

- Town of Ayer
- Board of Selectmen
- Town Hall, First Floor Meeting Room
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Tuesday, July 17, 2012

Selectmen's Meeting on Town of Ayer Website www.ayer.ma.us

7:00p.m . Chairman Fay called the meeting to order.

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| James M. Fay, Chairman | X | Christopher R. Hillman, Member | X |
| Frank F. Maxant, Vice-Chair | X | Gary J. Luca, Member | X |
| Pauline Conley, Clerk | X | Robert Pontbriand, Town Administrator | X |
| Janet S. Lewis, Secretary | X | | |
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7:05p.m. Open Session Chairman Fay called the meeting to order.

Town Administrator requested the Board amend Agenda Item #6. TA's Report by adding item #5 Superior Officer's Contract MOA successfully negotiated and ratified by the Union on June 26, 2012, advising under MGL the Board must vote its approval in Open Session.

- Selectman Luca requesting to discuss the Dispatcher's Contract as well in Open Session. Mr. Pontbriand stating this is allowable.

Chairman Fay called for a motion to approve the Agenda. Selectman Luca moved to approve the agenda as amended, 2nd by Selectman Conley, VOTE: unanimous, so moved.

Agenda Item #1.-Announcements:

Chairman Fay announced the Ayer Panthers Baseball Team/Coaches present this evening re recognition upon their "Championship" -winning the Macintosh World Series-Majors 70 Division, to be taken up prior to Public Input.

Chairman Fay welcomed the Ayer Panthers Baseball Team and Coaches to the meeting on behalf of the Board. Chairman Fay read into the record a Certificate of Appreciation presented to each of the team members/coaches recognizing the Coaches and team upon their successful season. Chairman Fay also recognized Park Director Jeff Thomas for his contribution to the Town's Park Programs congratulating him on this successful season and wishing him more successful endeavors in the future.

Agenda Item #2 Public Input-Chairman Fay requested if there was anyone present wishing to meet with the Board under Public Input-no one stepped forward.

Agenda Item #3. Economic Development Director's Report-The Board met with David Maher

1. **Administrative Assistant Appointment**-Mr. Maher introduced Ann Conard of Harvard, MA. to the Board and advised to Ms. Conard's qualifications for the part-time assistant's position in the Community Development Dept. Mr. Maher advising to over 43 resumes received and eight interviews conducted and Ms. Conard of Harvard, MA being the most qualified. Mr. Maher requested the Board's approval to appoint Ms. Conard to the part-time administrative assistant's position at the rate of \$18.58 per hour to work 15-18 hours per week: Monday, Wednesday and Thursday. Selectman Luca moved the Board vote to appoint Ms. Ann Conard of Harvard MA to the part-time position in the Office of Community Development effective 7-18-12 thru the current grant ending in 2013, 2nd by Selectman Maxant. Mr. Maher stating he will take a look again in 2013 at making this a full-time position after review of new grant funding availability and expiration. Chairman Fay called for a vote: unanimous, so moved.
2. **Drug Court Grant**-The Board met with Ken Bates and Hilary Curtis of Advocates and Representative Sheila Harrington's aide Susan Edgett-Defense Atty. for the Ayer District Court. Ms. Edgett advised to Rep. Harrington sending her apologies being unavailable to meet with the Board

this evening but wishing to advise the Board to her being very proud and supportive of the ten (10) year Ayer Adult Drug Treatment Program with the Town and Advocates. Ms. Edgett advised the Board to accolades that the program has received. Ms Curtis shared many success stories with the Board and thanked the Board of Selectman stating the program would not be in existence without their support. Ms. Curtis presented the Board a Certificate of Completion from Advocates successful last three year program from the Substance Abuse Mental Health Services Administration (SAMHSA) to the Town of Ayer in honor of its commitment and investment to address gaps in substance abuse treatment services for adult individuals involved with the criminal justice system. The Board paused for a quick photo and thanked all for coming in to meet with the Board to share their accomplishments. Selectman Luca congratulating all and expressed the Board's sentiment-glad to hear about something that works.

