

**TOWN OF AYER SELECTMEN MEETING MINUTES**  
**Tuesday, April 23, 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)

Chairman Fay called the meeting to order at 7:0p.m. advising all to Board of Selectmen Open Session Meeting is video recorded by APAC.

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

Chairman Fay read into the record Exemption #1. for the Reasons for Convening Executive Session (MGL Chapter 39, s30b)

To discuss the reputation, character, physical condition or mental health rather than the professional competence of an individual. Chairman Fay requested Mr. Maxant wished Open Session or Executive, Mr. Maxant answered Open Session.

Mr. Fay read the complaints against Mr. Maxant.

1. G.L. Chapter 26.8A, Section 23 9c) (2)
2. A.G. Public Records
3. Release of Executive Session Minutes
4. Selectmen may contemplate further censure at a later date.

Chairman Fay read from Nashoba Publications-Public Spirit 4-19-13 edition asking Mr. Maxant if he released this information.

Mr. Maxant asked how you came to this complaint. Did Board conduct "Serial" Meeting with Town Administrator?

Chairman Fay-consulted Legal opinion-re provision of Conflict of Interest Law provides:

1. No one currently on Board or anyone present shall disclose contents of meeting.
2. Executive Session Exempt under Public Records-mandatory disclosure.

Chairman Fay stated Board polled to meet.

Mr. Luca advising the Board has done this before.

Mr. Hillman advising to email sent asking to meet.

Chairman Fay requested if the Board wanted to file complaint

1. Ethics
2. A.G. Violation

Ms. Conley moved the Board refer matter to Ethics Commission to investigate whether Conflict of Interest Law broken, 2nd by Mr. Luca, VOTE: Chairman Fay aye, Mr. Luca aye, Mr. Hillman aye, Ms. Conley aye, Mr. Maxant abstaining, 4-1 motion passes.

Mr. Maxant stating he did nothing improper. Ms. Conley stating matter referred to Ethic Commission to determine. Ethics will hear Mr. Maxant.

Chairman Fay requested this also be filed with the A.G. re Public Records. Ms. Conley moved the Board file official complaint with A.G. re improper release of November 14, 2013 Executive Session Minutes, 2nd by Mr. Hillman VOTE: Chairman Fay aye, Mr. Luca aye, Mr. Hillman aye, Ms. Conley aye. Mr. Maxant abstaining, 4-1 motion passes.

Mr. Maxant challenging whether improperly is correct. Chairman Fay stating he needs vote of Board.

Mr. Hillman stating he has been on the Board for over a year re 20 executive sessions re minutes and suddenly this get released without proper closure.

Mr. Maxant stating bylaw makes us a target. Public needs to know.

Mr. Hillman stating what makes us a target is you contacting other parties.

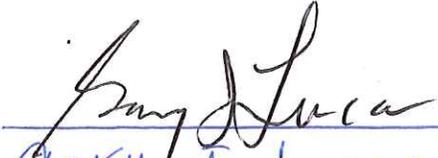
Mr. Maxant stated he responded to others who have contacted him.

Mr. Hillman question Mr. Maxant if he had ever spoken to King.

Mr. Maxant stated yes about football.

Chairman Fay stated this concludes business and called for a motion to adjourn. Mr. Luca moved to adjourn, 2nd by Ms. Conley, VOTE: unanimous, so moved.

7:15p.m. Meeting adjourned.

  
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Gary J. Luca  
CLERK

8-19-14  
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BOS approval date