



Town of Ayer Selectmen's Meeting Minutes
Tuesday, May 6, 2014
1st Floor Meeting Room, Town Hall, Main Street, Ayer, MA

Open Session Meeting Agenda – 7:00 pm

7:00pm **Call to Order**

Review and Amend Agenda and Announcements: Selectman Hillman requests that the 3 Special Olympians be invited to the next BOS session, Wednesday the 21st. unanimously agreed. A general congratulation to all winning Selectmen was extended. Selectman Livingston reminded everyone of the upcoming Memorial Day Parade. And Selectman Luca announced the Loafs and Fishes Food Drive which the Ayer Post Office was running. The Food Drive was running through Saturday the 10th. The Agenda was accepted with no amendments.

Public Input: Frank Maxant requests an opportunity to speak to the issue of the Treasurer's Assistant at the appropriate time. Selectman Luca noted the request.

Green Communities/Energy Committee Update

Ms. Carolyn McCreary, Chair of the committee reported on the Solar Net Metering project. Ms. McCreary started by extending congratulations to all three of the BOS members for their recent win in the town election. She then announced "Good News" regarding the Town's Solar Net Metering Project. Ms. McCreary presented a spread sheet with data for the first 10 months of the project, showing an energy savings of \$120,000, which comes to the town in the form of energy credits. She explained that the Town had designated 15 Town meters to receive these energy credits, currently the meter that receives the largest amount of credits is the Waste Water Treatment Meter. Ms. McCreary emphasized the importance of balancing the meters which received credits. Ms. McCreary noted the work that Town Accountant Lisa Gabree has put into the project. Noting that she issues a monthly report on the solar energy credits and the meter distribution. Ms. McCreary noted that the savings potential is very large. Selectman Luca asked about the possibility of Solar Arrays being placed on the Town Dump property. Ms. McCreary said that they were reviewing that possibility but that there is risk involved. Selectman Hillman asked if there was any news on the LED street lights. Ms. McCreary said not yet. Ms. McCreary stated that she was working with Mark Wetzel, DPW Superintendent on both of these possible projects.

Due to the fast pace of the meeting Chairman Luca with approval of the other Selectmen moved the DPW Superintendent's Report forward.

Mr. Mark Wetzel, DPW Superintendent's Report

Mr. Wetzel started his report with an announcement that it is National Drinking Water week. Mr. Wetzel stated that he wanted to show our appreciation to the DPW Water Division, Rick Linde the foreman, Gregg Cormier the assistant foreman, Brian Boomgaarden and Scott Schwinger the operators. Mr. Wetzel reported that he had applied for rebates for installing more efficient motors and drives at the Grove Pond Waste Water Treatment Plant. He announced that rebates had been approved for \$21,000. All three Selectmen expressed their appreciation. Selectman Hillman noted the electrical savings as well.

Grove Pond Water Treatment Plant Upgrade – Change Order #2

Mr. Wetzel reported that the Grove pond water treatment plant had been delayed due to National Grid not getting the power to the plant. He stated that at this time the plant did have power and would be on line at the end of this month. Small issues and change orders combined into the second change order totaling \$40,347.47. A motion was made by Selectman Hillman to accept the change order #2 for the Grove Pond Water Treatment Plant upgrade for the amount of \$40,347.47. Seconded by Selectman Livingston. The vote was 3 in favor and 0 opposed.

Paving Contract – Mr. Wetzel reported that last year they had gone out to bid for a Unit Contract for paving and pot hole repair. This contract had the options for 2, 1year extension. Mr. Wetzel reported the extended contract would be at the original rate. Selectman Livingston made a motion that the Paving contract as presented by Mark Wetzel be extended by 1 year. Second by Selectman Hillman. The vote was 3 in favor and 0 opposed.

Mr. Wetzel reported that included in this Contract was the Winter Road Rapid Recovery for about \$3500. He stated that he hoped that this work would be done in the next week or two. In the discussion on what roads would be targeted Groton St. came forward. Mr. Wetzel said that Groton St. would be a part of a Chapter 90 total reconstruction. Also in Chapter 90 would be Pearl St. from Groton St. to Cambridge St., Cambridge from Pearl to Columbia. Also included in Chapter 90 repair will be overlay on Groton/Harvard Road and West Main St.

