston, Member
*AYER BOARD OF SELECTMEN***

Thank You,

**Janet Lewis,
Secretary, Selectmen's Office**

cc Cindy Knox



**Board of Assessors
Town Hall
1 Main Street
Ayer, Massachusetts 01432**

Tel: (978) 772-8211

Fax: (978) 772-8222

Date: December 3, 2013
To: Board of Selectmen
From: Board of Assessors
Re: Fiscal Year 2014 Tax Rate

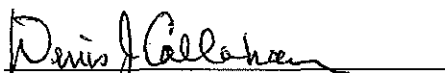
In accordance with Massachusetts General Law Ch. 40 s. 56, the Ayer Board of Selectmen is required to hold a public hearing for the determination of the following items as to the fiscal year 2014 tax rate:

- 1. The determination of a discount factor of up to 25% for all land identified as Open Space.**
- 2. The determination of a Residential Exemption of up to 20%.**
- 3. The determination of a Small Commercial Exemption of up to 10%.**
- 4. The adoption of a Residential Factor for the purpose of determining the percentage tax burden to be borne by each class of property.**

The information that follows is submitted to the Board of Selectmen in order to assist you in understanding the impact of your vote.

The Board of Assessors shall attend the public hearing in order to assist the Selectmen as needed.

Sincerely,


Denis J. Callahan, Chairman
Board of Assessors



OPEN SPACE DISCOUNT

- **What is open space?**

- ☐ Land maintained in an open or natural condition which contributes significantly to the benefit and enjoyment of the public.

- **Exclusions:**

- ☐ Land taxable under the provisions of chapter land.
- ☐ Land under a permanent conservation restriction.
- ☐ Land held for the production of income.

- **Board of Selectmen:**

- ☐ Selectmen may discount up to 25% of the open space percentage share.



RESIDENTIAL EXEMPTION

- **What is a residential exemption?**

- ☐ Applied to every residential property which is the principal residence of a taxpayer.
- ☐ The exemption is subtracted from the assessed value of all eligible parcels.

- **Exclusions:**

- ☐ Accessory residential land & seasonal homes.
- ☐ Non-owner-occupied residential property.

- **Board of Selectmen:**

- ☐ Selectmen may adopt an exemption of up to 20%.



SMALL COMMERCIAL EXEMPTION

- **What is a small commercial exemption?**

- ☐ Designed to provide tax relief for small businesses.
- ☐ The tax burden is shifted within the C&I class.

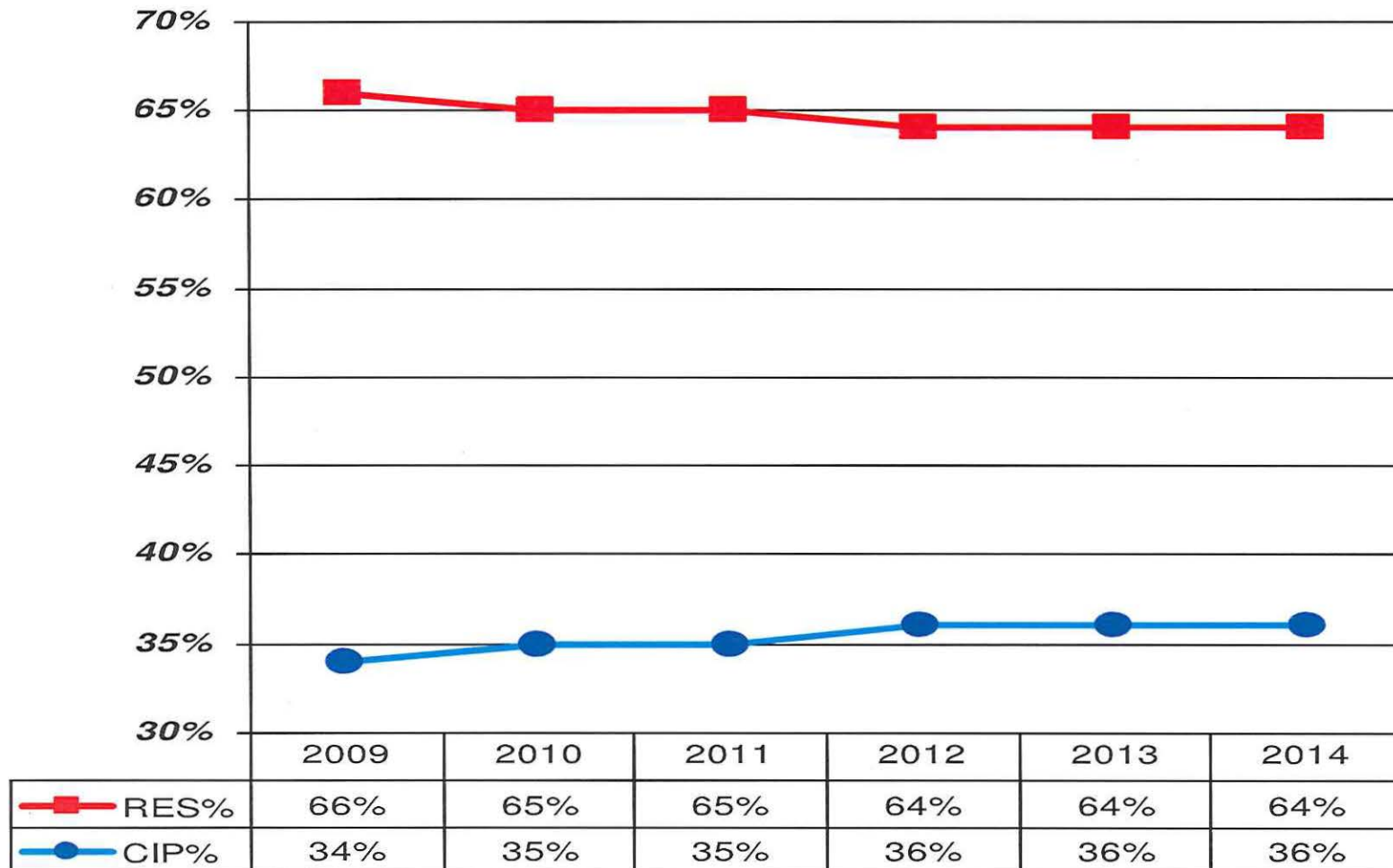
- **Qualifying Criteria:**

- ☐ Eligible properties must be included on the list provided annually to the BOA by the DLWD.
- ☐ Qualifying properties must have an assessed value of less than 1 million dollars and an average annual employment of 10 or fewer people.

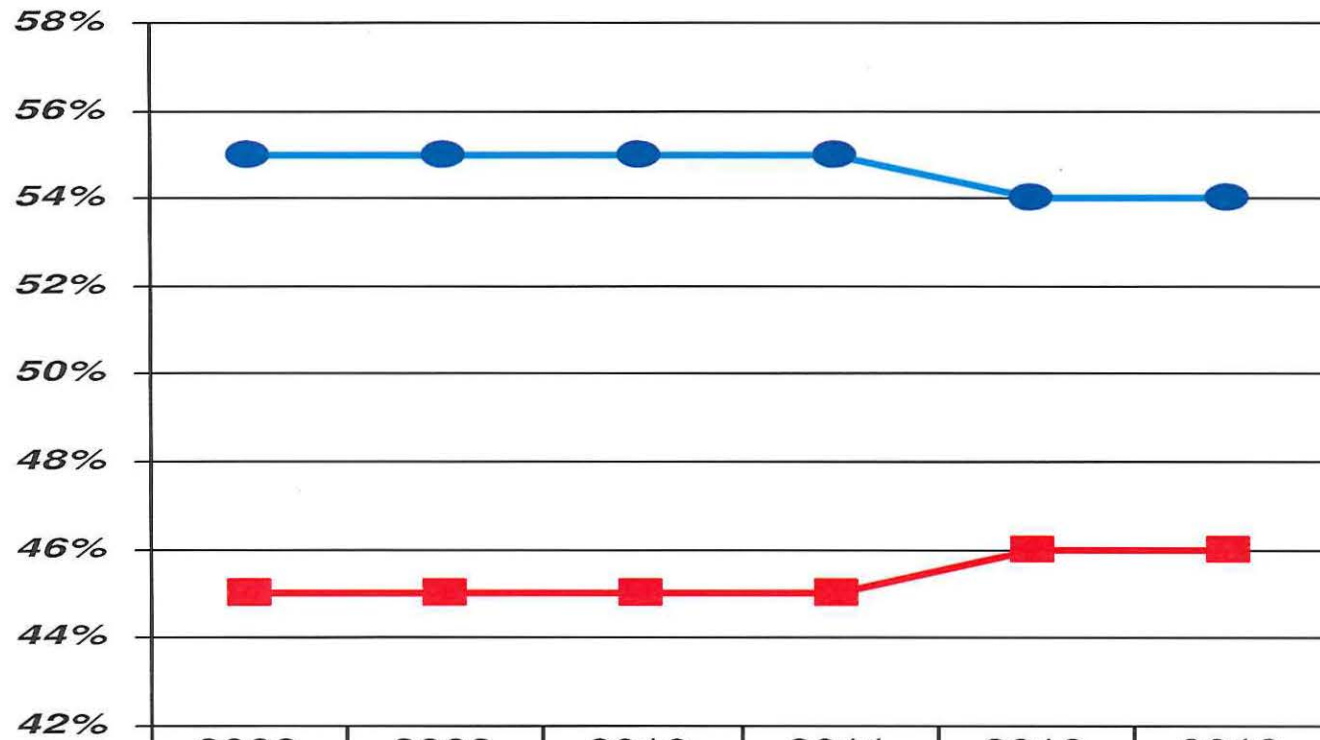
- **Board of Selectmen:**

- ☐ Selectmen may adopt an exemption of up to 10% of the value of eligible parcels.

