

## TOWN OF AYER SELECTMEN MEETING MINUTES

Tuesday, April 16, 2013

**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)**

Present: Chairman-James Fay, Vice-Chairman Pauline Conley, Clerk-Christopher Hillman, Members-Gary J. Luca and Frank Maxant, Town Administrator Robert A. Pontbriand, and Janet Lewis Secretary.

Mr. Fay called the meeting to order at 7:15p.m. apologizing for late start do to earlier Executive Session.

Mr. Fay called for a moment of silence to honor the victims, 1st responders, police and fire departments who offered their assistance at scene on April 15, 2013 at the Boston Marathon. Special sentiments were offered to the Loring Family of Ayer, MA for their daughter Brittany who suffered serious injuries at the event.

Mr. Fay thanked the Towns Public Safety Officials, Fire Chief Robert Pedrazzi, Police Chief William Murray and DPW Supt. Mark Wetzel for being present this evening to reassure the Town the Emergency Management Plans are in place and that all town public safety personnel are fully trained and versed in emergency situations.

### **Agenda Additions-**

Item #5 add 5.6 Drinking Water Update

Item #6 add 6.5 Town Administrator's Employment Contract.

### **Announcements-**

Mr. Fay announced the following:

2013 4th of July Committee's Spring Dance at the Ayer Sportsmen's Club on Saturday, April 20, 2013 from 7-11pm

Annual Spring Clean-up on April 20th from 9am to 2pm beginning at Depot Sq.

The Memorial Day Parade will be held Saturday, May 25, 2013. More info to come on this event.

Mr. Hillman called for a public inquiry re treatment of former Planning Board member Jeremy Callahan by the Planning Board.

### **Agenda Item #1. Dedication of 2012 Annual Town Report-**

Mr. Fay welcomed Ms. Joan Pena to the meeting. The Board recommended the dedication of the Annual Report to Ms. Pena's late husband, former Selectman Robert Pena, in recognition of his service to the town as Selectman as well as on many other committees including Disabilities, Historic, Capital Planning, CPC, Fire Station Reuse and other organizations. Mr. Luca moved to dedicate the 2012 Annual Report former Selectman Robert Pena, 2nd by Ms. Conley, **VOTE:** unanimous. The Board presented Ms. Pena a framed picture of Mr. Pena when was Chairman of the Board in 1989.

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

Lisa Gabree, Finance Manager/Town Accountant presented her position regarding uninsured, uncollateralized funds under the management of the Treasurer. Ms. Conley asked if the Treasurer had been made aware of Ms. Gabree's presentation and indicated that whenever another elected official was to be discussed they be given advanced notice in recognition of their position.

### **Agenda Item #3. Grant Award Approval-**

Fire Chief Pedrazzi announced his Department's receipt of a Grant from the Dept of Homeland Security (DHS) and FEMA in the amount of \$188,432.00 to purchase self-contained breathing apparatus requiring a match by the town of \$9,421.00. Ms. Conley moved to approve and accept the grant award, 2nd by Mr. Hillman, **VOTE:** unanimous. The Board commended the Chief & staff in obtaining the grant.

### **Agenda Item #4. Review & Approval of the 5-13-12 Town Meeting Warrant and Fy-2014 Budget**

Mr. Pontbriand presented the final Draft Warrant & 2014 Budget for the Board's final review, suggesting the Board review each article and pass on any articles for discussion. The following articles were passed over: #2, #4, #36 & #37.

**Article 2.** Ms. Conley asked who would speak on behalf of NVRTHS. Mr. Pontbriand advised Dr. Klimkiewicz was planning to be present but if she were not able to speak to Town Meeting either he or Selectman Luca will give the report.

**Article 4.** Ms. Conley suggested amending the Selectmen's budget in the Omnibus to include \$1,780 of funding for the Town Administrator's contract negotiated in Executive Session but contingent upon funding approval of Town Meeting. Motion to amend by Mr. Hillman, 2nd by Ms. Conley, **VOTE:** unanimous.

#### **Article 28-Strike**

**Article 36.** Littering By-law includes changes from Town Counsel.

**Article 37.** Enforcement By-law includes changes from Town Counsel.

Mr. Hillman moved to remove the Ayer DPW from the Enforcement paragraphs of both Articles, 2<sup>nd</sup> by Mr. Maxant. **VOTE:** unanimous.

Ms. Conley requested the addition of the Unregistered Vehicle by-law currently in effect in the Town of Littleton as Article 37 and making the Enforcement by-law as Article 38.

Mr. Luca moved to approve the 2013 Annual Town Meeting Warrant with above changes, 2nd by Mr. Maxant. **VOTE:** unanimous.

Mr. Pontbriand thanked everyone for their effort with the preparation of the warrant.

### **Agenda Item # 5. Superintendent Wetzel's Report-DPW-**

Supt. Mark Wetzel was present for the discussion

Annual water flushing will begin on 4-29-13, estimating 4-6 weeks to complete. The Board requested this information be put on Town website.

**5.1 Street Signs Project** Mr. Wetzel thanked Mr. Hillman for referring him to the state's prison signs co-op for purchasing new street signs advising to huge savings.

**5.2 Grove Pond Water Treatment Facility & Well Expansion Engineering Agreement -** Ms. Conley moved to approve Amendment #3 to the Onsite Engineering Agreement in an amount not to exceed \$166,800.00 and authorize the Chairman's signature, 2nd by Mr. Maxant. **VOTE:** Unanimous.

