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Town of Ayer  
 Board of Selectmen  
 Town Hall, First Floor Meeting Room



**Tuesday, August 7, 2012**

**Selectmen's Meeting on Town of Ayer Website [www.ayer.ma.us](http://www.ayer.ma.us)**

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

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	A		

**7:05p.m. Open Session** -Chairman Fay called the meeting to order.

Chairman Fay opened the meeting by requesting a Moment of Silence for Lola Parlon who passed away on July 16, 2012. Chairman Fay reflected on Lola's volunteer services to the Town having served on the Disabilities Commission, and 4th of July Committee. Chairman Fay advising to the Parlon family holding a Celebration of Lola's life on Saturday, September 15, 2012 at 2:15 in Littleton, MA at her son's home located at 24 Wickwood Drive.

Chairman Fay called for a motion to approve the Agenda. Town Administrator requesting to add under his report item #10 Patriot Way Road acceptance for Fall Town Meeting, Item #11 Request from Town Clerk re storage space, and Item #12 Public Records Update. Selectman Luca moved the Board vote to approve the Agenda as amended, 2nd by Selectman Maxant, VOTE: unanimous, so moved.

Selectman Hillman wishing to add under Selectmen's Questions/New Business-Old School House-Sandy Pond Update.

**Agenda Item #2. Public Input-**

1. Brenda Gleason-Properties Enforcement-Ms. Gleason read into the record a prepared statement(see attached) re her and a lot of law abiding citizens concerns regarding people violating Town By-laws i.e. properties enforcement and people continuing to violate the laws and the safety of Police, Fire/EMT's placed at risk- having to enter these properties. Ms. Gleason referencing the recent Selectmen's Meeting when the Board of Health & Building Inspector tried to rectify these situations to no avail. Ms. Gleason also requested Selectman Maxant recuse himself and not vote re two (2) properties that are owned by his friend and landlord and stop blocking actions by other Town officials trying to clean up these properties and copy the State Ethics Board re conflict of interest re his actions. Selectman Maxant stating oath of office prohibits Selectmen acting on peoples opinions explaining-rule of law. Dan Gleason advising Board to under the Nuisance By-law there are laws the selectmen should/could enforce. Chairman Fay advising all to Board still working on the issue and will report back at their next meeting this being work in progress.
2. Mary Spinner-Political Signs Ms Spinner reminder Board to State collecting political signs on rotary a few years ago and signs not returned requesting the Board set policy re signs on rotary and streets in Town. Mr. Pontbriand recommended the Board establish a temporary policy re the placement of political signs on public lands for the 2012 election cycle.

***The Following Action re Political Signs voted under Building Inspector's Report-Agenda Item 4***

**9-6-12 Primary Election-** Political signs may be placed on public lands for the 9-6-12 Primary election beginning 8-12-12 through 9-13-12. On 9-13-12 any remaining signs will be picked up by the DPW and stored at the DPW garage up to ten (10) days thereafter they will be thrown out. **11-6-12 Presidential Election-**

Political signs may be placed on public lands for the 11-6-12 General Election beginning 10-15-12 through November 13, 2012 any remaining signs will be picked up by the DPW and stored at the DPW garage for a period of ten (10) days thereafter they will be thrown out. Mr. Pontbriand stating

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the Town reserves the right to remove/move any sign that pose a public threat or do not conform to the parameters set forth in the Town's Signage By-law. Motion to approve the temporary Policy regarding the placement of signage on public lands for the 2012 Election Cycle made by Selectman

Luca, 2nd by Selectman Conley, VOTE: unanimous, so moved.

