

**TOWN OF AYER SELECTMEN MEETING MINUTES**  
**Tuesday, January 7, 2014**  
**1st Floor Meeting Room, Town Hall, Main Street, Ayer, MA**

Edits by Jannice Livingston

**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 Luca called the meeting to order at 7:20p.m.** Present: Chairman-Gary J. Luca, Vice-Chairman Christopher Hillman, Clerk -James M. Fay, Members, Pauline Conley and Jannice Livingston, Town Administrator Robert A. Pontbriand and Janet Lewis Secretary. Chairman Luca apologized for late start to Open Session due to earlier Executive Session running late.

**Announcements-** Chairman Luca called for a moment of Silence for Patricia "Pat" Walsh who passed away on Friday, January 3, 2014. Chairman Luca took a few minutes to reflect upon Mrs. Walsh's many years of public and community service to the Town of Ayer.

Chairman Luca requested if there were any amendments to the Agenda.

- Mr. Pontbriand requested to add a Lien Subordination Request and to publicly report on Selectmen's Executive Session Action/s per OML if applicable.
- Ms. Conley two items under Selectmen's Questions/New Business-Dissemination of Information
- Scheduling of Selectmen's Meetings
- Mr. Fay re moving up the Minutes before New Business/Selectmen's Questions

Chairman Luca called for a motion to accept the Agenda. Mr. Fay moved the Board vote to approve the Agenda as amended, 2nd by Ms. Conley, VOTE: unanimous, so moved.

**1. Certification of Unpaid Water and Sewer Lien Accounts-**Ms. Conley moved the Board vote to approve and sign the Unpaid Water/Sewer Lien Accounts dated 12-3-13 in the amount of \$151,998.79 pursuant to MGL Chapter 40, Section 42C, 2nd by Mr. Fay, Ms. Conley requested Board post list on the Town's Website. Mr. Hillman requesting list of properties turned off (water) from Supt. Wetzel after bringing the Board's attention to list of past offenders, VOTE: unanimous, so moved.

**2. Town Administrator's Report-**The Board met with Robert Pontbriand

**1. Public Report -OML Selectmen's Executive Session items-**

1. Mr. Pontbriand advised to the Board voting to authorize a Reserve Fund Transfer re 111F to be submitted to Fin-Com for their review.
2. Mr. Pontbriand advised to Board voting to sponsor CPC Application re Kohler Place for Open Space being submitted to CPC's Meeting on 1-8-14.

**2. Dam & Pond Committee Appointment-**Mr. Pontbriand advised to Park Commissioners recommending the appointment of Jeff Thomas-Park Director as the Commissions designee to serve on the Dam & Pond Committee for one (1) year term expiring on 6-30-14. Motion to approve made by Mr. Fay, 2nd by Ms. Conley, VOTE: unanimous, so moved.

**3. Quitclaim Deed for Acceptance of Easy Street as a Public Way-** Mr. Pontbriand updated the Board to Town voting to accept Easy Street in May 2013 as a Public Way and final step in process is the Quitclaim Deed for Acceptance of Easy Street. Ms. Livingston moved the Board vote to approve the Quitclaim Deed for Easy Street prepared by Town Counsel Katharine Klein and reviewed by Supt. Wetzel, 2nd by Ms. Conley VOTE: unanimous, so moved.

**4. Draft 2015 Selectmen's Office Budget-** Mr. Pontbriand advising to Fy-15 Budget level funded except for Town Administrator's 2% salary increase. Mr. Pontbriand advising to 10% insurance increase across the board and Town Counsel funded AT \$78K running 5% over budget and Workman's comp.- school, backed out. Ms. Conley requesting Selectmen's Budget is approved by Selectman before it goes to Fin-Com and noting Selectmen's Secretary salary change and addition of line item to include Health

Insurance. Mr. Fay also requesting getting update on 24D potential litigation from Town Counsel for Board's 1-21-14 Meeting.

76 Central Avenue-Mr. Pontbriand updated the Board to RFP re Habitat under his report for the Board's review in accordance with MGL C 30B rescheduled from 12-17-13. Ms. Spinner requesting clarification re issuing RFP and Board's intention re going forward with Habitat. Mr. Pontbriand advising to RFP transparent process re Public Procurement for disposition of Real Estate necessary under 30B. Ms. Conley expressing concern if another non-profit comes forward. Mr. Pontbriand advising to Board voting on 7-2-13 to transfer property to Habitat. Mr. Fay moved to approve RFP for 76 Central Avenue as presented, 2nd by Ms. Conley, VOTE: unanimous, so moved.