Wastewater Discharge Permit Update: Mr. Wetzel reported that the Wastewater Treatment Discharge permit is up for renewal. This is a 5 year renewal. The EPA has some new standards which the Town will not be able to comply with. Mr. Wetzel reported that the Aluminum, Lead and Copper discharge will not be in compliance. Mr. Wetzel reports that the EPA has suggested that when we get the permit we will need to negotiate a compliance schedule with the EPA. Mr. Wetzel was looking for Board consensus to move forward on negotiating the compliance schedule and the permit. The Board agreed.

Update on Storm water Utility Implementation and Proposed Fees/Credits

Mr. Wetzel reported that a Storm Water Committee had been formed and that the Committee had meet 5 times to date. The Committee was reviewing a rate structure and fees. The Committee is looking at a flat rate for residential, single and 2 family homes, multi family and condo associations have a proposed rate based on averages. The Storm Water Committee is working on a program credit manual as well. The Committee will have one more meeting and then make recommendation to the BOS. Selectman Luca asked if an implementation of new fees would need to go to town meeting. The concessions was that the Committee proposal would need to go in front of the BOS and after approval the Town Administrator would recommend that it be reviewed by the rate review committee.

BOS Final Vote on Acceptance of Mt. Laurel Way as a Public Way

Mr. Wetzel reported that he had meet with the Contractor regarding Mt. Laurel Way, and that he had completed all requirements. The Town Administrator reported that the Planning Board had met on May 1st, and had voted to recommend that Mt. Laurel Way be accepted as a public way. The Town Administrator explained that there was a miss print and it needed to be amended to read Mt. Laurel Rd. **A motion was made by Selectman Hillman to approve the acceptance of Mt. Laurel Rd. per the recommendation to Planning Board and DPW Superintendent. Seconded by Selectman Livingston. The vote was 3 in favor and 0 opposed. Motion Passed.**

Public Hearing – All Alcohol License Application

Ho Hing Restaurant, Inc. d/b/a Empire City, 210 W. Main Street #1 Ayer, MA 01432

Selectman Livingston read the public hearing notice, stating that the Public Notice had been posted in the Nashoba Publications. Chairman Luca called the Public Hearing to order. It was noted that the Form 43 License Application has been completed. A \$200 application fee will need to accompany the application. It was noted that there were no issues from Police Departments. There was no input from the public. **Selectman Livingston made the motion to approve the application for All Alcoholic Beverage restaurant License for Ho Hing Restaurant, Inc. d/b/a Empire City. Selectman Hillman Seconded. The vote was 3 in favor and 0 opposed. Motion Passed.**

Mr. Mohammed Kahn –MART Administrator

Ayer Rail Trail Commuter Surface Parking Lot Project Update

Town Administrator Robert Pontbriand introduced Mr. Mohammed Kahn of MART and Mr. George Kahale of MRPC. Mr. Pontbriand explained that he had been asking Mr. Kahn from MART to come to the BOS and give an update on the Ayer Rail Trail Commuter Parking Lot Project for a while, and that this past week events where not the reason for the meeting. Mr. Pontbriand suggested that we have the update first and then the public could ask questions. Mr. Pontbriand explained that the disputed of that week was between the MBTA and the landowner. Mr. Pontbriand reported that the

MBTA Deputy Commissioner had stated that the MBTA will be resolving the issues with Mr. Berry, the landowner, within 30 days. Mr. Pontbriand pointed out that Pauline Hamel, Peter Johnston, and Frank Maxant, residents representing related committees were all in the audience. Mr. Kahn and MR. Kahale supplied copies of maps presented to the BOS and a large map for the general public. Mr. Kahn stated that this was supposed to be an easy project, Federal Transient Authority had agreed with the parking lot plan with one contingency. Mr. Kahn explained that the Federal Transient Authority had approved the plan with the contingency that MART secure access to the train platform. Prior to this MART had already started talks with the landowner to confirm and secure an access. Mr. Kahn reviewed the four possible accesses that had been discussed with the landowner, explaining that the landowner did not like any of the proposed access, except for the one access which was not legally viable for the MBTA. Mr. Kahn reported that at the same time as discussions with the landowner, MART and MRPC moved forward with getting a legal review and interpretation of the deeded easement. Mr. Kahale explained that the easement is for 100 years and expires in 2060. Mr. Kahale reported that a platform, services and access are all required in the deed. The deeded rights had not been discussed with the landowner. Mr. Kahn proceeded to discuss the access options, noting that option 2 was preferred by MART.

