

TOWN OF AYER SELECTMEN MEETING MINUTES
Tuesday, August 6, 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 7:10p.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, Christopher Hillman, Clerk, James Fay-Member, Town Administrator Robert A. Pontbriand and Janet Lewis Secretary. Ms. Livingston absent.

Chairman Conley requested if there were any amendments to the Agenda of August 6th. Town Administrator Robert Pontbriand requested the Board's permission to add a 4th bullet under his report for the following item: Board of Selectmen future meetings. Mr. Luca requesting to take up the appointments after the Public Hearing. Ms. Conley requesting to keep appointments where they are following the report of the Joint Meeting of the Board of Health & Board of Selectmen on 7-30-13. Chairman Conley called for a motion to approve the Agenda. Mr. Fay moved to approve the Agenda as amended, 2nd by Mr. Luca. VOTE: unanimous, so moved.

Minutes- 7-2-13 Mr. Luca moved to approve the minutes of 7-2-13 with name correction Hillier, 2nd by Mr. Fay, VOTE: unanimous, so moved.

7-16-13 Mr. Luca moved to approve the minutes of 7-16-13, 2nd by Mr. Fay, VOTE: unanimous, so moved.

Public Input-Chairman Conley requested if there was anyone present wishing to meet with the Board under Public Input, no one stepped forward. Mr. Pontbriand reported to the Board the Public Input Tracking System being up to date and placed on Website. Mr. Pontbriand advising to additional column to be placed on Tracking System depicting completion date of responsible party.

Park Street Cross-walk-Present for the discussion Police Chief William Murray, after a lengthy discussion re need/necessity for a new cross-walk for Park Street and speaking with local businessman/residents re public safety concerns/traffic, the Board per the Chief's recommendation, agreed to conduct a study before adding another illegal crosswalk to perpetuate problem. Presently there are ten (10) cross-walks in area and Chief not in favor of new cross-walk for the Groton St. area due to there being one presently 200' away from proposed new area. Chief would like clean-up first (ADA approved) of all cross-walks in Town before adding another one. Chairman Conley suggesting having MRPC conduct study through Grant funds. Mr. Luca also advising to TIP -Park Street Design Work also an available resource.

Public Hearing-Partridge Auto Sales-42 Littleton Rd., Ayer, MA /Class II License-Sean Partridge-Chairman Conley advising to Planning Board requiring a professional engineers map of Mr. Partridge's property re his expansion plans for 50+ cars. The Board continued the Public Hearing to September 17, 2013.

Report of 7-30-13 Joint Executive Session of the Board of Selectmen and Board of Health-Mr. Pontbriand read into the record in accordance with the Open Meeting Law and advice of Town Counsel reported on the 7-30-13 Joint Executive Session of the Ayer Board of Selectmen and the Ayer Board of Health regarding authorization and pursuit of litigation and/or enforcement against the property owner/s of 14 Williams St, Ayer MA and the property owner/s of 128 Washington St., Ayer, MA for the inclusion into the Official Public Meeting Minutes of the Board of Selectmen to be held on Tuesday, August 6, 2013(see attached Report from Joint Executive Session on 7-30-13).

Appointments-

Personnel Board- Mr. Pontbriand presented to the Board, for their consideration, the following people for the vacant positions on the Personnel Board. The Board interviewed each of the three (3) candidates presented. Chairman Conley questioned each candidate to what the most important function of Personal Board is to each of them.

Mark Coulter-7 High Street, Ayer, MA appointed to the three (3) year Citizen 7-1-13 to 6-30-16 position, motion made by Mr. Fay 2nd by Mr. Hillman VOTE: unanimous, so moved.

Lt. Brian Gill-Ayer Police Dept. appointed to three (3) year Employee's Representative Appointment, (7-1-13 to 6-30-16) motion made by Mr. Fay, 2nd by Mr. Hillman, VOTE: unanimous, so moved.

Lisa White-Secretary, Fire Dept. Mr. Luca advising to Ms. White the former Employee's Representative on the Personnel Board and should not have been removed from position arguing she should have remained appointed since the position was suppose to be a three year appointment while she only served one year. Mr. Fay disagreeing feeling he did not agree with her actions at the time she served in that role -went outside of bounds of Personnel Board (unprofessional emails sent to staff members-reminding Ms. White to emails are public record and available to her when she alluded to not being aware of any). Mr. Luca moved to appoint Ms. White to the remaining one (1) year citizens appointment to the Personnel Board, 2nd by Mr. Hillman reluctantly, VOTE: Mr. Luca aye, Mr. Fay no, Mr. Hillman no, Chairman Conley no, 3-1 motion fails.