Old Central Fire Station- Mr. Pontbriand advised the Board to their vote of 11-8-13 to dispose of the Central Fire Station pursuant to MGL Chapter 30B and a RFP being prepared for Selectmen's 2-4-14 meeting re disposition. Mr. Pontbriand also reviewed the Park Commissioner's request concerning storage of their equipment presently housed in the old Fire Station. Alternative sites/buildings were discussed re potential storage areas. Ms. Conley suggesting RFP be tweaked to include Historical value and Mr. Fay also suggesting to re look at Fire Station Report. Draft RFP to be prepared for Board's review on 1-21-14.

Lien Subordination-The Board met with Alicia Hersey, Financial Manager- Office of Community & Development re Lien Subordination for Case #06-315. Ms. Hersey advised to property owner wishing to obtain a new loan to lower her interest rate from 6.50% to 4.75% and using the new loan to pay off her existing first mortgage. Mr. Fay moved the Board vote to approve Case # 06-315 for the subordination of the Town's lien conditioned upon a new mortgage not to exceed \$151,057.00, 2nd by Mr. Hillman, VOTE: unanimous, so moved.

Town-wide Life Insurance Policy Proposals- Mr. Pontbriand reviewed with the Board earlier discussion re increasing the Life Insurance coverage going as far back as November 2012 and again as recent as March 2013 to which the Board was presented three proposals, the Board took no formal action. Mr. Pontbriand advising to some of the Town's Collective Bargaining agreements had the 75%-25% split in them others nothing. Presently the current Life Insurance coverage is \$2K with a 75%-25% split and has not been updated since 1959. The Board discussed making Life Insurance a Town-wide policy and take out of Collective Bargaining Agreements and increasing Life Insurance to \$5K. Ms. Conley suggested to send Memo to Fin-Com how this will fit into Fy-15 Budget -\$5K good place to start and remember to review every few years. Ms. Conley moved the Board approve increase in Life Insurance to \$5K for those who wish to take and request Fin-Com's approval, 2nd by Ms. Livingston, VOTE: unanimous, so moved. Mr. Pontbriand advised to Fin-Com meeting on 1-22-14.

#### Minutes-

10-15-13-Ms. Conley requesting amendment to page 3 stating official repository is Town Clerk. Motion to approve made by Mr. Fay, 2nd Ms. Livingston, VOTE unanimous, so moved.

11-12-13- Ms. Livingston requesting amendment to page 3 under Supt. Wetzels's Report re Board's appointment to curbside working group change from Mr. Luca to Mr. Hillman. Ms. Livingston requested to change meeting time extension from 10:00pm to 9:45pm at top of page 3. Mr. Fay moved to approve the 11-12-13 minutes with amendments so stated, 2nd by Ms. Livingston, VOTE: unanimous, so moved.

11-19-13 Ms. Conley requested to amend on page 1 to state she no longer checks emails on regular basis to state she no longer receives Town emails on cell phone. Ms. Livingston requested minutes be re-typed to incorporate change due to Ms. Conley's job being jeopardized. Ms. Livingston moved to approve with amendment, 2nd by Mr. Hillman, VOTE: unanimous, so moved.

12-3-13 -Mr. Fay moved to approve the minutes of 12-3-13, 2nd by Mr. Hillman VOTE: unanimous, so moved.

12-27-13 Minutes setback for next meeting.

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

## **Selectman Hillman**

1. Economic Analysis of Ayer Update- Economic analysis missing on Town of Ayer. Looking at ways to market Ayer in positive way-centralizing information. Look at having APAC video town Hall, Schools, Down-town, High School renovation have APAC develop 30 minute DVD. Mr. Pontbriand offering to contact Fitchburg state re recruiting intern/s to assist. The Board requesting to hold off on until Marketing Plan is developed.

2. Memorial Garden Vegetation Plan Update-Ms. Livingston stated Board tasked the Memorial Garden vegetation plan with the Town Administrator who was to work with Town Facilities Director, local Landscaper (Pinard's), Memorial Garden Committee and Tree Warden to develop. This was interfered with, questioning who authorized local company to cut back trees. Ms. Livingston requesting to always check with Town Administrator/Board before making changes on Government property, stating again her frustration when the Board told the Town Administrator to take care of. Mr. Pontbriand produced petition dated 1-6-14 submitted by Town Employees wishing to preserve/keep trees in the Memorial Garden. Mr. Luca requesting no interference is permitted with those involved with the vegetation plan.

