

**TOWN OF AYER SELECTMEN MEETING MINUTES**  
**Thursday, October 1, 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](http://www.ayer.ma.us)**

**Chairman Conley called the meeting to order at 7:00p.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. .

Ms. Conley requested if there were any amendments to the Agenda of October 1, 2013.

Mr. Pontbriand:

1. Advised the Board to Advocates Grant removed from Mr. Maher's report and rescheduled for the Board's 10-15-13 Meeting.

2. Under Town Administrator's Report add Executive Session Report re DPW contract

Ms. Livingston: re questions re her email of 9-30-13 re minutes, agenda start time/s be placed on future Agendas, Fire Dept negotiating team, reasoning behind Selectmen's questions that involves funding.

Ms. Conley-APAC-coverage of Committee, Boards, Commission Meeting not being recorded/covered by APAC as of 7-15-13.

Selectman Luca moved to approve the Agenda of 10-1-13 as amended, 2nd by Mr. Fay, VOTE: unanimous, so moved.

**Announcements**-Mr. Luca reminding everyone to October being National Breast Cancer Awareness Month and announced the Ayer Post Office's annual sponsorship/drive, and distributed Breast Cancer Pink Pins for the Board to wear in recognition of National Breast Cancer Awareness month.

**Minutes**- Ms. Livingston questioned the reasoning behind two sets of minutes for same meeting being in the Board's packet re editing, one from the Board's secretary and one from Ms. Conley stating Board should not have double work. Ms. Conley responding to minutes from her is format change only not substance. Mr. Fay advised to policy re minutes having four (4) day window re editing if missed cut off-missed chance. The Board requested to ensure minutes be prepared within four (4) days and placed in Selectmen's mail boxes in the future. The Board to review policy re cut off period for edits.

8-22-13 Minutes moved by Mr. Luca to approve with amendments, 2nd by Mr. Fay, VOTE; unanimous.

9-3-13 Minutes moved by Mr. Luca to accept as written by Ms. Lewis , 2nd by Mr. Fay, VOTE:

unanimous, so moved. Ms. Conley advising to copy of video of Selectmen's Meetings also available.

**Fire Chief-FEMA Reimbursement Grant (\$30,777.84 for 2-/13 Blizzard)**

The Board met with Chief Pedrazzi who advised the Board to receipt of reimbursement approval application form from FEMA requiring the Chairman's signature for the snow storm of Feb. 2013 re overtime, snow-plowing, materials, etc. Chief Pedrazzi took this opportunity to publicly thank his secretary Lisa White, Police Dept. Secretary-Marcia Gilson and DPW Office Manager Pam Martin for all their hard work assembling and gathering the enormous amount of paperwork required for this successful application.

Mr. Luca moved the Board vote to approve the FEMA reimbursement in the amount of \$30,777.84 (75% reimbursement) and authorize the Chairman's signature on the application, 2nd by Mr. Hillman, VOTE: unanimous, so moved. The Board congratulated Chief Pedrazzi on his successful application.

**Public Input-**

Mary Spinner-Ms. Spinner inquired about the status of the Town's By-laws passed at the 2013 Spring Annual Town Meeting, having seen nothing posted by Town Clerk. Mr. Pontbriand advising to also inquiring about the By-laws to the Town Clerk and receiving nothing definitive from him re status. The Board requested Mr. Pontbriand submit a memo to the Town Clerk and cc the A.G. Office addressing Board's concern re status.

**David Maher-Economic Development Director.**

L-3 TIF Agreement-present for the discussion Gary Boyer representing L-3.