At this point the Town Administrator moved the discussion on to the dispute of the past week. Mr. Pontbriand explained that on April 27th at 5:00 pm he received a call from Chief Murray, saying that a fence was going up around the property. Due to the fact that there is currently work being done on the rail line, there was no weekend commuter rail service and the weekend was not impacted. Mr. Pontbriand reported that on Monday, April 28th, the property was fully fenced off. At this point the Town's, concerns as well as both Fire and Police Chief's concerns were with public safety and access. Mr. Pontbriand reported that the landowner had given no prior notice that this was going to happen. On April 29th a meeting with the landowner, the MBTA, MART, both the Police and Fire Chiefs, Mr. Pontbriand and Mr. Maher was held. The MBTA evoked it's legal right to access to the property and the fence was removed. Mr. Pontbriand recognized the public's concern, noting that the legislative support was out there and that time was of the essences.

The meeting was opened to public comment and the public's concern was the same as what had been mentioned before. The question of eminent domain was raised. For more detail on the public comment please refer to the video tape at the following link. <http://vimeo.com/94596730>

Town Administrator's Report

Review/Awarding of the Former Central Fire station RFP

The Town Administrator, Mr. Pontbriand explained the procedure for opening, reviewing and awarding the Central Fire station RFP. Selectman Hillman recused himself from the process explaining that he does work for one of the companies who has submitted a proposal. Selectman Luca and Livingston had both reviewed the two proposals before the meeting reporting that both proposals were for residential housing. Selectman Luca proceeded to open the sealed price envelopes, announcing GS Holding LLC at \$60,000 and Monument Construction at \$42,974. Selectman Luca and Selectman Livingston

agreed that they could move forward and award the RFP without interviewing the candidates. Selectman Livingston reported that both proposals had everything they needed to have. Both proposals were for residential use. Evaluation score of both proposals were good. Neither proposal contained demolition of the structure. And both proposals had minimal change to the façade and a high level of historic preservation.

Selectman Luca made a motion to award the Central Fire Station RFP to GS Holdings LLC subject to board approval of the Purchase and Sales. Selectman Livingston seconded. The vote was 2 in favor and 0 opposed. Motion Passed.

Selectman Livingston made a motion to authorize the town administrator and Town Council to prepare the purchase and sales agreement. Seconded by Selectman Luca The vote was 2 in favor and 0 opposed. Motion Passed.

It was noted that the moneys from the sale would go into the General Fund.

Appointment of Assistant to the Town Administrator and Board of Selectmen

The Town Administrator reported that the position had been extensively advertised and that over 100 people had applied. The applicants were narrowed first to 10 then 5 where interviewed and then 3 had second interviews. Mr. Pontbriand recommended Ms. Carly Antonellis to the board requesting that the board approve Ms. Antonellis for the job of Assistant to the Town Administrator and Board of Selectmen at the salary of \$53,000 per year. **A motion was made by Selectman Livingston and seconded by Selectman Luca to approve the appointment with a June 2nd start date. The vote was 3 in favor and 0 opposed. Motion Passed.**

Authorization for hiring process for the position of Payroll /Benefits Manager

Town Administrator, Robert Pontbriand presented his request for authorization for the hiring process regarding the position of Payroll/Benefits Manager. Mr. Pontbriand explained that this process would include the appointment of a hiring committee made up of himself, the Town Treasurer, the Town finance director, the Chair of the Finance Committee and the Fire Chief. Mr. Pontbriand explained that for some time the reclassification of the Assistant to the Treasurer has been needed and like many towns similar to Ayer the position of Payroll/Benefits Manager has been created. He also explained that a screening committee for the hiring of the Payroll/ Benefits Manager would be created. Selectman Luca pointed out that the job has evolved and this reclassification represents the needs of the Town. Town Treasurer requested to speak. Ms. Gintner explained that she did not agree with the creation of this new position. Ms. Gintner stated that she felt the Assistant Treasurers job was under her jurisdiction according to MA General Law, and that she had the right to make this appointment. Selectman Livingston responded that this was a creation of a new position and that this was under the Selectmen's jurisdiction. Mr. Pontbriand pointed out that the Treasurer can hire an assistant with Board approval. Frank Maxant was recognized and he stated that in his opinion the administration of policy should not be handled in the same office as the policy makers. **A motion was made by Selectman Livingston to proceed with the process of the hiring of a Benefits/Payroll Manager to be appointed by**

the BOS and to report to the Town Administrator. A motion was made by Selectman Livingston and seconded by Selectman Hillman. The vote was 3 in favor and 0 opposed. Motion Passed.