3. **Waiver of Right of First Refusal-Chandler Place-28 West St. #4B**-Mr Maher presented the Waiver of Right of First Refusal for the sale of the home at 28 West Street, Unit 4B. Motion to approve made by Selectman Hillman, 2nd by Selectman Luca. Selectman Conley advised the Board to Zoning Board of Appeals (ZBA) background of Condo Units having deed restriction-certain percentage of units must stay affordable, VOTE: unanimous, this one staying affordable with fifteen (15) year stipulation for low income buyer. Mr. Maher advising to seller contacting DHCD and is following selling procedure and everything is in order.

Agenda Item #4. Gabe Vellante, Building Commissioner-The Board met with Mr. Vellante

1. **Update on Properties Enforcement-**

- **14 Williams St.-128 Washington St.**-Mr. Vellante advised to properties in limbo-stating property owner is in jail for two months. Mr. Vellante reporting he is waiting for him to get out of jail to see if he complies with earlier commitment to place two dumpsters at both of these properties, there are none there presently, if he doesn't comply it will be turned over to Town Counsel for prosecution.
- **71 Sandy Pond Rd.** Mr. Vellante advised to his many attempts to meet with homeowner and difficulty finding him at home. Mr. Vellante reported it appears home owner is attempting to comply with zoning bylaws i.e. large logs have been converted to cord wood but many large commercial trucks still remain parked on front lawn.
- **65 West Main Street**-Mr. Vellante advised to cease and decess letter sent to homeowner re junk & debris in the front yard. Mr. Vellante stated his concern re the huge amount to brush stacked on the property being a safety concern with the dry weather, could create potential for a fire and advising to his contacting the Fire Chief.
- Selectman Maxant requested if notice was given to all the property owners advising them to their properties being discussed this evening in compliance with unanimous decision of Board earlier. Mr. Pontbriand clarified that efforts were made to contact this particular owner for an earlier meeting on Monday with the Board of Health, i.e. certified letters to no avail, property owner will not accept certified mail and secondly he was not aware Mr. Vellante would be reporting on this property this evening. Ms Spinner, Chairman of the Board of Health advised to numerous complaints re appearance of disgusting site, Selectman Maxant questioning how appearance falls within the Board of Health's purview? Ms. Spinner responding it's a filthy site. Selectman Maxant questioning where in the sanitary code does the Board of Health finds its authority, Ms. Spinner requested he read them.
- **Cease & Decease letters sent out**-Mr. Vellante updated the Board to letters mailed to the following individuals/business re signage violations:
 1. Rt. 2A-Harley Davidson Sign-being appealed to Zoning Board of Appeals (ZBA)

2. McDonalds on Carlton Circle
3. American Grille/ Devens on Carlton Circle

Mr. Vellante advising to only non-profit and non-commercial business to place signs on rotary.

63 Main Street (Fire)-Mr. Vellante updated the Board to the demolition permit still on his desk advising the Board to the owner needs to file remediation reports re containment of lead paint and asbestos during tear down of the building, but he still hasn't heard from owner. Chairman Fay advising to what he expected this evening being a report from the Building Inspector requesting a full report. Selectman Maxant requesting if this was the will of the Board? Selectman Conley advising Department Heads are to submit monthly reports feeling this was sufficient for the Board's purposes.