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

1. Appointment-Administrative Assistant-Community Development Dept. Mr. Maher updated the Board to recent hiring of Administrative Assistant Ann Conard of Harvard, MA to this position and Ms. Conard having second thoughts about accepting position and deciding not to accept. Mr. Maher introduced Alicia Hersey, of Groton, MA to the Board. Mr. Maher advised the Board o Ms. Hersey's strong clerical background i.e. mortgages and refinancing, licensed MA Real Estate Broker as well as customer support and strong computer proficiency. Mr. Maher advising to Ms. Hersey familiar with Community Development Program having worked intermittently with State & Federal Grant funding programs. Selectman Conley moved the appointment of Alicia Hersey to the Administrative Assistant's position contingent upon confirmation of time line of grant, 2nd by Selectman Luca, VOTE: unanimous, so moved.

2. IDFA/UDAG Fy-13 Budget Funding-Office of Economic Development-Mr. Maher updated the Board to the Industrial Development Finance Authority(IDFA) voting to continue support for the Economic Development Office in the sum of \$16,490.00 and presented the IDFA's letter dated 7-19-12 to the Board. Mr. Maher requested the Board's approval of UDAG Funding appropriated to the Office of Community Development in the amount of \$40,546.00 for Fy-13. Motion to approve made by Selectman Conley, 2nd by Selectman Maxant, VOTE: unanimous, so moved.

**Agenda Item #4. Building Commissioner Property Enforcement Update-**The Board met with Gabe Vellante. (see report dated 7-31-12) attached. The Board reviewed Mr. Vellante's Report with him. Selectman Maxant inquiring if property owners were notified their properties would be discussed. Town Administrator acknowledging attempts were made. Selectman Hillman concurring and requesting Board authorize Mr. Vellante to send property owner at 71 Sandy Pond Rd. a letter advising him to legal/civil action pending if he does not conform to law for their next meeting. Sandy Pond School House-Selectman Hillman updated the Board to meeting with Senator Eldridge who advised him to funding through grants available for Historic preservation i.e. landscaping (trees overgrown, repairs to building, etc.) to encourage and utilize building more often. The Board welcomed members Mr. W. Randall Boutelle and Ms. Kim Prehl of the Sandy Pond School Association to the table who advised the Board to Charter which they have to follow in their search re funding venues to support school house i.e. insurance for school to be open once a year costs the association upwards of \$300.00. Selectman Luca advised to CPC Funding mandate and limitations. Selectman Hillman suggested the Association contact the Town of Westford re how they maintain their historical school house and get copy of their funding mechanism they have in place in Westford to support historical school there. Selectman Hillman also suggesting to place issue on Town's Website to bring public awareness re funding situation. The Association meets the 2nd Tuesday of each month at the Ayer Town Hall and encouraged/welcomed interested residents to attend their meetings.

**Agenda Item #5 Town Administrator's Report-**The Board met with Robert Pontbriand

1. Administrative Update-see report July 18, 2012 to August 3, 2012
2. Mr. Pontbriand updated the Board to IT Coordinator-Cindy Knox expanding online payments to include excise taxes and water/sewer bills.
3. Mr. Pontbriand advised Board to start up of Fy-14 Budget to begin earlier this year -October 2012 to allow more time for financial review, budget negotiations, meetings with Fin-Com-Dept. Heads leading up to Town Meeting.  
Abandoned Vehicle By-law to be tightened up and prepared for Town Meeting as well.