Motion: Selectman Livingston made a motion to appoint a screening committee made up of the Town Administrator, the Town Treasurer, the Director of Finance, the Chair of the Finance Committee and the Fire Chief. Seconded by Selectman Hillman. . The vote was 3 in favor and 0 opposed. Motion Passed.

Authorization of BOS Letter for “Here to There Transportation, LLC”

Mr. Pontbriand explained that the Town of Ayer does not have a Livery Policy, but that the MA Port Authority requires a letter from the BOS authorizing livery services with in there community. Joanne Malish of Here to There Transportation, LLC came before the board requesting such a letter. **A motion was made by Selectman Hillman for the BOS to draft a letter to the MA Port Authority regarding Here to There Transportation, LLC’s livery application in the state of MA, Town of Ayer. Seconded by Selectman Livingston. The vote was 3 in favor and 0 opposed. The Motion Passed.**

Approval/Adoption of Town-Wide Remote Participation at Meetings Policy

Mr. Pontbriand explained that the Town-Wide Remote Participation at Meetings Policy has been drafted and revised and that after the BOS votes on it the policy would need to go to the Attorney General’s office for review. The revision was to exempt executive season meetings from the policy. **Motion: Selectman Livingston made a motion to approve the Town-Wide Remote Participation at Meetings Policy and to send it to the Attorney General’s office for review. Selectman Hillman seconded. . The vote was 3 in favor and 0 opposed. Motion Passed.**

9:15pm New Business/Selectmen’s Questions

BOS Policies and Procedures Update – Selectman Livingston – Now that the BOS is a 3 member board we need to update policies and procedures to reflect this. Once there is an official draft it will be presented to the board.

Paper Reduction Policy – Selectman Livingston stated that she was looking for a formal policy that allows laptops rather than paper packets. Selectman Luca suggested that they look into prices. Mr. Pontbriand said that he would put together a proposal w/ IT’s input to be presented to the Board. Mr. Pontbriand pointed out that whatever was decided needed to be in compliance with the open meeting law.

Cleaning of Town Hall – Selectman Hillman brought up the need for the building to be cleaned. It was noted that renovations were done in 200, and the building at this point

needs a good cleaning. The question was asked if extra hours for Custodian were needed. Robert – I will meet with Mr. Sherman, create a list of expectations.

Employee Break Room – Selectman Livingston brought forward the condition of the Town Hall Break room. It was noted that new refrigerator and microwave were needed. Town Accounted Lisa Gabree commented that the trash is back in the break room.

9:30pm Reorganization of the Board of Selectmen.

- Board Chairman:

Selectman Livingston motioned that Selectman Hillman become Chairman for the term of one year. Selectman Luca seconded. The vote was 3 in favor and 0 opposed. Motion Passed.

- Board Vice Chair:

Selectman Hillman motioned that Selectman Livingston be Vice Chair for the term of one year. Selectman Luca seconded. The vote was 3 in favor and 0 opposed. Motion Passed.

- Board Clerk:

Selectman Livingston motioned that Selectman Luca be the Board Clerk for the term of one year. Seconded by Selectman Hillman. The vote was 3 in favor and 0 opposed. Motion Passed.

9:35pm Approval of Meeting Minutes:

Selectman Livingston motioned to approve the BOS minutes from April 1st. Selectman Luca seconded. The vote was 3 in favor and 0 opposed. Motion Passed.

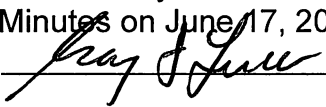
Selectman Livingston motioned to approve the BOS minutes from April 15th. Selectman Luca seconded. The vote was 3 in favor and 0 opposed. Motion Passed.

9:45pm Adjournment:

A Motion was made by Selectman Luca and seconded by Selectman Livingston to Adjourn. The vote was 3 in favor and 0 opposed. Motion Passed.

Meeting Adjourned at 9:45pm

Minutes Recorded and Submitted by Alicia Hersey (Edited/Revised by R. Pontbriand)
BOS Approved Meeting Minutes on June 17, 2014

Approved by BOS Clerk , Gary J. Luca, Clerk