Nuisance Bylaw-Mr. Pontbriand updated the Board to many people complaining the Nuisance by-law which is thirty (30) years old is poorly written and needs to be strengthened with enforcement teeth to it. Mr. Pontbriand stated a re-tooled bylaw could be ready for Town Meeting in October 2012. Selectman Conley wishing to look at surrounding towns to see what they have and have Selectman Maxant work with the Building Inspector on a draft bylaw. Selectman Hillman agreeing stating a newly defined bylaw could encompass private property. Selectman Maxant disagreeing stating the current by-law completely takes care of public safety concerns and not create a bylaw that takes into consideration aesthetics, that is not the right thing to do just because your neighbor doesn't like what you do on your property, it isn't a legitimate government function there should not be police power over aesthetics. Selectman Conley rethinking this and agreeing this may not be the proper venue. Selectman Hillman & Chairman Fay both offering to work with the Building Inspector on a revised Nuisance Bylaw. Motion to approve Selectman Hillman work with Mr. Vellante to revise the Nuisance Bylaw made by Selectman Luca 2nd by Selectman Conley, VOTE: Selectman Luca aye, Selectman Conley aye, Selectman Maxant no, Selectman Hillman aye, Chairman Fay aye, 4-1 motion passes.

Agenda Item #5. Supt. Wetzel' Report-The Board met with Mark Wetzel

Water Ban-Supt. Wetzel updated the Board to water ban status.

Supt. Wetzel opened his discussion by reinforcing the Town's Water Ban on all nonessential outside water use between the hours of 9:00a.m. and 5:00p.m. from May 1, 2012 to September 30, 2012. Supt. Wetzel read into the record the Town's Water Ban. Abusers to receive written warning for first violation and \$100.00 fine for second, third violation water to be shut off with a \$20.00 restoration fee.

1. WWTP UV Upgrade Contract-Selectman Conley moved the Board vote to award the contract for the closed channel ultraviolet disinfectant system to Nuwater, Inc. of Seekonk, MA, Project # 01111 dated July 17, 2012 for the bid award not to exceed \$285,400.00 and authorize the Chairman's signature, 2nd by Selectman Maxant, VOTE: unanimous, so moved.

2. Fy-13 Fuel Purchase from State Contract-Supt. Wetzel advised to DPW advertising for annual fuel bids on June 14, 2012 and did not receive any bids. Supt. Wetzel recommending the Fy-13 fuel be purchased through State Contract:

- no lead gasoline: .781 over daily price index-applied to lowest wholesale price
- ultra low sulphur diesel .346 over daily price index-" " " " "
- heating fuel .1313 over daily price index-- applied to average high & low wholesale price

Selectman Conley moved the Board proceed with the State contracts with state, 2nd by Selectman Luca, VOTE: unanimous, so moved.

3. Pond Street Construction Update-Supt. Wetzel advised the Board to his disappointment with progress of work, project proceeding him, and having no teeth to make contractor do more work, stating street should be paved by now. Supt. Wetzel to meet with Engineer and contractor in the morning. Supt. Wetzel along with Engineer going door to door apologizing to neighborhood re delays and mess with construction equipment laying all over the place, dirt & dust problems for residents. Supt. Wetzel advising to his sending a letter of concern to Contractor's Bonding Company. Supt. Wetzel informed Board to DPW on sight and assisting with project, advising to DPW's ability to do work more efficiently and cheaper than contractor.

4. Water Rules & Regulations Update-Supt. Wetzel presented and reviewed with the Board the proposed revisions for the new language in the water rules & regulations re water termination/shut off due to non-payment under Section 3 Rights & Restrictions 3.B.2. Supt. Wetzel advising to present document 37 pages long with a lot of inconsistencies, looking to condense and streamline policy, advising to this document being a work in progress. Selectman Hillman impressed with stream-lining with revised policy amendments. Chairman Fay requesting to review entire policy before commenting. Selectman Conley stated she was impressed with all the effort put into document, almost there- very important document Board needs a good policy to allow enforcement and collection. Supt. Wetzel advising to working with the Board of Health/public health i.e. re power to turn water back on at a limited flow re public health/safety concerns.

Agenda Item #. 6 Town Administrator's Report-the Board met with Mr. Pontbriand. Mr. Pontbriand reviewed his administrative Update with the Board from June 20, 2012 to July 13, 2012. Mr. Pontbriand updating the Board to Nashoba Valley Regional Technical School Bus Contract still being worked on with a rescheduled date of 7-20-12 for finalization.