Town of Ayer FY14 Classification Data Value Percentages 2009-2014



Town of Ayer FY14 Classification Data Levy Percentages 2008-2013



■ RES Levy %	45%	45%	45%	45%	46%	46%
● CIP Levy %	55%	55%	55%	55%	54%	54%
▲ CIPShift Factor	1.64	1.60	1.55	1.55	1.50	1.49

TOWN OF AYER - FISCAL YEAR 2014 TAX RATE SUMMARY

FY2014 VALUATION	<u>Class</u>	<u>Valuation</u>	<u>Percent</u>	<u>%</u>
	Residential	628,963,700	64%	64%
	Commercial	100,935,500	10%	
	Industrial	146,140,500	15%	
	Personal	<u>106,771,970</u>	<u>11%</u>	<u>36%</u>
	Totals:	982,811,670	100%	100%
	FY2014 Total Value			982,811,670
	FY2013 Total Value			969,263,490
	% Change			1.4%
	Average Single Family Valuation - 2014			266,300
	Average Single Family Valuation - 2013			267,700
	% Change			-0.5%

FY2014 TAX LEVY		
	FY2013 Levy Limit	17,077,983
	Increased 2.5%	426,950
	FY14 Growth	435,368
	FY14 Debt Exclusions	1,406,186
	FY14 Capital Exclusions	0
	Override	0
	FY2014 Levy Limit	19,346,487
	FY2014 Tax Levy	18,956,214
	Excess Levy Capacity	390,273
	FY2013 Tax Levy	18,210,409
	% Change	4.1%

FY2013 TAX CLASSIFICATION	<u>Class</u>	<u>Valuation</u>	<u>%</u>	<u>% of Levy</u>	<u>Tax Rate</u>
	Residential	621,119,500	64.1%	46.5%	\$13.63
	<u>C,I,P</u>	<u>348,143,990</u>	<u>35.9%</u>	<u>53.5%</u>	\$27.99
	Totals:	969,263,490	100%	100%	
	* Uniform Tax Rate - 2013			\$18.79	
	* CIP Shift Factor - 2013			1.49	
	* Residential Factor - 2013			0.725350	

**TOWN OF AYER
FISCAL YEAR 2014
ESTIMATED TAX RATES**

(A)		(B)		(C)		(D)		(E)	
CIP Shift Factor	Residential Factor	CIP Levy %	Res. Levy %	Res. Tax Rate	CIP Tax Rate	Res. Rate \$Change	CIP Rate \$Change	Avg. Res Tax Bill %Change	Median C&I Tax Bill %Change
1.00	1.000000	36.0%	64.0%	\$19.29	\$19.29	\$1,488	(\$2,019)	40.8%	-30.5%
1.05	0.971870	37.8%	62.2%	\$18.75	\$20.25	\$1,344	(\$1,790)	36.8%	-27.1%
1.10	0.943741	39.6%	60.4%	\$18.20	\$21.22	\$1,198	(\$1,559)	32.8%	-23.6%
1.15	0.915611	41.4%	58.6%	\$17.66	\$22.18	\$1,054	(\$1,331)	28.9%	-20.1%
1.20	0.887482	43.2%	56.8%	\$17.12	\$23.15	\$910	(\$1,100)	24.9%	-16.6%
1.25	0.859353	45.0%	55.0%	\$16.57	\$24.11	\$764	(\$871)	20.9%	-13.2%
1.30	0.831223	46.8%	53.2%	\$16.03	\$25.07	\$620	(\$642)	17.0%	-9.7%
1.35	0.803094	48.6%	51.4%	\$15.49	\$26.04	\$476	(\$411)	13.1%	-6.2%
1.40	0.774964	50.4%	49.6%	\$14.95	\$27.00	\$332	(\$183)	9.1%	-2.8%
1.45	0.746835	52.2%	47.8%	\$14.40	\$27.97	\$186	\$48	5.1%	0.7%
1.46	0.741209	52.6%	47.4%	\$14.30	\$28.16	\$159	\$94	4.4%	1.4%
1.47	0.735583	52.9%	47.1%	\$14.19	\$28.35	\$130	\$139	3.6%	2.1%
1.48	0.729957	53.3%	46.7%	\$14.08	\$28.55	\$101	\$187	2.8%	2.8%
1.49	0.724331	53.6%	46.4%	\$13.97	\$28.74	\$71	\$232	2.0%	3.5%
1.50	0.718706	54.0%	46.0%	\$13.86	\$28.93	\$42	\$277	1.2%	4.2%

BOS NOMINATION OF CLERK OF THE BOARD OF SELECTMEN

- With the Reorganization of the Board of Selectmen on Tuesday, November 19, 2013, the Board did not appoint a Clerk of the Board. Selectman Hillman previously served in that capacity but is now the Vice Chairman as a result of Reorganization.

TOWN ADMINISTRATOR'S REPORT

Board of Selectmen's Approval of 2014 Licenses

- The Board is respectfully requested to vote to approve the 2014 Licenses (See Enclosed List).
- As of November 26, 2013, the Fire Chief and Building Commissioner have signed off on all the license applications and Chief Murray has reviewed the list and has approved the list as to no outstanding police matters with any of the licensees.
- Upon the Board's approval, the Town will proceed with sending the notifications and license fee bills to all License Holders that they have until 5pm, December 31, 2013 to pay their license fee and retrieve their license(s).
- Per BOS Policy, **NO** license will be issued unless all unpaid taxes, liens, water and sewer bills, or any other outstanding fees owed the Town of Ayer are paid. All licenses will be kept in the Selectmen's Vault.

Authorization to Give Notice of Hearing on Tuesday, December 17, 2013, 7:15pm

- As a result of the Joint Executive Session of the BOS and BOH held on Thursday, November 14, 2013, both Boards on the advice of Town Counsel agreed to move forward with the provisions of MGL Chapter 139 with respect to 37 Willard Street.
- The Town Administrator in consultation with the Building Commissioner and Town Counsel (Attorney Brian Winner) on Nov. 26, 2013 respectfully recommend that the Board initiate the first step of the procedures set forth under MGL Chapter 139 by giving formal authorization to give Notice of Hearing on Tuesday, December 17, 2013 at 7:15pm at the Ayer Town Hall for determination under MGL Chapter 139 as to whether or not 37 Willard Street, Ayer, MA is a nuisance as defined by Statute (MGL Chapter 139). (MGL Chapter 139 Enclosed; Procedures/Steps of MGL 139 from Town Counsel)

MEMO

To: *John Canney, Town Collector
Stephanie Gintner-Town Treasurer
Pam Martin-office Manager DPW*

From: *Janet Lewis*

Re: *Town of Ayer 2014 License Renewals*

Date: *10-23-13*

Please review the following licensees for outstanding bills, taxes, liens and advise the Selectmen's Office of those licensees who have unpaid status by November 8, 2013. The Board of Selectmen will be taking up License renewals at their 12-3-13 Meeting.

