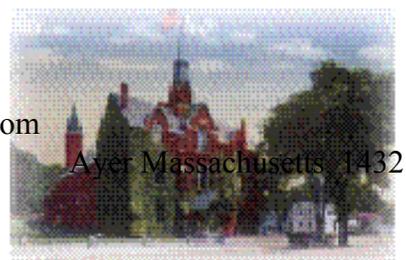


- Town of Ayer
- Board of Selectmen
- Town Hall, First Floor Meeting Room
-



Tuesday, September 11, 2012

Selectmen's Meeting on Town of Ayer Website 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	X		

7:00p.m. Open Session - Chairman Fay requested a Moment of Silence in remembrance of the 9-11-01 terrorist attacks in which men, women and children lost their lives.

Agenda Item #1. Announcements-Review and Approve the Agenda

1. Chairman Fay reminded all to Ceremony of Life honoring Lola Parlon to be held in Littleton of Saturday, September 15, 2012 @2pm. Contact Selectmen's Office re more information/directions.
2. Rex Trailer 84th Birthday Celebration to be held at the Ayer Town Hall, Saturday, September 15, 2012 at 1-4p.m. the event is free and open to all.

Chairman Fay requested the Board add several new items recommended by the Town Administrator under his report: 1. Superior Officers MOA amended earlier today 9-11-12. 2. Update on the Open Meeting Law and Public Record's training, 3. archiving update, 4. AFSCME Arbitration Settlement Decision-Town Hall Union Grievance-Unsafe workplace 5. Class II Change of Business Name request-Ronald Raffi-6 Groton Street, Ayer, MA Selectman Conley re continuing Minutes to 9-22-12 Selectmen's Meeting. Chairman Fay called for a motion to approve the Agenda Selectman Luca moved to approve the Agenda as amended, 2nd by Selectman Maxant, VOTE: unanimous, so moved.

Agenda Item #2. Public Input-Chairman Fay requested if there was anyone present wishing to meet with the Board. Michael Pattendon-Senior Work Off Program to be taken up later in the meeting.

Agenda Item #3. Public Hearing-Sorento's Pizza-64 Park Street-Ayer, MA-set back until later in the meeting due to Board being ahead of schedule-Public Hearing scheduled to begin at 7:15p.m.

Selectman Conley requested to take up Agenda Item #8 first on the Agenda-Supt. Report.

Agenda Item #8. Supt. Wetzel's Report-The Board met with Mark Wetzel-DPW Superintendent

1. Supt. Wetzel reminded all to the DPW Semi-Annual Flushing Program starting up
2. **Highway Foreman recommendation**-Supt. Wetzel advised the Board with the retirement of David Kidder, Highway Foreman he posted the vacancy in house and updated the current job description significantly to encompass more supervision/management duties. Supt. Wetzel advised to three (3) people expressing interest in the position with one withdrawing. Supt. Wetzel recommended the Board appoint Doug Jasperson to the Highway Foreman's position. Supt. Wetzel stating Doug is the most qualified/experienced person having done all jobs from trash to administration feels he is a good candidate for the position. The Board reviewed former Supt. Nason's evaluation noting Doug's problem re math/calculations weakness and Selectman Luca noting brick work performed by DPW Highway crew along Main Street horrible. Selectman Hillman questioning friendship with employees and problem delegating authority and informed that Mr. Jasperson does not socialize with members of his department. Selectman Hillman reviewed with Mr. Jasperson his plans for the Department i.e. betterments, signage, clean-up. Selectman Maxant stated he was totally confident Mr. Jasperson would do a fine job.

Selectman Conley moved the Board vote to appoint Doug Jasperson to the vacant Highway Foreman's position per Supt. Mark Wetzel's recommendation in a memo dated 8-28-12 to the Board, 2nd by Selectman Luca, VOTE: Selectman Conley aye, Selectman Maxant aye, Selectman Hillman aye, Selectman Luca no Chairman Fay aye 4-1-motion passes. Selectman Conley remarking to Town having great group of people at the DPW and thanked the Department for all their support. Chairman Fay spoke to good working relationship with Doug as DPW Union President and looking forward to continued association. Mr. Jasperson thanked the Board for their support and reiterated his commitment to working together with all Town Departments.

Agenda Item #3. Public Hearing-Sorrentos Pizza-64 Park St.-No show. The Board continued this hearing until 9-25-12 their next meeting date. Motion to continue made by Selectman Conley 2nd by Selectman Luca, VOTE: unanimous, so moved.