4. Mr. Pontbriand advising the Board to their new chairs have arrived and will be assembled and readied for their next meeting on the 21st.
5. Mr. Pontbriand advised to Pond Street Project will be finished and finished well, thanking the residents for their patience during construction and pending street paving.
6. Wastewater Treatment Plant Ultraviolet Disinfection System Upgrade Contract-Mr. Pontbriand reminder the Board to their contract approval subject to insurance approvals at their meeting conducted on 7-17-12. Selectman Luca moved to approve the Board signs the WWTP UV Upgrade Contract as recommended by Mr. Pontbriand which included 100% Performance Payment Bonds, Insurance Certificated and Indemnification clause, 2nd by Selectman Hillman VOTE: unanimous, so moved.
7. Ayer Firefighters Contract MOA-Present for the discussion: Chief Pedrazzi, Jeremy Januskiewicz and Mike Pattenden (Fin-Com Rep)-Mr. Pontbriand reviewed with the Board the Firefighters voted to ratify the Agreement on 7-18-12 advising the Board to the MOU a one Year Agreement including a 2% salary increase and ten changes to the contract language mutually agreed upon. Selectman Conley moved the Board vote to approve the Firefighters IAFF Local 2544 MOU dated 7-18-12 as presented, 2nd by Selectman Hillman VOTE: unanimous, so moved.
8. 2013-Appointments-  
Reserve Officers-Selectman Conley moved the Board vote to approve Reserve Officers for the Ayer Police Dept. for 2013 as presented by Chief Murray-Robert Soulitanian, Robert Finn and Edward Nelson, 2nd by Selectman Luca, VOTE: unanimous, so moved.  
Special Out of Town Police Officers-Selectman Conley moved the Board vote to approve the Special Out of Town Police Officers for the Towns of Shirley and Groton as presented by Chief Murray for 2013, 2nd by Selectman Luca, VOTE: unanimous, so moved.  
Asst. Tax Collector-Selectman Conley moved the Board vote to approve the appointment of Roberta Chase to Assistant Tax Collector as recommended by the Town Clerk/Tax Collector, 2nd by Selectman Luca, VOTE: unanimous, so moved.  
Capital Planning Committee-James D. Stephen-M. Pontbriand recommended the three (3) year appointment of Mr. Stephen to the Capital Planning Committee July 1, 2012 -June 30, 2015. Selectman Luca moved to approve the three year appointment of James Stephen to the Capital Planning Com as recommended by Mr. Pontbriand, 2nd by Selectman Conley, VOTE: unanimous, so moved.
9. Senior Citizen Property Tax Work-Off Abatement Program Update- Mr. Pontbriand reviewed with the Board the revised property tax work-off program application and program rules: Mr. Pontbriand clarifying for viewing residents this is not the former SHAVE Program. Mr. Pontbriand thanking Selectman Conley, Tom Hogan-Assessor's Administrator, Karin Swanfeldt-COA Director for their invaluable time and assistance developing this new program. Mr. Pontbriand reviewed with the Board the criteria for eligibility-participating tax-payer must be 60 years old as of 7-1-12, only one (1) abatement per year on any property, participants annual income must be below \$50K, participant taxpayers must own their primary residence in the Town of Ayer for minimum of one year prior to the start of fiscal year (7-1-12), participants must pass a CORI check. LIMITS of Program-maximum abatement per taxpayer is \$1K, rate of earnings \$8/per hour or 54 hours of work, total Program Limit \$10K, volunteer hours must be completed by 12-1-12. Mr. Pontbriand advised to the Program to be managed by him, Director of COA, and Assessing Administrator. Mr. Pontbriand advising to program "Project Based by Town Departments re services and a letter will be sent by Mr. Pontbriand soliciting projects from Dept. Heads" . Mr. Pontbriand, Director of COA and Assessing Administrator will review all applications and select volunteers. Volunteer openings will be posted

on the Town Website, at the COA/Housing Authority, Library, and Town Hall. Mr. Pontbriand reviewed and presented the Citizen's application to the Board for their approval. Selectman Luca moved the Board vote to approve the Town's Senior Citizen Property Tax Work-Off Abatement Program as outlined by Mr. Pontbriand, 2nd by Selectman Conley, VOTE: unanimous, so moved.

