

TOWN OF AYER SELECTMEN MEETING MINUTES
Thursday, September 3, 2013

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

The meeting was called to order at 7:10p.m.

Present: Pauline Conley, Chairman, Gary J. Luca-Vice Chairman, Christopher Hillman-Clerk, James Fay-Member, Jannice Livingston-Member, Town Administrator Robert A. Pontbriand and Janet Lewis Secretary.

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

Mr. Fay called for reorganization of the Board claiming an email violation by Ms. Conley.

Mr. Pontbriand requested to delete item #5 of his report as Town Counsel's update did not come yet.

Mr. Hillman requested adding discussion on Political signs and signs in general.

Mr. Fay moved to approve the Agenda as amended, 2nd by Mr. Hillman. VOTE: Mr. Fay aye, Mr. Luca aye, Ms. Livingston aye, Mr. Hillman no, Ms. Conley no. Motion carried 3-2.

Minutes- 8-22-13 were postponed to Sept 17

Public Input- None

Board Reorganization

Mr. Fay opened the discussion questioning Ms. Conley's serving as Chairman because of an email dated 8-22-13 sent by Ms. Conley to the Town Administrator and copied to both the Police Chief and Supt. Wetzel re a Park Street crosswalk that was before the Board recently and voted down by the Board, stating his reservation about her serving as Chair and breaking trust, going against the will of the Board. Ms. Conley explained she sent the email to the Town Administrator at approx 7 am after witnessing an elderly lady almost being struck by a tractor trailer as she crossed Park St. so it would not be in violation of the Board's policies. Ms. Conley read the email into the record.

Mr. Luca stating his objection to the email not being sent to the rest of the Board given the volume of emails sent by her on a daily basis.

Ms. Livingston also stating to finding the email disturbing and coming across wrong whereas the Board was in agreement to the need to remove some crosswalks and spending money on a temporary crosswalk is troubling when the Board agreed to wait and see the study.

Mr. Pontbriand suggested a need for a policy on how the Board should send emails to each other and what to do with emails that he receives, i.e. forward to each member of the Board or print out all the emails and place them in the Board's mailboxes as they are public record.

Mr. Hillman stated his dismay wasting over an hour talking about emails and wishing to move on questioning how removing Ms. Conley as Chairman would change the practice of the Board and if it helps the Town and/or is in the best interest of the Town.

Mr. Pontbriand suggested bringing in a consultant on working together and getting along, stating there are inherent issues of trust, code of conduct exists. This meeting would be open to all Town Departments, Boards and Commissions. The Board agreed with the recommendation
No motion to reorganize was made.

Town Administrator's Report-

1. Special Fall Town Meeting Warrant- Draft 1. Mr. Pontbriand announced the Citizens Petitions deadline on Friday, September 13, 2013 at 5:00p.m. and advised that Town Counsel's edits would be available for review on 9-17-13.

Mr. Pontbriand then reviewed each of the proposed articles to date (see attached Draft Warrant):

- Article 1- Stabilization funding - requested by Fin-Com
- Article 2. Town Hall Maintenance Fund - Mr. Pontbriand advising to the Facilities Director putting together a list of projects for the Board's review.
- Article 3. Replacement of Missing Main St Street Lights - Mr. Wetzel to have a plan for the 9-17-13 meeting.
- Article 4. Union Employee Compensation Study – Requested by the Fin-Com. Mr. Luca questioned how we could do a Union employees comparable study. Mr. Pontbriand agreed indicating we may need more time to investigate.
- Article 5. Comprehensive Pond Study - Con-Com may have additional information on funding the RFQ discussed at the 8-22-13.
- Article 6. Fire Station RFP - Mr. Pontbriand advised the RFP had to be extended to 9-13-13 at 5 p. m. due to clarification received from the Central Register on the Bidding Documentation.
- Article 7. Kohler Place – potential CPC acquisition of open space and conservation land sale as discussed on 8-22-13.
- Article 8. Easy Street Acceptance - Mr. Pontbriand advised the Planning Board is meeting on 8-8-13 to review/approve street pending Supt. Wetzels' review and approval. This Board will need to take further action at the meeting on 9-17-13.
- Article 9. Crabtree Pumping Station – funding article for replacement.
- Article 10. Adoption of MGL Chapter 40, Section 8G - requested by Chief Murray who indicates the status was adopted in 1972 but he is unable to locate the original Agreement so need to have the statute adopted again.
- Article 11. Report on Collective Bargaining Agreements - in event CBA's are not finalized.
- Articles 12-15 Placeholders for ratifying any settled contracts.
- Citizens Petitions - Mr. Pontbriand advising to having none to date.

Mr. Pontbriand advised there may be an article for the possible combination of transfer of land/or sale relating to Old Groton Road.

Mr. Fay requested the Board consider adding Official Town Flag to the warrant.