Mr. Maher gave the Board a brief background re the status of L-3's TIF with the Town. Mr. Pontbriand advised to L-3 meeting with the TIF Review Committee on 9-26-13 and L-3 conducting a power point presentation at this meeting which is included in the Board's 10-1-13 packet. Mr. Pontbriand advised the Board to DOR de-certifying L-3's TIF on 6-26-12 due to L-3 not meeting their employment quota as agreed in the TIF by forty new hires (employees). The Board expressed their concern not receiving notification of L-3's de-certification by the State. Mr. Pontbriand advising to L-3 made aware and went through Appeal Process in June 2013. Letter/s to be forwarded to Board by Mr. Pontbriand re de-certification notice received by Mr. Maher on 7-9-13 and any other pertaining documentation. Mr. Pontbriand also advising to Nashoba Valley Medical Center (NCMC) TIF de-certified in March 2012 and also not made aware of de-certification. Mr. Pontbriand advising Board to TIF Committee taking no action and instructed Mr. Hogan-Chief Assessor and Mr. Pontbriand to contact Town Counsel re some of States 31 municipalities who have kept TIF's even knowing they were de-certified and not knowing if it is good/bad to continue. Mr. Hogan expressed his grave concern at TIF Com. Mtg. re the substantial financial interest to the Town of Ayer. The Board requested Mr. Maher to prepare list of other Towns with de-certified TIFS, check Agility being de-certified, and to check with other Towns in Ayer's TIF zone re application process. Mr. Pontbriand advising to Deadline of October 30, 2013 re appeal process and TIF Com. meeting again the first week in November. The Board thanked Mr. Boyer for coming in to meet with the Board and of value of L-3 to the community. Mr. Fay assuring Mr. Boyer to Town doing everything they can to keep L-3 here. Mr. Boyer advised to L-3 exceeding their quotas on everything else and are committed to continue advising to Federal cutbacks on major programs was major factor in not meeting their quota. Mr. Fay stating if Town had known earlier about de-certification Board could have taken action advocating for L-3. Board needs to research what they can and can't do. Mr. Maher advising to the Dept. of Business Development's opinion re de-certification being under Town's jurisdiction and DOR disagreeing.

Business Certificates-The Board expressed their concern re Town Clerk not present for discussion. Ms. Conley suggesting in the future to send email to the Town Clerk requesting his attendance at meetings and cc BOS. Mr. Pontbriand advised to meeting held on Tuesday morning at 10a.m. with Mr. Maher and Ms. Knox re Business Certificates and Mr. Canney unable to attend due to staffing shortage. Mr. Pontbriand advised to meeting with Mr. Canney per the Board's request re issuance of Business Certificates and advised by Mr. Canney to his adhering to stature, and maintaining he is following stature, and will continue to do so. Mr. Pontbriand then requested Mr. Maher to proceed with matter. Ms. Knox to place MGL legislation reminder on Website and Mr. Maher will continue to police and monitor. Mr. Maher presented a sample mailing he prepared to mail out to delinquent businesses. Mr. Hillman advising to Town of Littleton's Clerk sends out postcard mailings to businesses reminding them to renew license while Mr. Canney maintains he doesn't have to do anything. Mr. Pontbriand advising if Town wants to be pro-active with Business Certificates it has to come from Mr. Maher & Ms. Knox. Mr. Hillman also recommending the fee is increased from \$20.00 Ms. Conley offering perhaps \$50.00, Mr. Fay also requesting to get number of Home Business on line as well. Mr. Maher offering to canvas Town to make process easier. the Board set preliminary time frame of 1/1/14 for implementation. Mr. Maher's Office to absorb cost associated. Mr. Fay stating fine/penalties and license fee are under the preview of the Selectmen and should be addressed with Rate Study Committee soon. Mr. Luca suggesting Business Certificates also is included with license non-renewals if they have outstanding taxes, and also to offer on-line payments. The Board requested Mr. Pontbriand send the Town Clerk a memo requesting his presence at the October 15, 2013, Selectmen's Meeting to discuss the issue of Business Certificates. Ms. Livingston personally thanked Mr. Maher for his always stepping up attitude and willingness to help whenever called upon.

Release of Waiver-Ms. Conley extending apology for her unavailability to sign off on 2003 document re Housing Rehabilitation Program's property Lien and rescheduling this release for this evening, but made aware to Town administrator having Vice-Chair sign document. Mr. Maher stated his office was

pressured by bank for release. Mr. Pontbriand for clarification purposes stated Ms. Hersey expressing great urgency having to have the document signed that day so he requested Mr. Luca sign due to time sensitivity. In the future Mr. Pontbriand will request execution date be placed on all future documents coming before Board. Mr. Luca stating he has great respect for Mr. Pontbriand and would never question his integrity re such request/s.