10. Cable Contract-Selectman Luca moved the Board authorize the Cable Committee to work with Town Counsel through the Town Administrator re renewal of Cable Contract, 2nd by Selectman Conley, VOTE: unanimous, so moved.
11. St. Mary's Lawn Party-The Board approved a One Day Beer & Wine License for (two day event) September 7, 2012 and September 8, 2012 from 5:00p.m. to 10:00p.m. Beer & Wine to be consumed and purchased in designated area. Motion to approve made by Selectman Luca, 2nd by Selectman Conley, VOTE: unanimous, so moved.
12. Certificate of Acknowledgement for Transfer of Land on Snake Hill Road-The Board voted to approve the acknowledgement of transfer of land on Snake Hill Road from Calvin E. Moore, Trustee of ZLM Real Estate Trust to his son Todd Moore for the construction of a residence in compliance with Chapter 61 approved by the Ayer Board of Assessors on August 1, 2012. Motion to approve made by Selectman Conley, 2nd by Selectman Maxant, VOTE; Unanimous, so moved.
13. Amendment to EPG Net-Metering Contract-  
Mr. Pontbriand presented the Board with two contract amendments to the Town's Net Metering Contract with EPG Solar. The first amendment was an "Assignments and Assumption Agreement which assigns the delivery of the net meter credits to Washington Gas and Energy Services, Inc. from EPT. Washington Gas and Energy Services, Inc. will be legally responsible for delivering all of the net meter credits as opposed to EPG. Washington Gas and Energy Services, Inc. is a well-established provider and is financing EPG's solar array in Southbridge. Selectman Conley raised concerns about the recent contract already being amended and questioned the legitimacy of Washington Gas as a company. Mr. Pontbriand explained that Washington Gas is a legitimate business. Selectman Maxant raised concerns about the Amendment(s) already and questioned if this was going to be like Solar Power in the 1970s. Mr. Pontbriand explained that Town Counsel has reviewed both Amendment(s). Motion made by Selectman Luca and seconded by Selectman Hillman to approve the "Assignments and Assumption Agreement Amendment" to the EPG Net Metering Contract with the Town. Motion Passes 3-2 (Selectmen Fay; Luca; and Hillman Yes and Selectman Conley and Maxant No)  
Mr. Pontbriand presented the second Amendment to the EPG Net Metering Contract which consists of amending Sections 3.2; 3.4; 10.5;13.13; and 13.14 of the existing Contract (See attached amended sections to these Minutes). Motion was made by Selectman Luca and seconded by Selectman Hillman to approve the Amendment to Sections 3.2;3.4;10.5;13.13. and 13.14 of the existing Net Metering Contract with EPG and the Town of Ayer. Motion Passes 4-1 (Selectmen Fay; Hillman; Luca; and Maxant Yes and Selectman Conley No).
14. Patriot's Way Sub-Division-Mr. Pontbriand advised the Board to request to place road acceptance coming in from developer to place Patriot's Way Sub-Division on the October 2012 Fall Town Meeting Warrant. The Board deferred this to the Planning Board re holding a Public Hearing. Motion made by Selectman Conley to defer request to Planning Board 2nd by Selectman Luca, VOTE: unanimous, so moved.
15. Public Record's Law-Mr. Pontbriand updated the Board in lieu of allegations made re violations of public records law (emails activity re Trinity Financial and Selectmen Fay & Luca) pursued by Fin-Com, Chairman the Secretary of State has mandated the Board and all Town Officials take Public Records Training. Mr. Pontbriand to announce training date/s when they become available.

16. Town Clerk-Storage Space Request-The Board deferred this issue to their next meeting agenda.  
**Agenda Item #6-JBoS Update**-The Board voted to advertise for a community volunteer to serve as an alternate JBoS representative in the event Selectman Maxant is unavailable to attend a JBoS Meeting.

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

1. Selectman Conley re: Update on Sidewalks & Crosswalks-Supt. Wetzel to respond back in writing at the next Board's Meeting 8-21-12.
  2. Selectman Maxant-redeemable Bottles & Cans at Transfer Station-Selectman Maxant presented a transfer station employees proposal re a collection point being established at the Transfer Station-the Board decided to leave as is presently.
  3. Selectman Hillman-Status of Tax Collections-Selectman Hillman advised to IT Director adding Excise and Water/Sewer payments to the on line payments presently provided.
- 10:20p.m. Selectman Luca moved the Board vote to adjourn, 2nd the Selectman Conley, VOTE: unanimous, so moved.

Date: \_\_\_\_\_