2014 ALL ALCOHOL: Package Stores

<i>Ayer Package Store</i>	<i>48 Main St., Ayer, MA</i>
<i>Traffic Circle Liquors-d/b/a Jack-O-Lantern</i>	<i>2 Littleton Rd., Ayer, MA</i>
<i>Barnum Road Liquors Inc-Prit Patel</i>	<i>1 Barnum Road, Ayer, MA</i>

Restaurants

<i>Carlin's Restaurant</i>	<i>7 Depot Sq., Ayer, MA</i>
<i>Tiny's Restaurant</i>	<i>Groton School Rd., Ayer, MA</i>
<i>Nashoba Club</i>	<i>14 Central av., Ayer, MA</i>
<i>Mango Grille Restaurant</i>	<i>38 Littleton Rd, Ayer, MA</i>
<i>Lucia's Restaurant</i>	<i>31 Main St., Ayer, MA</i>
<i>Page Moore –Billiard Café</i>	<i>31-47 Main St., Ayer, MA</i>
<i>Markoh's on Main Restaurant</i>	<i>37 Main Street, Ayer, MA</i>
<i>Shaker Hills Golf Club</i>	<i>Shaker Road, Ayer, MA</i>

2014 BEER & WINE PACKAGE STORE RENEWAL

<i>Chung Gee Market</i>	<i>210-D W. Main St. Ayer, Ma</i>
<i>Vineyard</i>	<i>63 Park St., Ayer, MA</i>
<i>Archer's</i>	<i>70 Main St., Ayer, MA</i>

2014 COMMON VICTUALLER LICENSE RENEWALS

<i>Tiny's</i>	
<i>Nashoba Club</i>	
<i>Parthenon Pizza</i>	<i>W.Main St., Ayer, MA</i>
<i>Carlin's</i>	
<i>Deven's Pizza & Deli</i>	<i>210 W.Main St., Ayer,MA</i>
<i>McDonalds</i>	<i>2 Sandy Pond Rd., Ayer, MA</i>
<i>Wendy's</i>	<i>1 Barnum Rd., Ayer, MA</i>
<i>Pauline's Variety</i>	<i>67 1/2 E. Main St., Ayer,MA</i>
<i>Woo Jung Restaurant</i>	<i>174 W. Main St., Ayer, MA</i>
<i>Wok n Roll-new owner</i>	<i>49 Park St, Ayer, MA</i>
<i>Verona</i>	<i>18 Park St., Ayer, MA</i>
<i>Dunkin Donuts</i>	<i>18 Park St., Ayer, MA</i>
<i>Lucia's</i>	
<i>Ayer Gun & Sportsmen's Club</i>	
<i>Dan's Place</i>	<i>200 W. Main St., Ayer, MA</i>
<i>Mango Grille</i>	<i>38 Littleton Rd., Ayer, MA</i>
<i>AM/PM Gas (dba Ayer Gulf Mart)</i>	<i>20-30 Park St., Ayer, MA</i>
<i>Page Moore d/b/a Billiard Café</i>	
<i>Archer's Mobil</i>	
<i>Chung Gee</i>	
<i>Ah Gin Wong -new ower</i>	<i>210 W. Main St., Ayer, MA</i>
<i>Vineyard</i>	<i>63 Park St., Ayer, MA</i>
<i>Cottage</i>	<i>18 Main St., Ayer, MA</i>
<i>Natural Mkt.</i>	<i>25 Main Street, Ayer, MA</i>
<i>Lazy Mary's</i>	<i>30 Littleton Rd., Ayer, MA</i>
<i>Markoh's</i>	<i>37 Main Street, Ayer, MA</i>
<i>Shaker Hills Golf Club</i>	<i>Shaker Road, Ayer, MA</i>

2014 AMUSEMENT LICENSE RENEWALS

<i>Parthenon Pizza</i>	<i>W. Main St., Ayer, MA</i>
<i>Carlin's</i>	
<i>Tiny's</i>	
<i>Page Moore-d/b/a Billiard Café</i>	
<i>Nashoba Club</i>	
<i>Mango Grill</i>	

2014 SUNDAY ENTERTAINMENT LICENSE RENEWALS

Carlín's

Com. of MA

Page Moore d/b/a/Billiard Café

Com. of MA

2014 CLASS I RENEWALS

Gervais Ford

Trailer Home Sales

Toreku Tractor

L-3

-1 Littleton Rd., Ayer, MA

Fitchburg Rd. Ayer, MA

4 Littleton Rd., Ayer, MA

1 Nemco Way, Ayer, MA

1

2014 CLASS II RENEWALS

J.C. Madigan

Vehicles Unlimited

Nu-Kar Auto Sales

Rt. 2A Auto Sales

Alpha-Westford Rd.

Scott Terranova

Donald Buchikos-Don's Auto Sales

Ayer Rd. Used Cars LLC

Partridge Auto Sales

8 Shaker Rd., Ayer, MA

121 Central Ave., Ayer, MA

9-11 Park St., Ayer, MA

77 Fitchburg Rd. Ayer, MA

Littleton Rd., Ayer, MA

Bishop Rd., Ayer, MA

6 Groton St., Ayer, MA not

2014 CLASS III RENEWALS

Harry Schwartz

20 Sandy Pond Rd., Ayer, MA



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THE COMMONWEALTH OF MASSACHUSETTS

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PART I ADMINISTRATION OF THE GOVERNMENT
(Chapters 1 through 182)

[PREV](#) [NEXT](#)

TITLE XX PUBLIC SAFETY AND GOOD ORDER

[PREV](#) [NEXT](#)

CHAPTER 139 COMMON NUISANCES

[PREV](#) [NEXT](#)

Section 1 Orders adjudging buildings, structures or vacant land to be nuisances; notice, hearing and service of copy of order

[PREV](#) [NEXT](#)

Section 1. The aldermen or selectmen in any city or town may, after written notice to the owner of a burnt, dilapidated or dangerous building or other structure, or his authorized agent, or to the owner of a vacant parcel of land, and after a hearing, make and record an order adjudging it to be a nuisance to the neighborhood, or dangerous, and prescribing its disposition, alteration or regulation. The city or town clerk shall deliver a copy of the order to an officer qualified to serve civil process, who shall forthwith serve an attested copy thereof in the manner prescribed in section one hundred and twenty-four of chapter one hundred and eleven, and make return to said clerk of his doings thereon.

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**PROCEDURE FOR REMOVAL
OF BURNT OR DANGEROUS BUILDING
ADJUDGED A NUISANCE UNDER G. L. CHAPTER 139**

1. Notice to Owner: The Selectmen must give written notice to the owner, or his authorized agent, of their intention to (1) hold a hearing to consider whether a burnt, dilapidated or dangerous building or other structure should be declared a nuisance to the neighborhood, or dangerous, and (2) if such a determination is made, to make an order directing the owner to take such action as is necessary to eliminate the nuisance or danger.

The notice should specify the date, time and place of the hearing. If possible, the notice should be hand delivered and sent by mail. If hand delivery is not possible, notice should be sent by both regular mail and certified mail, return receipt requested. G.L. c. 139, s.1

2. Hearing: At the hearing the Selectmen should review all the facts relating to the condition of the building or structure in question. If there are any reports from Town officers or other sources, they should be referenced and made a part of the record of the hearing. If possible, photographs of the property should also be included in the record. The owner of the property should be permitted to speak and offer any evidence as to why the building or structure is not a nuisance or dangerous. At the conclusion of the hearing the Selectmen should take a vote as to whether they adjudge the building or structure to be a nuisance or dangerous. G.L. c. 139, s.1

3. Order: If the building or structure is adjudged a nuisance or dangerous, the Selectmen are authorized to issue an order for its “disposition, alteration or regulation.” The order must be in writing and must specifically state the action to be taken by the owner to eliminate the nuisance or danger, and must specify the time by which that action must be taken. G.L. c. 139, s.1

4. Service of Order: The order must be served by an officer qualified to serve civil process. A bonded constable in the Town may serve the order. The order may be served in person on the owner or his authorized agent, or a copy may be left at the last and usual dwelling place of the owner or agent. Service may also be by registered mail, return receipt requested. If possible, service should be in person, with a copy by mail.

If the residence and whereabouts of the owner or his agent are unknown or are outside of Massachusetts, the order may be served by posting a copy in a conspicuous place on the subject property and by advertising the order for at least three of five consecutive days in one or more newspapers of general circulation within the Town. G.L. c. 139, s.1; c. 111, s. 124

5. Right of Appeal: A “person aggrieved” by the order may file an appeal in the Superior Court by starting a civil action within three days after service of the order upon him. The appeal includes a trial by jury. If an appeal is pending, the Town should not take action against the building or structure. G.L. c. 139, s. 2

6. Failure of Owner to Comply with Order: If the owner or his agent does not comply with the order, and does not file an appeal, the Town may, through the Selectmen, take such action as is necessary to remove the nuisance or danger. If the Town acts to demolish or remove the

building or structure, the cost of such demolition or removal becomes a debt due the Town upon the completion of the work and the delivering of an account of such cost to the owner or his authorized agent. The debt may be recovered by a contract claim in court.