**Cindy Knox-IT Systems Administrator-Proposed DRAFT Policy I.T. Hardware/Software Acquisition**

Ms. Knox updated the Board to proposed Policy developed and administered by her and receiving the IT Committees approval on 8-28-13 regarding the creation/codifying of policy. Ms. Knox stating purpose re IT Acquisition Policy is to ensure Town gets right purchase for right price. Ms. Knox reviewed with the Board hardware/software categories/definitions, enforcement and disposal in accordance with MGL Chapter 30b (state purchasing and procurement). Ms. Knox advising to Police Dept being exempt from policy re security issues. Mr. Luca applauding policy being a good start and Mr. Fay echoing Mr. Luca being a right step in the right direction centralizing purchasing and adding suggestions to policy that all Town Departments comply with annual inventory of equipment by hand receipt and equipment tagged/permanently marked as property of Town of Ayer. The Board scheduled this policy for approval at their next meeting on 10-15-13.

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

Crabtree Wastewater Pumping Station Upgrade-Supt. Wetzel announced the Bid Opening on Thursday, September 26, 2013, for the Crabtree WW Pumping Station Upgrade and Town receiving ten (10) bids, Low Bidder Weston & Sampson \$64,538.00. Supt. Wetzel advising to structure 30 years old and in danger of failing-placed on Capital Planning re funding. Supt. Wetzel recommending the Board vote Notice of Award pending funding at the 10-28-13 Special Fall Town Meeting. Mr. Luca moved the Board vote to approve Notice of Award for the Crabtree Pumping Station by Weston & Sampson not to exceed \$64,538.00 pending Special FTM funding and authorize the Chairman's signature, 2nd by Ms. Livingston, VOTE unanimous, so moved. Mr. Fay requesting Board follow-up with Planning Board re his recollection re Developer (Crabtree) funding Pumping Station upgrade back in 1985-90's and Ms. Conley also having similar recollection requesting Mr. Wetzel have Planning Board check their minutes re Bond- lien placed on developer and report back.

21 Main Street Sidewalk-Mr. Wetzel updated the Board to DPW investigating section of sidewalk in front of 21 Main Street having no concrete base under bricks and bricks being uneven with sand on top which indicates a leak below bricks or settlement issue i.e. settlement of trench. Based upon speaking with owner, building contractor and Mr. Jasperson-Foremen-DPW the DPW will review roof drain with video camera if no blockage/broken pipe will repair area by excavating 12-inches of material, install processed gravel, geotect fabric, foundation sand, and dry set bricks joints to be filled with polymerized sand mixtures. DPW to observe area for settlement in Spring if observed will re-evaluate.

Proposed Changes to Industrial Pretreatment Permits-Present for the discussion Paul Boyle-HTA Supt. Wetzel gave the Board an update re the Town's four Significant Industrial Users (SIU's) in Town. Vitasoy requesting an increase in their discharge flows and concentrations per request from HTA the Town's engineering consultant dated 9-3-13 and based upon the report and with speaking with Ms. Boyle. Ms Conley suggesting the Board meet with the Town's SIU's before approving extra capacity need the information from stakeholders and cost involved. Mr. Luca feeling work is done we have the capacity. Mr. Hillman feeling Vitasoy needs upgrade we have leverage. The Board discussed Devens WW Treatment Agreement's additional capacity. Mr. Wetzel suggesting the Board increase Vitasoy's flow based upon Table 5. Mr. Luca moved the Board move to accept the organic capacity analysis allocation up to the limits as presented in Table 5 of the attached letter report from Hoyle, Tanner & Assoc. Inc. dated 9-3-13 and to allow the Superintendent of Public works to negotiate Industrial Discharge permits accordingly as deemed necessary, 2nd by Mr. Fay, Vote unanimous, so moved.

