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



**Tuesday, December 20, 2011**  
**Selectmen's Meeting on Town of Ayer Website [www.ayer.ma.us](http://www.ayer.ma.us)**

Gary J. Luca, Chairman	X	Carolyn McCreary, Member (surgery)	A
James M. Fay, Vice Chairman	X	Pauline Conley, Member	X
Frank F. Maxant, Clerk	X	Robert Pontbriand, Town Administrator	X
Janet S. Lewis, Secretary	X		

7:00p.m. Open Session

Chairman Luca called the meeting to order- Chairman Luca requested if there was anyone present wishing to meet with the Board under Public Input, no one stepped forward. Town Administrator Robert Pontbriand to announced the Town Hall will be open until 5:00p.m. on Friday, December 23, 2011 and the Town's Transfer Station will be open on Saturday from 8-12:00 noon. Selectman Conley challenging early closure of Transfer Station per the DPW contract -holiday hours open on Saturday from 8-4p.m. Mr. Pontbriand to look into.

Chairman Luca called for a motion to approve the Agenda. Selectman Conley moved to approve the Agenda, 2<sup>nd</sup> by Selectman Fay, VOTE: unanimous, so moved.

**Agenda Item #3. Susan Provencher, Financial Manager CDBG Grant Program-**

**Lien Subordination-Case #03-229 25 Columbia Street, Ayer, MA** Ms. Provencher updated the Board to property owner obtaining a new mortgage to receive a better interest rate. Ms. Provencher advising Board to outstanding liens equal to 70.25% of the appraised value of the property in accordance with the Town's subordination policy and recommending approval. Selectman Fay moved the Board vote to approve the Lien Subordination for Case #03-229 in the amount not to exceed \$137K and authorize the Chairman's signature, 2<sup>nd</sup> by Selectman Maxant, VOTE: unanimous, so moved.

**Amendment to Advocates Drug Court Contract-** Ms. Provencher updated the Board to her wishing to correct the September 30, 2011 contract award with Advocates Inc. of One Clarks Hill, Suite 305, Framingham, MA consultants to assist the Town with substance abuse and mental health services. Ms. Provencher recommending the Board correct the award and adjust the funding award from \$227,621.00 to \$228,476.00 as per the grant agreement (\$855.00). Selectman Maxant stating his objection/concern re Town getting less money. Selectman Fay moved the Board approve the amendment to correct the Contract between the Town and Advocates to \$288,476.00 and authorize the Chairman's signature, 2<sup>nd</sup> by Selectman Conley, VOTE: Selectman Fay aye, Selectman Conley aye, Chairman Luca aye, Selectman Maxant no 3-1, motion carries.

**Agenda Item #4. PACE-Shepley Landfill Discussion- set back for later in the meeting-waiting upon Consultant,**

**Agenda Item #5. 2012 License Renewals-Common Victueller, Amusement, Sunday Entertainment, Class I,II, & III-**The Board opened the discussion by inquiring if all Town taxes, fees/bill were current and advised to Licensees having until 12-30-11 to pay any unpaid balances. The Board reviewed the updated list of unpaid water/sewer bills and advised to Town Collector when requested to provide an updated list of tax arrears re licensees advised to no data being available for many of the licensees. The Board reviewed munis sheets submitted by the Tax Collector reflecting same. Selectman Fay stated his concern to which

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information is transmitted and stated his frustration and confusion why the Board cannot get accurate handle on numbers before Board approves licenses. Selectman Conley suggesting the Board take up Agenda Item #4 PACE – Shepley Hill due to all parties being present and continue this discussion later in evening.