Devens Regional Household Hazardous Products Collection Intermunicipal Agreement Amendment-

Mr. Pontbriand presented the Board the amended Household Hazardous Waste Intermunicipal Agreement with the Towns of Ayer, Bolton, Groton, Harvard, Lancaster, Littleton, Lunenburg, Townsend and Devens which seeks to admit the Town of Shirley into the Collaborative which requires an amendment to the IMA which will lower Ayer's contribution. Selectman Maxant moved the Board authorize the amendment, 2nd by Selectman Conley, VOTE: unanimous, so moved.

Fy-13 Appointments continued from 6-19-12-Mr. Pontbriand reviewed with the Board appointments carried over from their June 19th meeting. Dam & Pond Management Com. advising to the recent resignation of Michelle Riggs. Mr. Pontbriand to advertise this vacancy on the Town's Web Page/Cable seeking interested citizens to apply to him directly. Mr. Pontbriand also updated the Board to once a Town has designated a Energy Committee that committee will then take over for the Green Committee and Green Committee goes away. Mr. Pontbriand requesting the Board's direction re this. Selectman Conley suggesting making the Green Committee Members of the Energy Committee and dissolve the Green Committee. Selectman Luca feeling it's a good idea to have both committees to keep people involved. Chairman Fay agreeing both do different things and suggested inviting the Green Committee to their next meeting. Selectman Luca also took this opportunity to advise of vacancy on the Community Preservation Committee (CPC). Selectman Conley recommending making the size of this committee smaller, to big presently difficult getting quorum. Selectman Luca to bring this up at the next CPC meeting. Selectman Conley questioned Selectman Luca if he intends to stay on the CPC as he stated earlier he was thinking about getting off. Selectman Luca stated he intends to stay on CPC. Selectman Luca brought up the question of having a full-time Building Inspector stating the Town's needs a full-time person; 2003 Town Meeting approved the hiring of a full-time inspector. Selectman Hillman agreeing or at least clerical assistance. Selectman Luca requesting to agenda this discussion for the next Selectmen's Meeting. Mr. Pontbriand advising to Town Administrator the Board's representative to Capital Planning Com. Chairman Fay requesting also to stay on as Representative. The Board placed David Maher on the Fy-13 Appointments as Director of Community Development. Mr. Pontbriand suggested the Board reduce the term for the Employee's delegate to the Personnel Board having other interested employees requesting to serve, Mr. Pontbriand recommending to reduce the term of office from three years to one year. All Committee vacancies to be posted on the Town's Website and cable and on Town's Bulletin Board. Selectman Conley moved the Board vote to approve the Fy-2013 Appointments with amendments, 2nd by Selectman Luca, VOTE: unanimous, so moved. (see attached 2013 Appointments)

Dispatcher's Memorandum of Understanding (MOU) Contract with APPOA-Mr. Pontbriand opened the discussion by advising the Board to Selectman Conley, Selectman Hillman, Chief Murray, Brian Muldoon from

Fin-Com and he were on the Town's negotiating team. These negotiations were significantly different from all other Town contracts in that it contained significant changes of work situation (EMD and Fire-Police Link Dispatch which called for impact bargaining-more responsibility and could be held liable-litigation challenge if something goes wrong. Mr. Pontbriand ran through the terms of the three year contract:

Wages: 0% in Fy-13, Wage re-openers only in Fy-14 & 15, \$75.00/per week for Emergency Medical Dispatch (EMD) & Fire & Police Link Stipend-(\$37.50 per week for part-time dispatcher/to remain at Step 1).

Parties mutually agreed to finalize language for impact bargaining. **Total Financial Impact for 3 Years: \$52,650.00.** **Non-Financial Impact Bargaining:** Article XV-Vacation, Article XII-Hours of Work, Article XVI-Clothing, Article XVII Good Days, Article XXII Lead Dispatcher, Article XVII Sick Days (15 days) from anniversary date. Chairman Fay congratulated team stating this is where skills come into play. Selectman Conley moved the Board vote to approve/ratify the three year MOA with APPOA Dispatchers ratified by Dispatchers on Monday July 16, 2012, 2nd by Selectman Hillman VOTE: unanimous, so moved.