Agenda Item #4. Public Hearing Natural Cafe & Mkt.-25 Main Street, Ayer, MA-the Board met with Georgette Pulsifer. Chairman Fay opened the Public Hearing by requesting the legal notice be read into the record by the Clerk. Selectman Conley read the legal notice advertised the weeks of 8-31-12 & 9-7-12 in the Nashoba Publications. The Board reviewed Ms. Pulsifer's background and association with the Wholesome Cafe's previous owner, having worked there. Ms. Spinner of the Ayer Board of Health advised to Ms. Pulsifer being advised to her needing a Food Handler's License before she could open her business. The Board advised Ms. Pulsifer that she cannot run food establishment off someone else's Food Handler's License, and that she must obtain one from the Nashoba Board's of Health before she can open her business. Ms. Pulsifer advising to holding license but unable to locate, she will contact Nashoba re retaking exam. The Board continued the Public Hearing to 9-25-12 or later date. Motion made by Selectman Conley 2nd by Selectman Luca, VOTE: unanimous so moved.

Agenda Item #5. Request for All Alcohol License Reconsideration-SideTracked Pub-63 Main St. Present for the discussion: Atty. Markley, Sheila & Matt Fields. Selectman Hillman recused himself from the discussion due to his relationship with the Fields and stepped away from the table. Mr. Field's updated the Board to his applying for grant assistance through DHCD to rebuild his building in the amount of \$750K requesting guidance and assistance re writing the grant advising to his paying off his mortgage on the property at a cost of \$766K. Selectman Conley offered her assistance to work with the Field's & Town Administrator on this project. Atty. Markley updated the Board to his re-submitting new financial data requested by the ABCC who required the Field's to re-submit their application along with supporting documentation. Selectman Conley moved to request the Town Administrator, ABCC Investigator Brad Doyle and Atty. Markley meet and handle this license application's re-submission to the ABCC. Selectman Luca suggesting the Town's Economic Development Office assist with any State Housing requirements as well. Mr. Field's stating he would request the Board keep the license in the safe, until the license is approved, and the building is up and restaurant is ready to open.

Agenda Item #6. Town Accountant-Audit Contract-The Board met with Lisa Gabree Ms. Gabree advised the Board to the two-(2) year contract with Giusti, Hingston & Company has expired. Ms. Gabree advising the Board to her soliciting quotes and receiving three: R.E. Brown & Co \$35-\$40K, Roselli, Clark & Assoc.\$72K, and Giusti, Kingston & Co- Ms. Gabree advising to each of the firms having reputable municipal experience and advising the Board to Giusti & Hingston having provided the Town in dependent audit services for over twenty years. Based upon Ms. Gabree's recommendation the Board voted to award the Financial Audit Services for Fiscal Years: June 30, 2012 to June 30, 2014 to Giusti & Hingston & Company for the two year contract in the amount of \$69,500.00 and to authorize the Chairman's signature. Motion to approve made by Selectman Conley, 2nd by Selectman Luca, VOTE: unanimous, so moved. Selectman Maxant stated his pleasure with Ms. Gabree saving the Town \$7K for these services

Agenda Item #7. Gabe Vellante - Building Commissioner re properties enforcement update

14 Williams St-Hugh Ernisse. Selectman Maxant advised to his notifying property owners to their properties being discussed this evening. Mr. Vellante updated the Board to 14 Williams Street complaint filed with DEP/Board of Health re property turned into a junkyard.

128 Washington Street-Mr. Vellante advised to Mr. Ernisse being sent a Violation Notice re deck/egress disrepair-rotted deck that provides egress into the house. Mr. Vellante recommended issuing violation notice re potential \$1K per day fine. The Board advised to restraining order on Mr. Ernisse by tenants and being unable to access house. This matter to be turned over to Counsel re Building Code violations.