**Agenda Item #4. PACE –Shepley Hill Landfill discussion continuation-**

The Board met with Laurie Nehring and Richard Doherty re environmental concerns pertaining to arsenic contamination from the Shepley Hill Landfill which may have impacts to the Town of Ayer. Mr. Doherty opened the discussion by addressing PACE’s concerns re the Army’s withdrawal of the Feasibility Study for Shepley’s Hill being taken very seriously by EPA and invoking formal dispute resolution to this urgent situation. Mr. Doherty reviewed with the Board back ground re the arsenic plume mitigation/control. Ms. Nehring updated the Board to her concern re Army closing Treatment Plant , who created situation, and of arsenic plume traveling north of Ayer, and just wanting to walk away, due to cost of over \$500K/yr. Ms. Nehring requesting the Board to negotiate with DOA to pay for someone to oversee the clean-up due to Ayer’s Board of Health members changing often (being an elected office) and not having knowledge of ongoing situation. Ms. Nehring also requested the Board’s assistance with BRAC Officials inviting PACE to attend their meetings as PACE cannot attend without an invitation and invite BRAC officials into a Selectmen’s Meeting re status updates. Selectman Conley requesting an update within ninety days.

**Agenda Item #5. 2012 License Renewals-Continuation-**the Board reviewed the 2012 Licenses for Common Victueller, Amusement, Sunday Entertainment and Class I, II, & III and discussed renewals of licenses to licensees who are current with taxes/fees and not release license/s to those licensees who are delinquent. The Board advising to licensees having until 12-31-11 to pay re balances owed to Town of Ayer. Tax Collector John Canney II came into the meeting. The Board reviewed with Mr. Canney their frustration with regard to request for updated list of outstanding taxes owned by Licensees and no data made available from Tax Collector . Mr. Canney stated if license is issued to other than owner of property he will not have information. Selectman Conley challenging this statement stating the Asst. Tax Collector could find information when requested by Mr. Pontbriand. Mr. Pontbriand stating issue at hand is regarding accuracy, stating the Board needs accurate information before renewing licenses. Chairman Luca requesting Tax Collector get process in place re outstanding taxes owed to Town . Mr. Canney stated the Tax Collector’s Office has a complex multi tax billing process re quarterly tax Statements, Personal Property bills, excise, etc. Mr. Canney further reviewed with the Board his current payment plan/s and method of payment. The Board discussed Town by-law which enforces payment by Licensees and requested those licensee who are delinquent enter into a Agreement with the Town Treasurer to negotiate a payment plan while staying current with bills/taxes within a twelve (12) month period. Selectman Conley proposed a motion for the Board’s consideration. Selectman Conley moved the Treasurer enter into a payment agreement with licensees, including those in tax title, for payment of unpaid taxes, fees, assessments, betterments or other municipal charges such that the amounts in arrears are paid in full within the calendar year for which the license has been issued, 2<sup>nd</sup> by Selectman Fay, VOTE: Selectman Conley aye, Selectman Fay aye, Selectman Maxant aye, Chairman Luca no, 3-1 motion passes.

**Agenda Item #6. Release of 2012 Alcohol Licenses-**Mr. Pontbriand opened the discussion by deferring to the Board to two Licenses (one presently in an agreement with Tax Collector and one not) as to how to handle their 2012 Renewals due to both parties having delinquent water/sewer bills and taxes. Mr. Pontbriand advising to one in a payment plan with the Tax Collector and one having many entities i.e. trusts and has different interpretation of by-law than Counsel & Selectmen. Selectman Maxant suggesting they too be placed in a payment plan with Town Treasurer stating Tax Collector’s Agreement has to meet Selectmen’s expectations and satisfactory to Board. Selectman Fay moved the Board require two licensees to enter into payment plan with the Treasurer and review in six (6) months to re-look at numbers, 2<sup>nd</sup> by Selectman Maxant VOTE: unanimous, so moved.

**Agenda Item #7. Town Administrator's Report**-Mr. Pontbriand opened with a few FYI's for the Board re MRPC-Mo Khan to meet with the Board at their 2<sup>nd</sup> meeting in January 2012 re approval of parking plan update.

**Fy-13 Budget**-underway-Budget to be submitted by Dept. Heads to Selectmen's Office by 5:00p.m. Friday, Dec. 30, 2011.

**IT Committee** –met on 12-14-11 re: email policy/Electronic Policy for employees will submit Committee's recommendations to Board within two weeks.