If the debt is not paid, it shall be a lien on the land if a statement of claim, signed by the Board of Selectmen, and setting forth the amount due is recorded with the Registry of Deeds within 90 days after the debt becomes due. G.L. c. 139, ss. 3, 3A; c. 111, s. 125

NEW BUSINESS / SELECTMEN'S QUESTIONS

APPROVAL OF MEETING MINUTES

October 8, 2013
October 15, 2013
November 12, 2013

ADJOURNMENT

TOWN OF AYER SELECTMEN MEETING MINUTES
Tuesday, October 8, 2013
1st Floor Meeting Room, Town Hall, Main Street, Ayer, MA

The Board of Selectmen's Open Session Meeting is video recorded by APAC.

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

Chairman Conley reconvened the meeting to order in Open Session at 7:35p.m. advising to the Board meeting in Executive Session earlier at 6:30p.m. Present: Chairman-Pauline Conley, Gary J. Luca-Vice Chairman, Christopher Hillman-Clerk, James Fay-Member, Jannice Livingston-Member, Town Administrator Robert A. Pontbriand and Janet Lewis Secretary.

Final Review and Approval of the 10-28-13 Special Fall Town Meeting Warrant-Mr. Pontbriand reviewed DRAFT #6 FTM Warrant with the Board and advised to six (6) articles on the 10-28-13 Special Fall Town Meeting Warrant. Mr. Pontbriand advised to Fin-Com to meet on Wednesday, October 9, 2013, at 7:00p.m. to vote their recommendations and warrant will be sent to printer on 10-10-13. Mr. Pontbriand advising to five (5) original warrants prepared for the Board's endorsement this evening with Town Counsel's approval and Town Counsel's to be at Town Meeting. Ms. Conley questioning need for Town Counsel's presence at Town Meeting.

Article 1. Former Central Fire Station-Mr. Pontbriand advising to 2/3 Majority Vote required to transfer care & custody to the Board of Selectmen for the sale/lease of the building with all proceeds going into the Town's General Fund. Ms. Livingston moved to approve Article 1. as presented, 2nd by Mr. Fay, VOTE: Unanimous, so moved.

Article 2. Petition for Street Acceptance-Easy Street-Mr. Pontbriand advised the Board to Planning Board recommending their approval of street acceptance and metes and bounds on file with the Town Clerk. Simple Majority Vote required. Mr. Pontbriand advising to Supt. Wetzel's Memo of 9-5-13 re project to be completed to DPW specifications being in order. Ms. Livingston moved to approve Article 2 as presented, 2nd by Mr. Hillman, VOTE: unanimous, so moved.

Article 3. Crabtree Wastewater Pumping Station-Mr. Pontbriand advising to Supt. Wetzel recommending his approval of this article due to pumping station failing and timely replacement is recommended. Article requires Simple Majority Vote and funded from the Wastewater Enterprise Fund Surplus in the amount of \$72K. The Board questioned change in funding amount on 10-8-13 from \$68,538 and Mr. Pontbriand advising to DPW Superintendent requested a 10% contingency be included. Mr. Pontbriand stating \$70K will be sufficient. Mr. Hillman moved the Board vote to approve Article 3. as amended, inserting Not to Exceed 70K, 2nd by Mr. Luca for discussion stating this article is on FTM Warrant due to emergency any other financial articles should wait until the Spring Annual Town Meeting Warrant, VOTE: unanimous, so moved.

Article 4. Police Mutual Aid-Adoption of MGL Chapter 40, Section 8G-Mr. Pontbriand advising Board to this articles reaffirmation and retroactive adoption of MGL Chapter 40 Section 8G required for the Town to participate in certain Mutual Aid Agreements. Article calls for a Simple Majority Vote and is recommended by the Police Chief. Mr. Luca Moved the Board vote to approve Article #4. as presented, 2nd by Mr. Fay, VOTE: unanimous, so moved.

Article 5. Telephone Upgrade-Mr. Pontbriand stated this article would fund the upgrade of the Town's telephone system at the Town Hall, DPW, Library and Police Department. Article requires a 2/3 Vote. Article recommended by Board of Selectmen and Capital Planning Committee. Mr. Luca again requesting why this article can't wait for the Spring Annual Town Meeting. Mr. Pontbriand advising to DPW-having no transfer or voice mail capabilities and Library system needing replacement parts and Police Department communication problems as well. Ms. Livingston moved to approve Article 5 as presented, 2nd by Mr. Hillman, VOTE: unanimous, so moved.

Article 6. Transfer Article from Board of Selectmen's Salary Line to I.T. Department Budget. Mr. Pontbriand advising this article partially funding the Town Hall Mondopad (computerized video screen and stand). Article calls for a 2/3 Vote. This article would transfer \$2,506.00 from the Selectmen's

budget salary line in addition to \$4,000.00 from Capital Stabilization. Mr. Fay expressed his sincere thanks to Chairman Conley for donating her stipend towards this purchase. Ms. Spinner from the Capital Planning Committee spoke against article not being presented to the Capital Planning Committee and many other important Town items in line. Mr. Luca reiterating his not being in favor again of approving financial items at the FTM. Mr. Fay moved to approve Article 6. as presented, stating item is infrastructure to I.T. Communications 2nd by Mr. Hillman, VOTE: Mr. Fay aye, Mr. Hillman aye, Ms. Conley aye, Ms. Livingston aye, Mr. Luca no, 4-1 motion passes. Mr. Hillman requesting Ms. Knox conducts a presentation of Mondopad at the 10-15-13 Selectmen's Meeting.

Chairman Conley called for a motion to close the 10-29-13 Special Fall Town Meeting Warrant. Mr. Fay moved to close the 10-28-13 Special Fall Town Meeting Warrant, 2nd by Mr. Hillman VOTE: unanimous, so moved.

Thomas Horgan, Town Moderator requested to place signage at the Town Hall and High School advising to Fall Town Meeting being held at the Ayer Town Hall. Selectman Conley requesting Chief Murray being contacted to place Police Department's electronic message board at the High School Site to divert residents back to Town Hall if they go to High School. Mr. Pontbriand advising Board to Nashoba Publications being requested to highlight Ayer Town Hall in yellow on the front page of the Warrant.

Main Street Light Improvements-Notice of Award-Mr. Pontbriand reviewed with the Board Supt. Wetzel's recommendation of award dated October 4, 2013 re the Bid Opening held on October 3, 2013 for the Main Street Lights Improvement Contract-Supt. Wetzel recommending the Board award the contract to the low bidder Blais Electric Corp. of Framingham, MA for the low bid award not to exceed \$44,440.00 Mr. Luca moved the Board vote to approve the contract for the Main /street Light improvements to Blais Electric Corp of Framingham, MA and authorize the Chairman's signature, 2nd by Mr. Fay, VOTE: unanimous, so moved.

Town Administrator's Policy Protocols regarding Electronic Communications-Mr. Pontbriand reviewed his Memo of 9-3-13 with the Board re his electronic communications (email) concerns stating although it was a positive, candid discussion no real consensus on direction, guidance or policy was materialized for going forward and issues still remain (see attached) between the Board, the Town Administrator and Department Heads. The following areas were formalized with the Board.

- Ayerbos@ayer.ma.us account to be utilized only by the Town Administrator solely for scheduling meetings, distribution of documents and emergency notifications.
- volume of emails to date 9759 received by Mr. Pontbriand for this year. Mr. Pontbriand to respond to non-urgent Selectmen's emails within 48 hours of receipt.
- Selectmen's Meeting Packet - Mr. Pontbriand will not respond to Selectmen's emails on Fridays before meetings. Mr. Hillman suggesting Fridays be off limit day and Board to use discretion when contacting him other than emergencies.
- emails from the Board to Dept. heads are copied to him and used at a minimum for seeking information or asking a question, such emails will be disseminated by him to the Board. The Board requested to include Town Counsel emails sent by the Board/Department Head before and after.
- Town Administrator will not respond to texting or instant messaging from Selectmen and requested the Board practice the same as well as all public bodies due to A.G. Open Meeting Law (OML) concerns.
- Electronic packets-urging the Board consider only printing sections of packet they need for the meeting to reduce the amount time & effort/cost put into physical reproducing the packets and advising to hard copy made available if requested.
- Establishing a thirty (30) minute time limit for individual Board members to meet with him/or by telephone during normal working hours (8:30a.m.-6:00p.m.) Mr. Hillman suggesting including fifteen minutes before & after Selectmen's Meetings the Board leaves Mr. Pontbriand alone, so he can prepare for meetings and leave building after meetings timelier.