71 Sandy Pond Rd. Mr. Vellante advised the Board to nothing has happened at 71 Sandy Pond Rd. since their last meeting. Mr. Pontbriand advising to letter prepared by him & Mr. Vellante placed on hold advising the owner to resume work re clearing trees and accessory shed from the front yard per the authorization of the Board of Selectmen due to significant legal cost resulting from proceeding to court. Mark Velardi entered the meeting and took issue with the Board for discussing his property without him present stating they made him look like a bad guy. Mr. Velardi reviewed the June 8, 2012 meeting with Mr. Pontbriand and Selectman Hillman that was productive but stated that goodwill may be gone due to the Board again discussing his property without notifying him in advance. Selectman Hillman recounted that June meeting where Mr. Velardi promised significant progress by the end of June to clear his front yard they shook hands and nothing was done. Mr. Velardi presented the Board pictures of his recent hospitalization (five month) stating he began moving things in the front yard until his equipment fell into disrepair. A heated exchange between Selectman Hillman & Mark Velardi occurred. Chairman Fay requested when Mr. Velardi would have his property in compliance to avoid court proceedings. Mr. Velardi responded within 90 days. Mr. Velardi advising to his contractor erroneously advising him to no permit needed when he put up the storage shed. Mr. Velardi stating he would move the building to the side or back yard. Mr. Velardi advised the Board to the Town putting water on his land since he purchased the property that was never taken care of. Another heated exchange occurred between Mr. Velardi and Selectman Hillman. Chairman Fay stated the Board would look into the problem re the water. Mr. Velante suggested Mr. Velardi's shed be relocated on the site or he should seek a variance and that he would be willing to assist him with that.

65 West Main Street-trash in front yard.-Mr. Velante advised to notifying the property owner to remove the trash within thirty (30) days or the Board of Health will proceed to court advising to the Ayer Board of Health has authorized the NBOH to act on the situation. Chairman Fay feeling a two pronged approach was good to get his attention. Selectman Maxant taking exception to this stating he doesn't like interference with property rights seeing just yard trash and nothing that involves the community. Safety of the property owner came into the discussion Selectman Maxant again stating he would like to let someone make their own choices.

Selectman Maxant on another matter advised to sign back up on Littleton Rd., re motorcycle repair, Mr. Vellante advising the Board to his sending out another letter re unauthorized sign and advising individual to his being liable for property damage/s. Mr. Velante advised the Board to West Main Street dealership making significant progress.

Selectman Hillman advised the Board to his speaking with MA DOT re cleaning up the rotary.

Agenda Item #9. Town Administrator's Report-

1. Senior Tax Work-Off Program-Mr. Pontbriand updated the Board to projects being put together by Friday the 21st of September and no later than 10-1-12. Projects to be advertised on the website, Town Hall, Library & cable. Mr. Pontbriand also advising to Department Head Reports to start up in September.

2. Veterans Service Contract with MADev. Mr. Pontbriand advised the Board to renewal agreement with MADev to be for three (3) years and to meeting with George Rameriz on 8-27-12, agreement having similar

language and term from 9-30-12 to 8-31-15. The Board discussed having no cap stating Chapter 115 reimburses Town of Ayer at 75% MADev reimbursement 25%. Mr. Pontbriand advised to Veterans qualified will be paid for no cap in exchange for free Admin Services. Selectman Conley questioning article 6B Paragraph 5 indemnifying MADev. and advised to MADev. covered under Town of Ayer's insurance. Mr. Pontbriand requesting further concerns, amendments/changes be brought into him prior to 9-25-12 . Mr. Pontbriand to make changes and resubmit final agreement back to the Board on 9-25-12 for endorsement.