**Green Communities**-check on display in meeting room depicting the \$151,175.00 check Town received re Town energy projects underway.

1. **Dee Bus Transportation** Contract for Vocational Education-Mr. Pontbriand presented Dee Transportation's vocation transportation bill for the school year 9-11 thru 6-30-12 at the school rate of \$244.445 per day x 180/10 months billed in increments of \$4,400.00 month. Selectman Conley moved the Board vote to approve the contract with Dee Bus for Vocational Students Transportation at \$4400.00 a month, 2<sup>nd</sup> by Selectmen Fay, VOTE: unanimous, so moved.
2. **Nashua River Watershed** -Letter of Support-Wild and Scenic Rivers Study-Nashua Nissitissit/Squannacook. Selectman Conley moved the Board vote to approve the NRWS letter of Support and authorize the Chairman's signature, 2<sup>nd</sup> by Selectman Fay, VOTE: unanimous, so moved.
3. **Town Administrator's Draft Goals & Objectives**-Mr. Pontbriand reviewed with the Board a more realistic and fair expectation draft of his goals & objectives incorporating the Board's remarks and requests. Mr. Pontbriand stating this draft will be used as valuable evaluation tool. Selectman Conley requesting Mr. Pontbriand incorporate a weekly project task list for the Board. Mr. Pontbriand to prepare formal evaluation matrix for Board's endorsement for the Board's 1<sup>st</sup> meeting in January 2012.
4. **Selectmen's January 2012 Meeting Schedule**-Chairman Luca requested the Board amend their January 2012 calendar to 1-10-12 and 1-24-12. The Board approved of change of January 2012 schedule.
5. **Unpaid 2011 Water Liens**- Mr. Pontbriand presented the 2011 Liens for the Board's endorsement in the amount of \$273,450.30. The Board discussed updating the Water/Sewer Regulations to allow shut-off regulations re outstanding water/sewer bills. Mr. Pontbriand advising to list growing, higher than last year's. The Board read state statute into record and moved to publish list in newspaper. Motion made by Selectman Fay, 2<sup>nd</sup> by Selectman Maxant VOTE: unanimous, so moved.
6. **Fy-13 Selectmen's Budget**-Mr. Pontbriand restated Fy-13 Budget well underway and Budget message sent to all Town Departments/Boards/ Commissions & Committees. All were requested to submit budgets depicting 1%, 3% and level funded Fy-13. Mr. Pontbriand reviewed with the Board the Fy-13 Budget having negative \$68K Free Cash balance and estimated Fy-13 Budget deficit of \$236K . 10:00p.m. Selectman Fay requested the Board extend their meeting for Ten (10) minutes, 2<sup>nd</sup> by Selectman Maxant. VOTE: unanimous, so moved.

**Agenda Item #8. JBOS**-Selectman Maxant advised to Super Town Meeting planned for late February/March 2012.

**Agenda Item #9- Selectmen's Questions/New Business-Selectman Conley**

1. **Lawsuits**-Selectman Conley requested update re current law suits be submitted by Town Counsel. Requesting in particular public sidewalk suit.
2. **Crosswalk**- Selectman Conley requesting crosswalk request for Park Street/Groton Street (Gas Station area) be placed on January's Selectmen's Agenda for discussion.
3. **New ABCC Violation** received by Board requesting violations be run by Police Chief re consideration of suspension of license, and in future to include APD in loop re dissemination of correspondence from ABCC.

• 12-20-11

4. MA Municipal Seminar-Selectman Conley requesting Town Administrator investigates town-wide membership for all Town boards and work out cost.

10:10p.m. Selectman Conley moved the Board adjourn the meeting, 2<sup>nd</sup> by Selectman Fay, VOTE: unanimous, so moved.

10:10p.m. Meeting adjourned.

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

Frank F. Maxant, Clerk