2. Employee Recognition Program- Mr. Pontbriand reviewed the proposed program which was introduced at the Aug 22 meeting. Ms. Livingston moved to approve an Employee Recognition Program as outlined by Mr. Pontbriand, 2nd by Selectman Fay, VOTE: unanimous. Nominations can be submitted beginning October 1, 2013.

3. Boston Post Cane- Mr. Pontbriand announced applications for the Town's Boston Post Cane "Golden Cane" for the Town's Oldest Resident are now on the Town's Website.

4. Town Counsel-Personnel Board Opinion- Postponed to 9-17-13

5. Business Certificates- Mr. Pontbriand informed the Board that implementation and administration has been an issue over the last few years. Mr. Hillman stated Business Certificates need to be codified, enforced and administered, that proper record keeping and collection of fees are required by law and there seems to be no sense of urgency/priority by the Town Clerk. Town Clerk doesn't want to do and his part falls on Economic Development Director. It is not fair to those businesses that pay their fee if others don't register. Mr. Luca moved to authorize the Town Administrator to direct the Economic Development Director and the Town Clerk to implement and administer the Business Certificate Program and if Town Clerk does not comply to contact the Secretary of State's Office, 2nd by Mr. Fay. VOTE: unanimous. The Board requested an update by 9-17-13 w/a deadline of October 1, 2013 for implementation and administration.

6. Job Description for Asst. Building Assistant- Mr. Pontbriand reviewed Mr. Vellante's 8-20-13 Memo on posting an Assistant Building Inspector's position. Mr. Vellante requested the position title be

revised. Mr. Luca stated he did not want to limit position to just enforcement because someone needs to be in the office when Mr. Vellante is not. Ms. Conley suggested simply changing the title in the job description itself and correcting Building Inspector title in the description to Building Commissioner. The Board made no changes to the job description.

7. Zoning By-law/Sign Policy- Mr. Hillman restated his concerns regarding signs of all kinds on the rotary and a need for a new Sign By-Law. Mr. Pontbriand reviewed his proposed draft amendment to the Zoning By-law (Article VI Special Provisions, Section 1 Signs and Billboards) adding a new Section J (see attached). Mr. Pontbriand advised that Town Counsel will review for the 9-17-13 meeting as a potential Warrant Article for 10-28-13 Fall Town Meeting. Procedurally the Planning Board will need to hold a public hearing prior to the Oct 28th Town Meeting in order to proceed

Board of Selectmen Policies and Procedures Review and Update-

Mr. Pontbriand advised that all members now have copies of all version from 1999, 2000 and 2001, requesting the Board review for further discussion on 9-17-13.

Town Administrator's Policy Protocols Regarding Electronic Communications-

Mr. Pontbriand discussed that email communications have created OML challenges in that serial emails forwarded unintentionally are creating violations, stating that emails are a useful scheduling tool and also for transmitting updates. Mr. Pontbriand reported issues have arisen from Board members that he is not transmitting the same information to each Board member and asked if Board wants to deactivate the Reply to All Control as five (5) Board members and he are on the single address.

Mr. Hillman stated he receives emails from residents and it is easy for them to contact him.

Ms. Livingston stated this is getting absurd, the Board should pay attention to what they are doing.

Mr. Pontbriand discussed different scenarios that have occurred/could occur requesting the Board's expectations as to how he should handle going forward, i.e., emails from Selectmen to Department Heads requesting they do a certain task which are not forwarded to the Town Administrator are not acceptable and violate the Board's Policies & Procedures, as well as Board members requesting each other's emails. Mr. Pontbriand advised he will be bringing this issue forward at the Department Head Meeting this month. Mr. Pontbriand to implement immediately on all future emails to the Board a Header stating: FOR INFORMATIONAL PURPOSES ONLY NOT FOR DELIBERATION and footer PUBLIC RECORD DISCLOSURE to remind them of their responsibilities.

Selectmen's Questions/New Business-

Mr. Hillman-

1. Christmas Lights at Rotary-Mr. Hillman advised to a bigger event sponsored by businesses, hoping to extend to Downtown area coordinating with DPW. Wants to begin promoting Holiday Lights Campaign for contributions now, correcting funding campaign logo to "Christmas Lights" from Holiday Lights.

2. Welcome to Ayer Sign for Rotary- requesting the Town place movable sign at Rotary not necessarily granite, but something that lasts 10-15 years.

Future Meetings-

Mr. Pontbriand advised the Board to need for upcoming Meetings:

1. Meeting with Supt. Wetzl re update re projects to be scheduled
2. Hearings: Water/Sewer Rate, Tax Rate, Capital Plan proposing one night for all hearings 9-9-13.
3. 9-9-13 Executive Session - Property Enforcement Joint Mtg. with Board of Health
4. 9-10-13 Executive Session - Collective Bargaining and Kohler Place
5. 9-17-13 Regular Meeting - review Draft #2 of Fall Town Meeting Warrant, Selectmen's Policies and Fin-Com review Warrant.

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