- Mr. Pontbriand will not respond to Selectmen's emails after 6p.m. Monday through Friday and will not respond to selectmen's emails on Saturdays and Sundays and Holidays advising to in cases of emergencies the Fire/Police/DPW all have his contact number and vice-versa he will contact the Board using the Ayerbos@ayer.ma.us account in emergencies. The Board requested Mr. Pontbriand make necessary amendments to his policy and present if to the Board at their 10-15-13 Meeting for approval. The Board thanked Mr. Pontbriand for his suggestions. Mr. Luca feeling document well written. Mr. Fay feeling document long overdue and too bad he had to reduce it to writing. Mr. Hillman stating "Open Door Policy" has been taken advantage of. Ms. Conley stating witnessing walk-ins after 6:00p.m. and documents needing his signature delivered during his lunch, etc. urging appointment be made and sign on his door adhered to. The Board discussed placing a gate in Selectmen's office to stop employees from walking through to his office without an appointment. Mr. Pontbriand thanked the Board, points well taken and he will amend and bring forward his policy on the 15th for final review and approval.

JBOS Update: Devens Transition & Integration Matrix; Alternate JBoS Representative (see Attached)

Chairman Luca opened the discussion feeling MADEV through their leadership is not paying attention to JBoS. DREZ document 2nd paragraph being managed by local residents not State good summation. Mr. Luca suggesting the Town of Ayer notified when anything happens on Devens and Mr. Ramirous has been coming to meetings. Movie Studio huge development with a lot in the pipeline going on up there and its good to have a say in what will happen there. Funding down to \$36K left over in seven years, looking to find more money down the road have to start someplace perhaps each town kicking in funds. Contact being made to Sen. Eldridge re funding availability. Mr. Luca advising to Town of Ayer having no alternate presently in his absence. Ms. Conley and Ms. Livingston volunteering to assist as alternates.

Selectmen's Questions/New Business-

Mr. Hillman advised to his looking into cleaning up Memorial Garden i.e. having overgrown trees removed, having landscape architect come in and redesign plantings or draw up plan. Ms. Livingston suggesting having a formalized plan before doing anything. Mr. Pontbriand reminding Board to irrigation system there and careful planning i.e. removal of stumps must be monitored. Trees/branches laying on slate roof a problem should at least remove objectionable branches. Mr. Hillman stating he plans to start the ball rolling.

Gazebo-Mr. Hillman advising to Nashoba Valley Regional Technical School offering to do a project in Town of Ayer and looking at possible site/s re having a gazebo built i.e. in front of car wash, Pirone Park, Pleasant Street. Mr. Pontbriand echoing Mr. Hillman re NVTHS offering to build a "Welcome to Ayer Sign" or other amenity for Town of good quality workmanship. More on this to come.

9:00p.m. Ms. Livingston moved to adjourn the meeting 2nd by Mr. Hillman, VOTE: unanimous.

TOWN OF AYER SELECTMEN MEETING MINUTES
Tuesday, October 15, 2013
1st Floor Meeting Room, Town Hall, Main Street, Ayer, MA

The Board of Selectmen's Open Session Meeting is video recorded by APAC.

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 7:06p.m. Present: Chairman-Pauline Conley, Gary J. Luca-Vice Chairman, James Fay-Member, Town Administrator Robert A. Pontbriand and Janet Lewis Secretary. Selectman Hillman running late.

Ms. Conley requesting if there were any amendments to the Agenda.

Mr. Pontbriand requested to make brief announcement, Mr. Pontbriand announced per the Secretary of State's Office no meetings can be held at Town Hall on 11-5-13 the Town Election (Home Rule Election-reducing the number of Selectmen to three (3) and announced the Selectmen's Meeting dates in November 2013 as follows: 11-12-13 and 11-26-13. The Selectmen's Nov. 5, 2013 Meeting to be held on the 12th. Mr. Pontbriand also called the Board's attention to the new Town Hall Granite sign installed earlier and thanking Dan Sherman, Facilities Director for all his work with design/purchase and installation.

Ms. Conley took this opportunity to remind residents to the Special Fall Town Meeting on Monday, October 28, 2013 at the Ayer Town Hall, 2nd Floor Great Hall.

Ms. Conley called for a motion to accept the Agenda. Mr. Luca moved the Board vote to approve the Agenda as presented, 2nd by Ms. Livingston, VOTE: so moved.

EAGLE Scout-Joshua Richard-Ms. Conley welcomed Eagle Scout Joshua Richard to the meeting and requested he step forward along with family members in attendance. Ms. Conley read in to the record a Certificate of Recognition presented to Joshua for performing his Eagle Project for the betterment of his community; marking & re-stripping parking lot spaces at the Ayer Sportsmen's Club. The Board congratulated Joshua and paused for a picture.

Minutes-deferred to 11-12-13 Selectmen's Meeting. Motion made by Selectman Luca 2nd by Selectman Fay VOTE: unanimous, so moved.

Public Input-no one

Department of Planning & Economic Development-The Board met with Alicia Hersey, Financial Manager-re Lien subordination Case # 09-328-14 Grove Street, Ayer, MA Ms. Hersey recommended the Board approve Home Owner's lien request to consolidate loans to seek new mortgage interest rate not to exceed \$132K. Mr. Fay moved to approve the lien subordination conditioned upon new mortgage not to exceed \$132K, 2nd by Mr. Luca, VOTE: unanimous, so moved.

Fy-11 CDBG -Housing Rehabilitation Program Final Report- The Board approved the Fy-11 CDBG Final Report as submitted. Motion to approve made by Mr. Luca, and authorize the Chairman's signature, 2nd by Mr. Fay, VOTE: unanimous, so moved.

I.T. Systems Administrator-The Board met with Cindy Knox- Information Technology Acquisition Policy. Ms. Knox advised to policy updated from 10-1-13 incorporating the Board's recommendations into Policy. Mr. Fay stating inventory tags for all Town equipment not included in policy and Ms. Conley requesting I-Phones also are included in inventory. Mr. Luca moved to approve the IT Hardware/Software Acquisition Policy with amendments above, 2nd by Mr. Fay, VOTE: unanimous, so moved. Ms. Spinner questioned why allowing/approving I-Phones for employees/how authorized. Mr. Luca stating that is why he brought up who has and why. Ms. Knox advising to phones charged flat rate re voice/data. Matrix to be submitted to Mr. Luca listing employees, bills, etc.

Gabe Vellante-Building Commissioner--present for the discussion Alan Parker, Alternate Wiring Insp. **Resignation of Wiring Inspector**-Mr. Vellante updated the Board to receiving Philip Horgan's resignation on 9-19-13 and his willingness to stay on until a new inspector is appointed and advising to the Alternate Wiring Inspector-Alan Parker requesting the Board's consideration of him for the Wiring Inspector's position. Ms. Conley disclosing that Mr. Parker has/does work for her at her home. Mr. Luca moved the

Board to accept the resignation of Philip Horgan with regrets, 2nd by Mr. Fay, VOTE: unanimous, so moved. Mr. Luca moved to appoint Alan Parker as Wiring Inspector effective immediately, 2nd by Mr. Fay, VOTE: unanimous, so moved. The Board requested a letter of appreciation be sent to Mr. Horgan for his longtime service and welcomed Alan Parker to the position and looked forward to working with him. Ms. Conley requesting Mr. Horgan give notice to the Town Clerk of his resignation.

Supt. Wetzel's Report- The Board met with Mark Wetzel

1. Main Street Light Improvements Contract-Blais Electric- Mr. Wetzel updated the Board to Bond/Insurance Certificates complete and in place. Mr. Fay moved the Board approve the Contract with Blais Electric for the Main Street Light Improvements in the amount not to exceed \$44,440.00 as stated in contract and authorize the Chairman's signature, 2nd by Mr. Luca, VOTE: unanimous, so moved. Mr. Wetzel to fill in contract date.

2. Epic Enterprises-Sewer Abatement-The Board approved a Sewer Abatement for Epic Enterprises Account #02338 for the bill period 3-1 to 6-12-13 in the amount of \$16,451.86 (July bill-2nd Quarter) false high reading per Supt. Wetzel, meter was malfunctioning-serviced and is now operating to their normal levels. Motion to approve Supt. Wetzel's recommendation made by Mr. Fay, 2nd by Mr. Luca, VOTE: unanimous, so moved.