Police Chief William Murray-Chief Murray introduced former Police Officer Daniel Morrison to the Board. Chief Murray requested the Board appoint Dan Morrison, contingent upon Mr. Morrison passing a physical and psychological exam, to the APD's open police officer's position. Chief Murray advising to Mr. Morrison a past employee of the Department serving from 2007 to 2011 recommending Mr. Morrison start at Step 2 for six (6) Months after which time he would go to Step 3. Chief Murray explaining he felt his Fy-14 budget could sustain his recommendation due to officer out on line of duty injury and insurance reimbursement. Mr. Luca moved the Board vote to approve Chief Murray's recommendation and appoint Daniel Morrison to the vacant Police Officer position contingent upon Mr. Morrison passing physical and psychological examinations, 2nd by Mr. Hillman VOTE: unanimous, so moved. The Board welcomed Mr. Morrison back to a round of cheer from his follow officers.

Personnel Board of Appeals Appointments-Mr. Pontbriand reviewed with the Board the Lottery Process set forth in Chapter 12 Step 5 of the Personnel Policies re appointment process of the five (5) members to serve. Mr. Pontbriand presented a basket with the names of the potential fourteen (14) Department Heads and/or Commission Board members to serve re Problem Resolution. The following department heads were randomly drawn by the Board of Selectmen to sit on the Personnel Board of Appeals: Economic Development Director-David Maher, Town Accountant-Lisa Gabree, DPW Superintendent-Mark Wetzal, Planning Board Member, and Board of Health Member to be determined. Mr. Pontbriand to notify all to their selection to the Personnel Board of Appeals.

Building Department Appointments-Present for the discussion Gabe Vellante-Building Inspector, Philip Horgan-Electrical Inspector and Robert Friedrich-Plumb/Gas Inspector. Mr. Pontbriand opened the discussion by updating the Board to the Board holding off on the Building Dept. re-appointments due to possible re-structuring of this Dept. i.e. going to full-time Building Inspector, funding a part-time inspector, and part-time admin support, and pending meeting with the Building Dept. re same. Mr. Pontbriand recommended the re-appointments of Gabe Vellante, Building Inspector, Philip Horgan, Wiring Inspector Alternates: Roland Bernier-Asst. Bldg. Inspector, James Bacom- Asst. Plumb/Gas Inspector and Alan Parker- Asst. Wiring Inspector for one (1) year appointments 7-1-13 to 6-30-14. Mr. Pontbriand advising to Board wishing to meet with Mr. Friedrich re Town of Ayer Inspection Tags. Mr. Luca moved the re-appointments of Gabe Vellante, Philip Horgan, Alan Parker, James Bacom, and Roland Bernier so stated above, 2nd by Mr. Fay, VOTE: unanimous so moved. The Board met with Robert Friedrich-Plumb/Gas Inspector re use of Town of Ayer Inspection Tags in Shirley, MA and advised by Mr. Friedrich to Town of Shirley running out of Tags and Town of Ayer Tags borrowed and replaced by Town of Shirley. Mr. Hillman advising to his inquiring why Ayer Tags were utilized and thanked Mr. Friedrich for explanation. Mr. Luca moved the re-appointment of Robert Friedrich -Plumbing/Gas Inspector for one (1) year 7-1-13 to 6-30-14, 2nd by Mr. Fay, VOTE: unanimous, so moved. The Board entered into a discussion with Mr. Vellante re Full-time vs. Part-time Building Inspector i.e. need, accessibility, cost effective, hiring of an Enforcement Officer and/or Department Assistant to assist the Department. Discussion to agenda for another meeting was suggested by Chairman re give the Board

more time to decide re advertising the position (Zoning Officer) or part-time assistant for three days a week. The Board continued this discussion for thirty (30) days.

Housing Rehab Program-the Board met with Alicia Hersey, Financial Manager re amendment to the CDF-Fy11 Grant. Ms Hersey requested the Board's approval to transfer from the Housing Rehab Budget from Program Income the amount of \$626.83 amending the total funds expended to \$900,626.83 due to Change Order to close-out the last housing unit. Ms. Hersey advising to DHCD's approval of this Change Order. Mr. Luca moved the Board vote to approve the Budget Amendment to \$900,626.83 to the Fy-11 Grant, 2nd by Mr. Hillman, VOTE: unanimous, so moved.

Town Administrator's Report-Present for the discussion Cindy Knox-IT Director

1. MUNIS ASP Contract-Tyler Technologies re software upgrades to the MUNIS System per the Town Accountant and IT Director. The Board reviewed with Ms. Knox the IT Committee Meeting and approval of the contract at their meeting on 6-10-13. Ms. Knox also advising to Town Counsel's review and approval. Mr. Pontbriand advising to procurement being met under MGL Chapter 30B per sole source provider and approved by the Capital Planning Com. Fin-Com and approved at ATM 5-13-13. Mr. Pontbriand recommending the Board's approval of Contract Award to Tyler Technologies in the amount no to exceed \$119,113.00. Chairman Conley requesting Page 9 site location is amended to include DPW and Library. Motion to approve the contract as amended to Tyler Technologies not to exceed \$119,113.00 made by Mr. Fay, 2nd by Mr. Luca, VOTE: unanimous, so moved.