NPDES Discharge Permit-Supt. Wetzel advised to USEPA issuing draft WW-NPDES permit for the Town WWTP. The draft permit contains effluent limitations and conditions that the discharge received adequate treatment and will not violate State water quality standards, The Town must provide

comments to the EPA and MADEP by 10-27-13 and the Town is working with HTA to review & comment on the draft permit. Mr. Wetzel advising to new concerns re meeting phosphorus, aluminum, lead and copper limits, not concerned re Phosphorus just metals. Supt. Wetzel requesting to hire environmental lawyer Donald Angelhart for short period of time Not to Exceed \$5K (2/days work) to assist Town with response - Mr. Luca moved to allow Mr. Wetzel to utilize Special Counsel, Donald Angelhart to assist with the Town's WW-NPDES Permit in the amount not to exceed \$5K, 2nd by Ms. Livingston, VOTE unanimous, moved. The Board requested Mr. Pontbriand contact K&P to see if they have Counsel available re same.

Ms.Spinner requested the Board look into Ridgeview Heights Storage Tank- re Willows -O'Hagen was to build included replacement of 12" mains with 16" mains (2010-2011 time-frame)-but O'Hagen doesn't own property anymore (if tank wasn't built by a certain time developer was to pay Town \$250K). The Board requested update for their 10-15-13 meeting. Mr. Wetzel to check with ZBA, Town Accountant.

#### **Town Administrator's Report-**

1. Easy Street-The Board approved Easy Street Warrant Article for the 10-28-13 Special Fall Town Meeting per Planning Board's vote of 9-19-13 to accept Easy Street as Public Way. Motion to approve made by Mr. Fay, subject to Supt. Wetzel's sign off, 2nd by Mr. Luca, VOTE: unanimous, so moved.
2. DPW Contract-Mr. Pontbriand announced the successful negotiation of the DPW AFSCME 93 Union MOA 3 year contract (2013-2016) on 9-18-13 which includes 2% Fy14, 2% Fy-15, 2% Fy-16 salary increase/s with no wage re-opener and \$25.00 clothing allowance increase and one time provision re hours of the Transfer Station from 10-28-13 to 12-1-13.
3. 10-28-13 Special Fall Town Meeting Warrant-Mr. Pontbriand presented DRAFT #5 of FTM Warrant per Town Counsel review. Deadline for Warrant to printer 12:00 noon on 10-9-13. Mr. Pontbriand requested Board to meet with Fin-Com 10-8-13 re final review and approval of financial articles and Warrant in Open Session @7:30p.m. and meet in Executive Session at 6:30p.m. with Fire Dept. re Col. Bargaining. Mr. Pontbriand reviewed Draft #5 of the 10-28-13 FTM Warrant with the Board -Articles 1-12 advising to Article 13 -Park St. Crosswalk not making warrant due to insufficient signatures- requiring 100 and 10 submitted. Mr. Fay questioned why Town Flag was not included on warrant.

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

4. Remote Participation-OML 940 CMR 29.10-Public Meetings- Mr. Pontbriand presented his proposed draft policy re allowing Remote Participation for all Public Meetings of all Town of Ayer Public Bodies (Town Boards, Departments, Committees/Commissions-see attached policy dated 9-26-13) Mr. Pontbriand stating every effort should be made by the public body to avoid the use of remote participation at meeting when possible and used remotely only if physical attendance is unreasonable/difficult as determined by the Chairman. Types of technology to be used in remote participation includes: by means of Telephone, Internet, Satellite enabled audio and/or video conferencing. Reviewed with the Board briefly included procedures, quorum, purpose of meeting, participants, must be audible, votes by roll call, use in Executive Session-participants, violations, revocation of policy. Mr. Pontbriand advised no one may use remote participation until Board of Selectmen approves policy. Mr. Luca requested the Board look over proposed policy and be sure policy mirrors state and schedule for Boards 10-15-13 meeting.

#### **New Business/Selectmen's Questions**

Mr. Fay-show actual times on Agendas in future, placed in the form of a motion, 2nd by Mr. Luca, VOTE unanimous, so moved. Ms. Livingston elaborating stating all times is approximate.

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