3. Upper Blackstone Valley Wastewater Bio-solids Disposal Agreement-Mr. Wetzel advising to Town having Agreement presently for one year with Upper Blackstone as primary disposal site for Ayer's WWTP sludge with one year extension. Rate \$319.00 per dry ton mixed primary & secondary greater than 4.2 \$70.00 per thousand gallons. The Board held off on the award pending clarification re rate comparison. Mr. Fay stating he is not comfortable approving rate without seeing comparison from last year. Mr. Wetzel having data at DPW and to return to meeting later with rate comparison.

4. Crabtree-Willows Order of Conditions-Supt Wetzel gave the Board a brief update re looking into bonding (\$250K) re "Willows Road Development" and advised to speaking with Planning Board and their having no knowledge re on-site improvement to provide the construction of a one and a half million gallon capacity water tower. Supt. Wetzel also sent off email to Mark O'Hagan (developer) to which he has no heard back from. Supt. Wetzel stating it is not his job to track money.

7:45p.m. Selectman Hillman entered meeting

The Board went off the posted Agenda due to not all of Planning Board Members and Mr. Canney being present.

The Board took up the Town Administrator's Report-

1. Proposed Policy for the Acquisition of Furniture, Equipment and Alternations for the Town Hall

Mr. Pontbriand reviewed his draft policy with the Board to ensure acquisitions to the Town Hall are done professionally, cost effective, efficient and in compliance with ADA, Building Codes, Public Health, and safety to ensure a pleasant environment for Town Hall employees and the public. Mr. Pontbriand reviewed items with the Board that were removed i.e. floor heaters, refrigerators etc. that were considered posing a threat to safety or unnecessary from the Building. Mr. Fay moved to approved the policy as presented requesting Department Head are copied and sign off, 2nd by Mr. Luca, VOTE: unanimous, so moved.

2. Draft Cell Phone Use Policy -Mr. Pontbriand reviewed his draft policy with the Board re employees who have Town-owned cell phones, I-Phones, Tablets, etc. being responsible for the proper care of their equipment and held responsible for the loss, damage, failure to return such equipment. Use re transmittal of inappropriate communication strictly prohibited and may be withdrawn for violation of policy and/or discretion of Department Head. The Board having the right to amend, suspend or revoke this policy. The Board continued this discussion to their 11-12-13 meeting re sign off/hand receipts to be incorporated, requesting inventory of employees who have cell phones, equipment, etc. Use of cell phones i.e. internet, social media, where phones have visited, bills, etc. to be compiled and transmitted to Board for their review.

Mr. Wetzel returned to meeting with WW Bio-Solids Disposal Agreement Rates-Supt. Wetzel advising to the rates being the same as last year no increase and under 4.2. Mr. Luca moved the Board approve one

(1) year extension Agreement with Upper Blackstone Valley for the disposal of bio-solids/sludge, 2nd by Mr. Fay, VOTE: unanimous, so moved.

Town Administrator's Report (Cont.) -Electronic Posting of Town Meeting Minutes-

Mr. Pontbriand reviewed M.G.L. c.4, S7 (26) (Public Records Law) with the Board advising to all Town of Ayer Public bodies i.e. Boards, Committees Commissions etc. must keep official meeting minutes both in draft form and final form with exception of exemptions from Open Meeting Law (OML) and must comply with Public Records Requests. Mr. Pontbriand advising to the Town Clerk being the official repository and custodian of meeting minutes (Keeper of Records) Mr. Pontbriand advising to the legal responsibility of each public body to ensure their meeting minutes are filed with the Town Clerk with the exception of the Board of Selectmen's minutes to which the Town Administrator is charged as the official keeper of Selectmen's records. Official notices of meetings must be posted in accordance with the OML at least 48 hours in advance of meeting, stamped by the Town Clerk and placed on Town's Official Posting Board. Mr. Pontbriand advising to the posting of minutes, agendas & public documents on the Town's Web-site and/or Facebook Page is **not** a legal requirement or responsibility in terms of the Public records Law and OML it is a local service and a courtesy in the interests of transparency and open government. The Town Administrator is responsible for all official postings to the Town's Web-site/Facebook. The I.T. Director does the official scanning and posting of approved materials. Mr. Hillman stating the Web-site saves people from needless trips to Town Hall. Ms. Livingston stating technology is ahead laws. Ms. Conley stating Town Clerk is official repository, Keeper of Records has shifted to Chairman to ensure recording of minutes. Mr. Luca stating elected officials doesn't have to comply. Ms. Conley stating Town Administrator has created policy and Board may consider issuing policy to all public bodies to comply with the posting of minutes by a certain time frame before the minutes are officially finalized and accepted. the Board requested this policy be placed on Town Website and make available.

John Canney, II Town Clerk & Town Collector re Business Certificates-Mr. Pontbriand updated the Board to carrying over discussion from 10-1-13 meeting with Director of Community & Economic Development-Mr. Maher re responsibility of Business Certificates being maintained/updated. The Board agreed that Mr. Maher is to keep and update list of businesses in town, letters to be sent out by Mr. Maher re renewal/s and to be shared with Town Clerk. Mr. Luca expressed concern if businesses are complying with Liability/Enforcement -complying with law/s as well as safety/zoning; no requirements that business is compliant and Town Clerk has no authority re enforcement. Ms Conley read statute Title XV Chapter 110 Section 5 into the record prepared by the Town Administrator advising to the Town Clerk issues Business Certificate naming owner, address & tel. #, pays fee (\$25.00), violations up to \$300.00 fine. Town Clerk issues Business Certificates under oath does not expose Town to liability, if violations Town collects \$300.00 fine. Ms Livingston questioned why there is no packet of information prepared for new businesses coming into Town explaining how & what to do, no one wants to do. Mr. Canney stating there is no central office assistant. Mr. Canney to prepare draft procedures for Board's review. Mr. Fay stating this is revenue source Town has avenue for fines collection by Town Clerk per oath. Ms. Conley advising to system should be shared every month re business certificates about to expire. Ms. Livingston advising to data base should be developed and maintained on a weekly/monthly basis. Ms Knox suggesting to put into electronic format to turn over to Town Clerk to maintain and enforce responsibility is Town's Clerk per oath. Mr. Maher to send out documents with understanding that it is a joint endeavor with Town Clerk collecting documents and fees. This matter to be continued.

Ms. Conley on another matter requested if Mr. Canney received correspondence from AG Office re By-laws approved at the May 2013 Town Meeting. Mr. Hillman questioned and if they were posted Mr. Canney advised he had received and posted copies as required.

Planning Board/Board of Selectmen Joint Appointment-Planning Board Member-The Board met with Mark Fermanian-Chairman, James Luchessi and Rick Ropers, of the Planning Board. Mr. Fermanian

advised the Board to Planning Board meeting with Mr. Kyle Gordon and recommending Mr. Gordon a twelve year resident of Ayer, MA to the vacant Planning Board position. The Board interviewed Mr. Gordon and requested he give the Board a brief personal back-ground and why he would like to serve on the Planning Board, acknowledging having received a letter of recommendation from Atty. Tom Gibbons in support of Mr. Gordon's appointment. Following a brief discussion Mr. Luca moved to appoint Mr. Kyle Gordon to the vacant Planning Board position, 2nd by Ms. Livingston, VOTE: Unanimous, so moved. Mr. Fermanian moved the Planning Board vote to appoint Mr. Gordon to the vacant Planning Board position until the next Town Election in April 2014, 2nd by Mr. Roper, VOTE: unanimous, so moved. The Board welcomed and thanked Mr. Gordon for volunteering his services. Crabtree/Willows Development-The Board questioned the Planning Board re Willows Road Development and advised to this being a Zoning Board of Appeals Decision (Order of Conditions) not Planning Board matter. Mr. Roper feeling \$250K release expired two (2) years ago and to check bond release, the Board to look at agreement. Mr. Hillman suggesting Town hold up sewer permits & water/Sewer releases until matter is investigated.

Town Clerk/Tax Collector -John Canney returned to the meeting to present and advise to letter received on 9-18-13 from Atty. General Coakley re May 2013 Warrant Articles 36, 37 & 38 posted in five places on the 18th of September, 2013, and in effect on 9-18-13 re Anti-Littering, Unregistered Vehicles, & Enforcement Bylaws.