2. Groton School Road Pumping Station Upgrade-Present for the discussion Supt. Mark Wetzel
Supt. Wetzel presented the Contract for the Groton School Road Pumping Station approved on 7-16-13. Supt. Wetzel recommended the contract be awarded to Ricciardi Bros. for the bid award no to exceed \$410,878.00. Motion to approve made by Mr. Fay, 2nd by Mr. Hillman VOTE: unanimous, so moved.

3. ASRSD-DPW Work-Mr. Wetzel updated the Board to Department billing the School District \$9,963.95 for snow removal plowing & salting in Fy-12. Supt. Wetzel advising to later finding out the Town amended the Agreement to include snow & ice removal and instead of paying back the money the district would like the Department to provide in-kind services to work off the payment. Supt. Wetzel advising to meeting with Doug Jaspersen, Fred Deppe and Bill Plunkett re services requested by District which most involved parking improvements. (see list dated 8-1-13 ASRSD -DPW Projects) The Board had no objections and Supt. Wetzel to proceed. (no vote taken by Board).

4. Home Rule Petition-Mr. Pontbriand reviewed the procedure with the Board authorizing the Town of Ayer to hold a Special Town Election to determine whether the Town shall reduce the number of Selectmen from 5 to 3. Mr. Pontbriand advising to the next step in the process is for the Town to hold a Special Election no later than 65 days before the annual election in order for the voters to decide whether to reduce the number of Selectmen from 5 to 3. Mr. Pontbriand advising the Board to not being able to piggy back on another election must be separate. Mr. Pontbriand also advised to speaking with Town Clerk and advised to no funding (approximately \$3,500.00 to hold election) available. Chairman Conley suggesting the Board fund the election on the Fall Town Meeting Warrant and rescheduled the discussion for the Selectmen's August 20th Agenda.

5. October 28, 2013 Special Fall Town Meeting Warrant-Mr. Pontbriand requested the Board vote to open the 10-28-13 Special Fall Town Meeting Warrant and close the 10-28-13 Special Fall Town Meeting Warrant on 9-13-13. Motion to open the FTM Warrant 8-6-13 and close the FTM Warrant on 9-13-13 made by Mr. Luca, 2nd by Mr. Fay, VOTE: unanimous, so moved.

6. New Business/Future Topics-

Mr. Pontbriand requested the Board's consideration to meet in Executive Session either on Monday, 8-12-13 or Tuesday, 8-13-13 re Personnel matters Exemption #3 APPOA Dispatchers re employee extended medical leave, Exemption #3 Col. Bargaining-AFFL #2544 -Step 2 Grievance, Exemption #3 AFSCME 93 Town Hall Clerical Union re removal of positions from Union and COA restructuring proposal, and Exemption #3 APPOA Police Contract Arbitration Strategy Update. The Board to get back to Mr. Pontbriand by 8-7-13.

7. Mr. Pontbriand presented the Board a list of current outstanding issues/topics for the Board's upcoming meetings. The Board took the following action:

Management Audit Letter-to be taken up at 8-20-13 Selectmen's Meeting.

GPS/Transponders-taken off-

Business Certificates-8-20-13 Selectmen's Meeting

Public Land Sign Policy-to Planning Board re recommendation Zoning area be defined

Park Street Crosswalk-indefinitely postponed pending study

MADEV Police Services RFP-to JBOS agenda

Board Communications -8-20-12

Code of Conduct Training-schedule with Town of Acton

IT Policy schedule for 9-17 Selectmen's Meeting

Furniture Equipment Purchasing Policy schedule for 9-17 Selectmen's Meeting

Travel-Mileage Policy-9-17- Selectmen's meeting

BoS Polices & Procedures/Financial Policies -ongoing

Fire Station Reuse RFP-9-3- Selectmen's Meeting

FTM Warrant open Bos 8-6-13 Close 9-13-13-Location to be determined-High School under construction

Dept. Head Evaluations 9-3-Selectmen Meeting

Street Light replacement 9-3 Selectmen's Meeting (check on St. Light insurance on Main St. Pole)

Mr. Pontbriand advising to two (2) Department Head contracts expiring in 2013

Central Printing Selectmen's 9-17 meeting

8. Boston Post Cane Policy-Mr. Pontbriand reviewed the Town of Scarborough, ME Policy with the Board background of Boston Post Cane given by Mr. Pontbriand as well as location of Town's original cane & replica being stored in Ayer Town Clerk/Collector's Vault. Three person committee recommended to consist of the following: Town Clerk, Historical Commission representative, and Council on Aging Director to determine the Town's Oldest resident. Mr. Fay moved the Board vote to adopt Mr. Pontbriand' recommendation 2nd by Mr. Hillman VOTE: unanimous, so moved.

9. Selectmen's Policies- Public Input Policy-99-27 read into the record by Mr. Pontbriand. Tracking Policy within fourteen (14) days of Selectmen's Meeting.

Relationship with Department Heads/Commissioners - quarterly meetings -clarify 2001 Amendment for Selectmen's 8-20-13 Meeting.

Selectmen's FACEBOOK page revisited re comments.

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

10:00p.m. Meeting adjourned

Date: 8-22-13

Christopher R. Hillman, Clerk