3. Working List re Projects- Mr. Hillman requesting a list be developed re a lot of good ideas brought forward by the Board with timeline and to frequently check this list from time to time be prepared in the form of a matrix. Mr. Pontbriand requested each of the Board member remit back to him a list of items/projects they would like pursued and he will prepare matrix for Board. Ms. Conley referring back to the Memorial Garden discussion requested the "Cannon" in front of Town Hall be moved and pointed in the right direction before Memorial Day.

4. Curbside Announcement-Mr. Pontbriand and Ms. Livingston corrected newspaper announcement that Town is going Curbside in 2014 advising more accurately that the Board has authorized a "working group" to come back with their findings for Board's review.

## **Chairman Luca**

-Town Wide permitting-Chairman Luca gave the Board a brief overview of streamlining the Town's permitting process on line via the mondopad, requesting Department Heads put together format for their Department re procedures/requirements and set deadline for compliance by end of February -1st of March 2014. Chairman Luca offering to take this task on with Town Administrator.

JBoS Update- Chairman Luca advising at last meeting of the JBoS a non-binding referendum was discussed requiring Governance of Structures in the DREZ. Ms. Conley requesting all contact information is sent out to all members of the Board in the future.

## **Ms. Conley**

1. Downtown Street Lighting Replacement Update-Mr. Pontbriand advised to Memo dated 1-3-14 from Supt. Wetzel in packet re timeline and liquidated damages request of \$200/per day be instituted as of day poles were delivered until project is completed. Chairman Luca stating street lights much brighter. Ms. Conley also noting some globes pink along West Main St. i.e. cleaning/maintenance required.

2. 2014 License Renewals-questioning who authorized letter/s re two licensees. Taking exception to Partridge letter advising to revoking license, stating Board never voted to revoke license nor do minutes reflecting revoking license. Schwartz letter Board voted to release license only after receiving certified Tax payment records, did not authorize payment plan. Mr. Pontbriand advising to Schwartz License in vault not released waiting upon certification. Ms. Conley clarified the Tax Collector cannot clear Tax Title, Treasurer ensures clear.

3. 37 Willard Street-Ms Conley stating her concern re State Statute declaring 37 Willard Street a Nuisance must be delivered to property owner by Constable, which she read into record. Mr. Pontbriand advising to Town Counsel informing him it was acceptable to serve by Certified Mail. Ms. Conley requesting to have Town Counsel certify same.

4. Old Groton Road- Ms. Conley informed Board to Road plowed by two privately owned trucks during last storm no one saw Town trucks there, questioning if Town hired private contractor to plow the road.

Chairman Luca stating not town trucks. Ms. Livingston stating probably neighborhood/friends helping out. Mr. Hillman reminding all that this should be ensure to be on the May Agenda for the new board of 3 for re discussion on plowing of private roads. Mr. Fay stating Town Meeting voted to plow road back in 1960, plow it.

5. Dissemination of information- Ms. Conley stating her concern after going through enormous amount of emails per her Public Information request to the Town Administrator (2 boxes full) it being painfully apparent everyone isn't always communicated to and wants practice more diligently enforced. Everyone has the right to see all documentation. Chairman Luca stating that is why Board has Town Administrator to disseminate information. Mr. Fay suggesting Board goes back to reading file on counter. Ms. Livingston stating first Ms. Conley stated all information should go through the Town Administrator now stating just the opposite; waste of time and resources discussing emails again waste of Boards and voters time. Mr. Hillman stating he doesn't feel he is missing anything understands Pauline's concern, but everything is going through Robert he knows of. Ms. Conley stated topics she wanted on the agenda was emailed to Town Administrator and Chairman Luca responded, it never made it to rest of the Board that is what she is talking about. Mr. Pontbriand then expressed his apologies in misunderstanding her agenda request.

6. Selectmen's Meetings- Ms. Conley expressed her concern re common courtesy to ask all Board members if they can be available to meet especially for early 6:00p.m. Executive Sessions. Ms Livingston stated the Board discussed meeting at 6:00p.m. and stated as long as there is a quorum meeting can occur why nit-picking again, needs to stop. Chairman Luca agreeing if we have a quorum Board meetings for Executive session will be at 6:00p.m. Ms. Conley requesting to try to schedule meetings when everyone can be there, common courtesy. Mr. Hillman stating he does not take offense if Board meets without him when he cannot meet early. Mr. Fay stated he supports vote of Board.

9:40p.m. Ms. Livingston moved to adjourn the meeting, 2nd by Mr. Hillman VOTE: Unanimous, so moved.

9:40p.m. Meeting adjourned.

Date of BOS Approval: June 24, 2014

Signed by Gary J. Luca, Clerk:



\_\_\_\_\_