Town Administrator's Report (Cont)

Remote Participation-Mr. Pontbriand reviewed his proposed policy for the Board's consideration advising to an adopting authority such as the Board of Selectmen may establish restrictions on the use of remote participation i.e. how many times a public body can use a year, cannot violate State or Federal Law, stating there are ten (10) general points for consideration i.e. the adopting authority may adopt a policy due to geographic distance must be a certain distance. The Board questioned how to enforce, potential for more litigation, Mr. Fay feeling he doesn't see need. Mr. Luca stating remote participation is vetted by A.G. Office- another tool. Committee, Commission, Dept. should have ability to communicate how member of Board, committee etc. feels. Ms. Livingston advising to participant must be alone i.e. if in Executive Session how do you police. Mr. Hillman agreeing valid point being alone. Ms. Livingston suggesting each member list their pros and cons and Board go through each and establish policy going forward. Ms. Conley expressing her concern re electronic equipment used during public meeting questioning ability to communicate. The Board set this matter back for another meeting.

BOS Policies & Procedures Review

The Board decided to Keep Selectmen's Policy 99-27 as is.

The Board reviewed and agreed Policy 01-01 Department Head Reports are important/informative and to be enforced on Monthly basis. Mr. Pontbriand to bring forward at next Department Head meeting. On another matter Mr. Pontbriand reminded all to Annual 2013 Town Reports due on 2-1-14.

BOS Open Discussion-

Electronic Devices-Mr. Luca requesting Board look at IT Budget for ATM Meeting to purchase either, tablet, Nook, Lap Top for Selectmen and speak with Ms. Knox re same. Ms. Conley reminding Mr. Luca to write on pad being a considered Public Record. Ms. Livingston suggesting Kindle to down-load packet gets rid of paper. Ms. Conley stating cost vs. need discussion needs to be held stating Mondopad was suppose to eliminate Board having electronic devices.

Street Lights -Mr. Luca urged the Board MRCP purchasing their own lights and requesting Board look into reminding to Board discussing back in June and DPW was going to look into possibly something regionally along with curbside get all the information see if it works.

HRA/FSA-Mr. Luca questioning remaining funds disbursement to employees/retirees. Town Counsel to look into, remaining balance has not been disbursed Board needs to make decision. Mr. Pontbriand advising to Town Counsel here on 22nd will request financial update re IRS ruling status.

Ms. Conley reminding all to Joint Bos & BOH Meeting on November 18, 2013 @ 7p.m.

Ms. Livingston took this opportunity to advise all to this being Selectman Luca's Birthday and sang a

Souiful rendition of 'Happy Birthday' to him, much to his delight.
10:10p.m. Ms. Livingston moved to adjourn the meeting, 2nd by Mr. Luca, VOTE: Unanimous, so moved.

_____ Date: _____

Christopher R. Hillman, Clerk
AYER BOARD OF SELECTMEN

TOWN OF AYER SELECTMEN MEETING MINUTES
Tuesday, November 12, 2013
1st Floor Meeting Room, Town Hall, Main Street, Ayer, MA

The Board of Selectmen's Open Session Meeting is video recorded by APAC.

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 7:06p.m. Present: Chairman-Pauline Conley, Gary J. Luca-Vice Chairman, Members James Fay-Member, Jannice Livingston, Town Administrator Robert A. Pontbriand and Janet Lewis Secretary. Selectman Hillman running late.

7:05 Chairman Conley called the meeting to order.

Ms. Conley requesting if there were any amendments to the Agenda. Mr. Pontbriand requested the Board continue the Minutes of 10-8-13 and 10-15-13 to the Board's 11-19-13 meeting.

Mr. Pontbriand advising to the Minutes of 9-17-13 and 10-1-13 are ready for the Board's review.

Ms. Livingston requested the Board remove Bullet #6 under the Town Administrator's Report samples from other municipalities re Agenda formats. Mr. Livingston stating they serve no purpose and does nothing to enhance the Town of Ayer but take up time. Mr. Pontbriand clarifying stating due to issues concerning time allocation/formatting of the Agenda i.e. having Selectmen's name assigned re their advocating for various Town projects, etc. he placed this item on the Agenda to resolve matter. Ms. Conley stating it has always been the Policy of the Board that the Town Administrator and Chairman meet and put the Agenda together. Mr. Fay allocating for time allotments re agenda items for time management, current form fine just encouraging everyone to stick to topic. Ms. Conley defending removal of time from agenda stating to give participants the necessary time they needed. Ms. Livingston requesting to remove sample agendas from Town Administrator's Report placed in the form of a motion 2nd by Mr. Luca, VOTE: unanimous, so moved.

7:15p m. Mr. Hillman entered the meeting.

Mr. Fay requested clarification re Town Counsel RFP on Agenda and Mr. Hillman responding not RFP only discussion if time allows.

Mr. Luca moved to approve the Agenda as amended, 2nd by Ms. Livingston, VOTE: unanimous, so moved.

Announcements-

1. JBoS Meeting-Thursday, November 14, 2013 @7.p. at the Ayer Town Hall-2nd floor.
2. Winter Parking Ban-Begins 11-15-13 at 12:01a.m. through 4-14-14.
3. Selectmen's Meeting - November 19, 2013 re Medical Marijuana Facilities wishing to locate in Ayer.
4. Christmas Tree Lighting at the Rotary 6:00p. m. on Sunday, December 1, 2013
5. Tax Classification Public Hearing-Tuesday. December 3, 2013 @7:15p.m.

Mr. Fay took this opportunity to publicly thank and share poem from anonymous person who left Armistice Day Poem on Monday -November 11, 2013-Veterans Day, at the American Legion Ceremony in the Memorial Garden of Town Hall.

Public Input-Chairman Conley requested if there was anyone wishing to meet with the Board under Public Input-no one stepped forward.

Minutes-

9-17-13 Mr. Fay moved the Board vote to approve with Amendment (to include omission of Ms. Livingston not being present) 2nd by Mr. Luca, VOTE: unanimous so moved.

10-1-13 Mr. Fay moved the Board vote to approve with amendment spelling (perview/preview), 2nd by Mr. Luca, VOTE: unanimous, so moved.

Appointments-

1. **Council on Aging**-Mr. Pontbriand shared with the Board a letter dated 10-28-13 from Chairperson Sister Paula McCrea from the Council on Aging requesting to appoint Ms. Sally Balcom to fill the unexpired term of Catherine Lawson who passed away on Oct. 19, 2013. Ms. Balcom to serve Ms.

Lawson's remaining three (3) year term 6-30-13 to 7-1-16. Motion to approve made by Mr. Luca, 2nd by Mr. Hillman, VOTE: unanimous.

2. Part-time Building Inspector-Mr. Pontbriand updated the Board to position advertised locally and to date only receiving two applicants neither of which meets the minimum requirements. Mr. Pontbriand advising to position being posted on the MA Statewide list commencing 11-12-13 and suggesting the Board revisit the parameters of the position i.e. wage which requires collective bargaining with the Union. Mr. Pontbriand advising to salary currently posted at \$17/hr. Salary must increase to find qualified candidate. The Board also requested Job posting be corrected to reflect eighteen (18) Hours a week three (3) days a week six (6) hours per day on second page.

Public Hearing-Lorden Oil-Amendment to Flammable and Combustible Liquid, Gases and Solids Permit

The Board met with Chief Pedrazzi and Ted Lorden. Mr. Hillman read the Legal Notice into the record advertised in the Public Spirit the weeks of November 1, & 8, 2013. The Board reviewed with the Chief Mr. Lorden's request to modify his current propane capacity to 200,000 gallons a 72K increase, to accommodate residential small tanks/propane tanks. Mr. Luca asked if the Chief had any problem with this increase and advised to Mr. Lorden running a state of the art facility and having no problems. Mr. Luca moved the Board vote to approve Lorden Oil's Flammable and Combustible Liquid, Gases and Solids Permit as presented by Fire Chief Robert Pedrazzi, 2nd by Ms. Livingston, VOTE: unanimous, so moved. Mr. Luca moved to close the Public Hearing, 2nd by Mr. Hillman VOTE: unanimous, so moved.

Partridge Auto Sales-Class II Amendment to Licenses- Public Hearing continuation of 6-18-12-The Board met with Sean Partridge. Mr. Partridge updated the Board to his request to amend his current Class II License from six (6) car limit to fifty (50) cars, advising to having 44K sq. ft. of land with 31,500 feet that is ready for used car sales. Mr. Partridge advised to Building Commissioner approving his request which is located in a General Business Zone. Mr. Partridge also updated the Board to meeting with the Planning Board as requested on October 3, 2013, and approved his engineered drawings re the rear gravel parking area being in conformance and supported by the Fire Chief. Mr. Partridge presented Plan #6290P110 dated 9-30-13 prepared by Acton Survey & Engineering consisting of 67 parking spaces (7'x17'). Chairman Conley requested if there were any abutters present, no one stepped forward. Ms. Livingston moved to approve the Class II License amendment for Partridge Auto Sales not to exceed fifty (50) cars per approval/s of Planning Board, Building Commissioner and Fire Chief, 2nd by Mr. Hillman, VOTE: unanimous, so moved. Ms. Lewis reminded the Board to 2014 license renewals in progress and requested the Board's permission to prorate Mr. Partridge's License for 2014. The Board approved this request. Mr. Luca moved to close the Public Hearing, 2nd by Mr. Hillman VOTE: unanimous, so moved.