Superior Officers MOA-Mr. Pontbriand advised to the Board of Selectman approving a one Year MOA with the Superior Officers Union in Executive Session on June 26, 2012 approving a 2% pay increase in Fy-13. Mr. Pontbriand advising to the Superior's Union ratifying the MOA on June 27, 2012. Mr. Pontbriand advising to negotiation team made up of Selectman Conley, Selectman Hillman, John Killcommins-Fin-Com, and himself. Mr. Pontbriand stated in compliance with the Open Meeting Law the Board must accept the MOA in Open Session then it becomes a public record. Selectman Conley moved the Board vote to approve the FY-13 MOA with the Superior Officers Union ratified on 6-27-12 by the Superior Officers, 2nd by Selectman Hillman, VOTE: Selectman Conley aye, Selectman Hillman aye, Selectman Maxant aye, Selectman Luca no, Chairman Fay aye, 4-1 motion passes. Selectman Luca stated he voted no in Executive Session and voted no again tonight feeling it is not a good deal for the Town. Selectman Luca feeling the negotiating team did a good job but they were given no direction.

Agenda Item #7. New Business/Selectmen's Questions-

Selectman Luca-Regional Dispatch Update-Selectman Luca thought this might be a good time to re-look at joining the Regional Emergency Dispatch Center on Devens advising to Harvard, Lunenburg, Lancaster and Devens are joining the regionalization venture. If it can reduce cost in Ayer why not look at it, there may be more cost coming down the line and if we can share costs with other Towns why not take a look. Chairman Fay agreeing stating it's not just the capital cost it's the training costs. Selectman Maxant stating he agrees with cost but should not be blind-sighted i.e. using a internet based map you want to zoom in as close as you can get; a regional dispatcher can't see up close. Selectman Hillman agreeing with Selectman Maxant liking the idea that when he calls the police department there is always someone there and they know all the locations in Town, stating he also would like to save the Town money so he felt he was sitting on both sides of the fence, good people there. Selectman Luca agreeing nothing to do with dispatchers it's just looking at the overall cost. Chairman Fay stating when you look at regionalizing you say good-bye to control but when you look at shared cost its worth taking a look at.

Selectman Luca re Curbside Trash Pick-up Update- Selectmen Luca advising to tonnage decreasing over last ten years. Cost to Town of Ayer over \$384K for Transfer Station vs. Town of Shirley with curbside \$188K. Selectman Luca advising to running numbers to see if economical, stating stickers would still be required for large items i.e. chairs, couches. Selectman Conley expressing concerns re closing Transfer Station/employees, recycling, brush. Supt. Wetzel advising the town would decommission. Supt. Wetzel advising to employees would be laid off or picked up by other departments. Selectman Luca stating this is a work in progress, more research needed, more to come later. Selectman Hillman stating solely only looking into at this time.

Agenda Item #8. Minutes-

Selectman Conley moved to approve the edited Minutes of 5-10-12, 2nd by Selectman Maxant VOTE: unanimous, so moved.

Selectman Conley moved to approve the edited minutes of 6-5-12, 2nd by Selectman Hillman, VOTE: unanimous, so moved.

Selectman Conley requested to pass on the Minutes of 6-19-12.

Selectman Conley advising to not being present of 6-29-12 re Minutes, moved the minutes be approved as presented, 2nd by Selectman Hillman VOTE: unanimous, so moved.

Selectman Conley requested to pass on the minutes of 7-9-12.

9:35p.m. Selectman Luca moved to adjourn the meeting 2nd, by Selectman Conley, VOTE: unanimous, so moved.

9:35p.m. Meeting adjourned

DATE: _____

Pauline Conley, Clerk

AYER BOARD OF SELECTMEN