3. **Appointments-**

1. **Charles Miller-Dam & Pond Mngt. Committee-** Selectman Maxant moved the Board appoint Charles Miller to the one year appointment effective 7-31-12 to 6-30-13, 2nd by Selectman Luca, VOTE: unanimous, so moved.
2. **Harry Zane and Ellen Neelands-Green Communities Committee-**Selectman Luca Moved the Board vote to appoint Harry Zane and Ellen Neelands to the Green Communities Committee effective 7-1-12 to 6-30-15, and change to three year appointments, 2nd by Selectman Maxant, VOTE: unanimous, so moved.
3. **Conservation Commission-**Lee Curtis-Selectman Hillman moved to appoint Lee Curtis to serve on the Conservation Commission effective 7-1-11 to 6-30-14 to fill Warren Balls unexpired office, 2nd by Selectman Conley VOTE: unanimous, so moved.
4. **Class II License-Ronald Raffi** -Mr. Pontbriand advised the Board to Mr. Raffi requesting a name change for his Class II License from Ronald J. Raffi Realty Trust to Ayer Road Used Cars, LLC located at 6 Groton Street, Ayer, MA. Selectman Conley moved the Board vote to approve Mr. Raffi's request effective 9-15-12 to 1-1-13, 2nd by Selectman Hillman VOTE: unanimous, so moved.
5. **NVTHS Representative Appointments-(primary & alternate representatives)**Mr. Pontbriand updated the Board to Town receiving interest from potential residents to serve on these positions and requesting to postpone decision until after 9-25-12 to see if other interested residents come in.
6. **October 22, 2012 Fall Town Meeting Warrant Articles-** Mr. Pontbriand presented the Board list of fourteen (14) articles submitted to him for inclusion on the Fall Town Meeting Warrant. Mr. Pontbriand also advised the Board to warrant officially closing on 9-28-12 at 5:00p.m. Selectman Conley suggesting the Board Board also consider including prior year bills, employee compensation benefits (Union),rescinding old borrowing articles. Mr. Pontbriand to prepare draft for 18th.
7. **School Election -Saturday, November 17, 2012** -Mr. Pontbriand updated the Board to Fin-Com and School Building Committee's presentation on Website re borrowing for renovation to the Ayer Shirley Regional High School Building. Election to be held on at Saturday the 17th of November in both the Towns of Ayer & Shirley to vote the project-single question ballot. Polls to be open from 8am to 4pm.
8. **Superior Officers Memorandum of Agreement (MOA) amendment-**Mr Pontbriand advised the Board to the Union approving the amendment to the MOA today 9-11-12 striking out the language in Article 13. #3. second sentence re Details removing 1.75 and inserting 1.55. Mr. Pontbriand advising the Board to no change in Longevity. Selectman Luca stating his displeasure to this being the second time this contract has turned around. Selectman Conley moved the Board vote to approve the amendment to the MOA striking out paragraph 3 second sentence, 2nd by Selectman Maxant, VOTE: Selectman Conley aye, Selectman Maxant aye, Selectman Hillman aye, Chairman Fay aye, Selectman Luca no 4-1, motion passes.
9. **Open Meeting Law/Public Records/Ethics Training-**Mr. Pontbriand updated the Board to meeting with Department Heads and confirmed with all to their holding training for all their employees, re electronic and all new employees to take Ethics Training. The Board also suggested Procurement guidelines also be looked at as well as achieving and advised to IT Director working on these last two issues.
10. **Town Hall Clerical Union Arbitration settlement Agreement-**Mr. Pontbriand updated the Board to AFSCME Arbitration 9-11-12 Settlement and part of settlement agreement was to publicly read into the record the following order-

1. Board of Selectmen issue posting of 11-17-11 by Leominster District Court-that Jeremy Callahan is ordered to stay away from Susan Sullivan's work place and is not to be within ten yards (10') of Ms. Sullivan or/on the the 3rd floor.
2. Chairman of the Planning Board to accompany Ms. Sullivan while she closes Town Hall and to her automobile on meeting nights.
3. Planning Board information needed by Mr. Callahan to be requested through Planning Board Chair and Approved by Chairman of the Planning Board.
4. Agree-admission by other party.
5. Abeyance until 9-11-12

Motion to approve made by Selectman Luca 2nd by Selectman Maxant, VOTE: unanimous, so moved.

Agenda Item #10 JBoS-The Board to advise Selectman Maxant what they envision for Devens-what does the Town of Ayer want for Devens and advised by Selectman Maxant to Town of Harvard redoing their Master Plan.

Agenda Item #11. New Business/Selectmen's Questions

Selectman Conley-Suggesting the Board invest in permanent projector screen for Selectmen's Meeting Room-cost estimated around \$900.00 Selectman Conley stating she has spoken with Cindy Knox and Mr. Pontbriand re this proposal and money left in the Selectmen's budget to pay for this projector from her stipend.

Selectman Hillman- Homeless Problem in Town of Ayer-Mr. Hillman spoke to his observation of many homeless people in Ayer, noting person sleeping on bench in waiting station across from Town Hall, railroad building having mattresses on floor. Social economic problem, deferring to Police Dept. to come up with a plan. Chief Murray questioning what is the problem advising to homeless taken care of given telephone numbers & resources of assistance. Pastor Wells -Apple Valley Church-Newton St. has opened food kitchen services are available when asked for. Selectman Hillman stating he is receiving complaints from people. Selectman Maxant agreeing to there being no problem not wishing government to get involved. The Board questioned why Ayer has more homeless than other areas. Chief Murray responding word is out Ayer is a safe place. The Board requested resource list be updated. Selectman Luca questioning to what point can someone sleep next to a building suggesting a Vagrancy By-law be looked into. Selectman Hillman stating he wants a solution to this growing problem. Selectman Conley advising to railroad police respond to railroad incidents/property.

10:10p.m Selectman Luca moved to adjourn the meeting, 2nd by Selectman Conley, VOTE: unanimous, so moved.

10:10p.m. meeting adjourned.

DATE: _____

Pauline Conley, Clerk