Police Chief- William Murray-Middlesex County Interagency Mutual Aid Agreement-The Board met with Chief Murray who reviewed with the Board the Agreement which would give Ayer's Police Officers the authority to take action outside the territorial boundaries of Ayer into communities that have also adopted this Agreement. Mr. Luca moved the Board vote to approve the Middlesex County MOU as presented by Chief Murray and authorize the Chairman's signature, 2nd by Ms. Livingston, VOTE: unanimous, so moved. (See attached Agreement)

Mondopad-Mr. Pontbriand announced to the Board that Ms. Knox will have the new Mondopad up and running for the next Selectmen's Meeting on 11-19-13.

David Maher-Economic and Community Development-The Board met with David Maher and Alicia Hersey. Mr. Hillman took this opportunity to publicly thank Mr. Maher for sending out letters re the Holiday Lights Fund for the Rotary to town businesses.

1. Drug Court Grant-Ms. Hersey advised to the Town awarded funds from the Department of Health & Human Services in support of the SAMHSA Program to engage Advocates to operate/oversee the program to assist the courts with the administration of the program in the amount of \$318,460.00 to run from 9-30-13 to 9-29-14. The Board voted to approve Advocates contract renewal. Motion to approve made by Mr. Fay, 2nd by Mr. Luca, VOTE: unanimous, so moved.

2. Habitat-Mr. Maher gave the Board a brief update re 76 Central Ave. property transferred to habitat on 7-2-13. Mr. Maher stating property is a LIP Unit/Lottery System- per MGL30b-\$25K procurement.

Public & Central Register process to begin through RFP process. Mr. Maher advised to UDAG Funds used for cleanup of property. Mr. Luca questioning if UDAG payback could be waived? Mr. Pontbriand to check with DOR and Town Accountant. Ms. Spinner questioning UDAG funds being used re clean-up of site feeling Town used Program Income. The Board to revisit vote of habitat. Mr. Maher advised to spring/early summer build for Central Ave. property. Mr. Luca questioning if Habitat approached CPC re funding?

The Board reviewed with Mr. Maher status of TIFS from September 2019*3.3 meeting re Agility TIF 2009 -Plexis-being in name of same owner?

Process of other Town re TIFS-application process

List of other Municipalities who were also de-certified.

L-3/Nashoba Valley Hospital-DOR detrimental to how Town proceeds re amended or new TIF/s.

Mr. Pontbriand updating Board to Town Counsel advising Board to take no action until DOR looks into.

Mr. Fay suggesting the Board filters through TIF Committee, Town Administrator to spearhead/update.

Supt. Wetzel's Report-The Board met with Mark Wetzel

1. MassDEP Technical Services Assistance-Evaluation of Curbside Trash/Recycling- Present for the discussion Irene Congdon-Central MA Region Municipal Assistant Coordinator. Ms. Congdon reviewed with the Board technical assistance offered to the town for sixty (60) hours to evaluate the alternatives, costs, benefits and implementation. Ms. Congdon urged the Board form a working group to provide input, review the scope and data and assist with the public information phase. Working group suggested to be made up of: 2 members of the Selectmen, Board of Health member, 2 residents and DPW Supt. Mr. Luca moved the Board accept MassDEP Sixty (60) Hours Technical Services Assistance Award, and authorize the Chairman's signature 2nd by Mr. Fay, VOTE: unanimous, so moved. Mr. Luca moved to appoint a working group to collect information, Mr. Luca and Ms. Livingston to be appointed Selectmen's representatives, 2nd by Mr. Hillman VOTE: unanimous, so moved. Mr. Barry Schwarzel requesting and approved to be appointed to one of the citizen's appointments on working group. The Board requested this Program be communicated electronically and placed on Town's Website.

2. Crabtree Wastewater Pumping Station Upgrade-Mr. Wentzel presented four (4) copies of Weston & Sampson's Contract for the Board's review and signatures. Mr. Fay moved the Board vote to approve the Crabtree WW Pumping Station Upgrade Contract in the amount not to exceed \$64,538.00 and authorize the Chairman's signature, 2nd by Ms. Livingston, VOTE: unanimous, so moved.

3. Street Signs-Supt. Wetzel advised to 312 signs installed, 169 posts and 41 brackets, 12 signs re-ordered i.e. misspelled, new traffic signs/speeding and 16 stop signs utilizing two (2) contractors: Highway Safety Installations & MA Corp. Town appropriated \$65k with \$48K spent to date total cost estimated to be around \$53K. Mr. Hillman requested if "No Littering" signs were ordered and advised to yes and locations given.

4. Main Street Lighting-Mr. Wetzel updated the Board to contractor prepping bases and waiting on lights to come in, delivery date 12-2-13 and installed as soon as possible, ten (10) ordered with completion date of 12-14-13. Ms. Conley expressing her disappointment that lights were not in before day light saving time being that the contract was signed in October: Board approved on 8-17, Advertised for bids on 9-18, opened bids on 9-3; requesting all departments include synopsis in contracts to keep the Board apprised of startup dates, etc. Mr. Fay not in favor of synopsis prefers contract being made available. Ms. Conley stating Board needs to be made aware of changes to start/end dates.

5. East Main Street Improvement Program-Mr. Wetzel conducted an overhead presentation re the Town's Water Distribution System Infrastructure Improvement Program.-Overview outlines age of system construction dating back to 1895, servicing 3K customers, services: domestic, commercial & fire, 47 miles of pipe, ranging in size from 4" to 16". Mr. Wetzel advising to ratings of pipe from 2 (good) to 80 (poor) with 65K feet with rating over 60. Mr. Wetzel reviewed with the Board Water Main Improvement Priorities and Water Main Improvement Program recommendations i.e. water main replacements, cost to replace mains with rating over 60, long dead end main eliminations, suggesting to budget \$250K per year to begin replacing pipes (2000ft) Mr. Wetzel reviewed with the Board priority

water main projects: E. Man St., Pleasant St & Taft , Wright Rd., Groton Shirley Rd., Jackson, Pearl, shirley, Nashua, Lincoln, Williams Holms streets,-Priority projects. Mr. Wetzel advising to Memo submitted to Capital Planning Committee on 10-8-13 and 10-30-13. Mr. Pontbriand suggesting Capital Planning Committee make recommendation to Fin-Com advising do to Funding challenges, planning & delegation concerns.

10:00 Mr. Luca requested the Board extend the meeting for 15 minutes, 2nd by Mr. Hillman, VOTE: unanimous, moved.

2014 All Alcohol Renewals-The Board voted to approve the 2014 All Alcohol Renewals contingent upon **no licenses being released** until Building Commissioner & Fire Chief have signed off and proof of Insurance Liability coverage is on file. Motion made by Ms. Livingston, 2nd by Mr. Hillman, VOTE: unanimous, so moved.

Town Administrator's Report-

1. St. Mary's Parish One Day Beer & Wine License-Parish Dinner Saturday, November 16, 2013 from 5:30p.m. to 9:00p.m. Mr. Fay moved to approve One Day Beer & Wine License for St. Mary's parish for 11-16-13 from 5:30p.m. to 9:00p.m., 2nd by Mr. Luca, VOTE: unanimous, so moved.

2. APPOA Dispatchers Fy-2014 Wage Reopener MOA-Mr. Pontbriand announced the successful Memorandum of Agreement (MOA) between the Town and APPOA for Fy-2014 be finalized. Mr. Pontbriand disclosed a 2% salary increase negotiated retro to 7-1-13.

Old Business/Selectmen's Questions-

1. Town Counsel discussion deferred to 11-19-13 Selectmen's Meeting

2. Ms. Conley to work with Mr. Pontbriand to update old business items to be distributed to Board.

Mr. Luca took this opportunity to congratulate Barry Swartzel for the Camp Stevens re-Dedication Ceremony on Saturday, November 2, 2013 at 11:00a.m. and all the work that went into restoring the grounds and memorial.

10:00p.m. Mr. Luca moved to adjourn the meeting, 2nd by Ms. Livingston, VOTE: unanimous, so moved.

DATE:

Christopher R. Hillman, Clerk
Ayer Board of Selectmen