**5.3 P.J. Albert Inc. Fitchburg, MA-Paving Contract-** *Mr. Wetzel explained there is no need to re-approve the paving contract as it was originally approved as a one-year with two automatic one-year extensions. (see Bidder's contract unit prices attached)*

**5.4 Casella Solid Waste Contract-** Mr. Wetzel recommended a one year extension of the contract for solid waste removal with Casella for the period 7-1-13 to 6-30-14. Discussion on whether the contract could be terminated early in the event curb-side pickup was initiated. Mr. Wetzel indicated there was no language relating to early termination of the contract. Motion made by Ms. Conley 2nd by Mr. Hillman. **VOTE:** unanimous.

**Littleton-Lyne Apartment Sewer Connection Permit Extension-** Mr. Wetzel advised no extension is necessary as permit in place for two (2) more years.

Street Light Update- Ms. Conley requested status on sample street lights. Supt. Wetzel advised he, David Maher and National Grid were meeting on 4-18-13. Ms. Conley encouraging Board to look at the lighting at the Post Office parking lot, requesting to get cost and look into similar design.

Lead in Drinking Water Publication - Supt. Wetzel distributed brochure advising that MADEP requires public water systems that exceed the lead action level provide this notification to consumers. Supt. Wetzel advised the water provided by the Town is lead free when it leaves the water treatment plants however In the Fall of 2012 the Water Division found elevated lead levels in drinking water in some homes. This may happen through home piping as lead solder used in plumbing ,although now banned, may be present in older homes and some brass fixtures. Supt. Wetzel stating this brochure will answer and reduce resident's exposure.

#### **Agenda Item #6. Town Administrator's Report-**

6.2. Non-Union Personnel Compensation Grid Contract- Mr. Pontbriand recommended the proposal from Human Resources Services, Inc. to review the compensation grid in the amount of \$4,800.00. The study is estimated to take three months and be ready for consideration by the Board & Town Meeting in October 2013. Mr. Maxant moved to approve the contract and authorize the Chairman's signature, 2nd by Mr. Luca. **VOTE:** unanimous.

6.3 Flannigan Pond Aquatic Plant Management- Mr. Pontbriand advised ConCom unanimously approved the Aquatic Control Technology Contract for management of Flannigan's Pond in 2013 in accordance with MGL Chapter 30 B. Mr. Luca moved to approve Aquatic Control Tech. contact in the amount not to exceed \$26,600, 2nd by Ms. Conley. **VOTE:** unanimous.

#### **8:45p.m. The Board took up the scheduled Public Hearing**

##### **Agenda Item #7 Shaker Hills Country Club All Alcohol License and Common Victualler's License**

Present for the discussion were Attorney Phillip Feinzeig representing owner Frederick Curtis, Jr. and Mr. Curtis.

Mr. Hillman opened the Public Hearing by reading the Legal Notice published in the Nashoba Publications the weeks of April 5, & 12, 2013 into the record.

Atty Feinzeig reviewed with the Board the All Alcohol and Common Victualler's License applications advising to abutters notified. Abutters to the property present all spoke in favor of the application. Mr. Luca moved to approve the All Alcohol License & Common Victualler's License with the Victualler's License contingent upon Nashoba Board's of Health Certification, 2nd by Mr. Maxant. **VOTE:** unanimous.

*9:15p.m. Ms. Conley moved to close the Public Hearing, 2nd by Mr. Maxant. **VOTE:** 4-0, so moved. (Mr. Luca left the room and was not present for vote.)*

#### **Town Administrator's Report (Cont.)**

6.4 Property Enforcement Policy- Mr. Pontbriand recommended the Board schedule a meeting with representatives from the Board of Health, Nashoba Board of Health, Police Chief, Fire Chief, Building Commissioner and the Board of Selectmen regarding the next steps on establishing a property enforcement policy for the Town. Mr. Hillman & Mr. Fay volunteered to be the Board's representatives to the meeting.

#### **Agenda Item #8 JBoS Update-**

Grant Road Development- After reviewing a copy of the March 26, 2013 Grant Road RFQ Community Briefing given by MassDevelopment Mr. Luca moved the Ayer Board of Selectmen support the proposal as outlined, 2nd by Ms. Conley. **VOTE:** unanimous.

**Agenda Item #9. New Business/Selectmen's Questions**

Transponders on Town vehicles- Mr. Fay & Mr. Hillman discussed the possibility of moving forward with this project. The Board raised various concerns regarding technology involved, monitoring costs, administration of transponders, security and impact bargaining, etc., and requested Mr. Pontbriand gather data to address these concerns

**Agenda Item #10. Minutes -**

Mr. Luca moved to approve the April 2, 2013 minutes as amended by Ms. Conley and Mr. Maxant, 2nd by Ms. Conley. **VOTE:** unanimous.

Mr. Maxant requested release of the 11-14-12 Executive Session minutes. Mr. Pontbriand advised that the minutes were not drafted as yet and need to be reviewed and approved by the Board in Executive Session first, then the Board needs to specifically vote the release the approved minutes. Mr. Maxant maintained the minutes should have been released when the matter was settled stating the Board is and has been in violation of the Open Meeting Law & Public Records law. Mr. Pontbriand stated there are members of Board who question whether they should be released maintaining there is attorney/client privilege.

Mr. Hillman moved to adjourn, 2nd by Ms. Conley. **VOTE:** 4-0. Mr. Maxant abstained

9:50p.m. Meeting adjourned.

\_\_\_\_\_ Date: \_\_\_\_\_  
Christopher Hillman, Clerk

**DATE APPROVED:** \_\_\_\_\_