

TOWN OF AYER SELECTMEN MEETING MINUTES
Tuesday, October 8, 2013
1st Floor Meeting Room, Town Hall, Main Street, Ayer, MA

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

Chairman Conley reconvened the meeting to order in Open Session at 7:35p.m. advising to the Board meeting in Executive Session earlier at 6:30p.m. Present: Chairman-Pauline Conley, Gary J. Luca-Vice Chairman, Christopher Hillman-Clerk, James Fay-Member, Jannice Livingston-Member, Town Administrator Robert A. Pontbriand and Janet Lewis Secretary.

Final Review and Approval of the 10-28-13 Special Fall Town Meeting Warrant-Mr. Pontbriand reviewed DRAFT #6 FTM Warrant with the Board and advised to six (6) articles on the 10-28-13 Special Fall Town Meeting Warrant. Mr. Pontbriand advised to Fin-Com to meet on Wednesday, October 9, 2013, at 7:00p.m. to vote their recommendations and warrant will be sent to printer on 10-10-13. Mr. Pontbriand advising to five (5) original warrants prepared for the Board's endorsement this evening with Town Counsel's approval and Town Counsel's to be at Town Meeting. Ms. Conley questioning need for Town Counsel's presence at Town Meeting.

Article 1. Former Central Fire Station-Mr. Pontbriand advising to 2/3 Majority Vote required to transfer care & custody to the Board of Selectmen for the sale/lease of the building with all proceeds going into the Town's General Fund. Ms. Livingston moved to approve Article 1. as presented, 2nd by Mr. Fay, VOTE: Unanimous, so moved.

Article 2. Petition for Street Acceptance-Easy Street-Mr. Pontbriand advised the Board to Planning Board recommending their approval of street acceptance and metes and bounds on file with the Town Clerk. Simple Majority Vote required. Mr. Pontbriand advising to Supt. Wetzel's Memo of 9-5-13 re project to be completed to DPW specifications being in order. Ms. Livingston moved to approve Article 2 as presented, 2nd by Mr. Hillman, VOTE: unanimous, so moved.

Article 3. Crabtree Wastewater Pumping Station-Mr. Pontbriand advising to Supt. Wetzel recommending his approval of this article due to pumping station failing and timely replacement is recommended. Article requires Simple Majority Vote and funded from the Wastewater Enterprise Fund Surplus in the amount of \$72K. The Board questioned change in funding amount on 10-8-13 from \$68,538 and Mr. Pontbriand advising to DPW Superintendent requested a 10% contingency be included. Mr. Pontbriand stating \$70K will be sufficient. Mr. Hillman moved the Board vote to approve Article 3. as amended, inserting Not to Exceed 70K, 2nd by Mr. Luca for discussion stating this article is on FTM Warrant due to emergency any other financial articles should wait until the Spring Annual Town Meeting Warrant, VOTE: unanimous, so moved.

Article 4. Police Mutual Aid-Adoption of MGL Chapter 40, Section 8G-Mr. Pontbriand advising Board to this articles reaffirmation and retroactive adoption of MGL Chapter 40 Section 8G required for the Town to participate in certain Mutual Aid Agreements. Article calls for a Simple Majority Vote and is recommended by the Police Chief. Mr. Luca Moved the Board vote to approve Article #4. as presented, 2nd by Mr. Fay, VOTE: unanimous, so moved.

Article 5. Telephone Upgrade-Mr. Pontbriand stated this article would fund the upgrade of the Town's telephone system at the Town Hall, DPW, Library and Police Department. Article requires a 2/3 Vote. Article recommended by Board of Selectmen and Capital Planning Committee. Mr. Luca again requesting why this article can't wait for the Spring Annual Town Meeting. Mr. Pontbriand advising to DPW-having no transfer or voice mail capabilities and Library system needing replacement parts and Police Department communication problems as well. Ms. Livingston moved to approve Article 5 as presented, 2nd by Mr. Hillman, VOTE: unanimous, so moved.

Article 6. Transfer Article from Board of Selectmen's Salary Line to I.T. Department Budget. Mr. Pontbriand advising this article partially funding the Town Hall Mondopad (computerized video screen

and stand). Article calls for a 2/3 Vote. This article would transfer \$2,506.00 from the Selectmen's budget salary line in addition to \$4,000.00 from Capital Stabilization. Mr. Fay expressed his sincere thanks to Chairman Conley for donating her stipend towards this purchase. Ms. Spinner from the Capital Planning Committee spoke against article not being presented to the Capital Planning Committee and many other important Town items in line. Mr. Luca reiterating his not being in favor again of approving financial items at the FTM. Mr. Fay moved to approve Article 6. as presented, stating item is infrastructure to I.T. Communications 2nd by Mr. Hillman, VOTE: Mr. Fay aye, Mr. Hillman aye, Ms. Conley aye, Ms. Livingston aye, Mr. Luca no, 4-1 motion passes. Mr. Hillman requesting Ms. Knox conducts a presentation of Mondopad at the 10-15-13 Selectmen's Meeting. Chairman Conley called for a motion to close the 10-29-13 Special Fall Town Meeting Warrant. Mr. Fay moved to close the 10-28-13 Special Fall Town Meeting Warrant, 2nd by Mr. Hillman VOTE: unanimous, so moved.

Thomas Horgan, Town Moderator requested to place signage at the Town Hall and High School advising to Fall Town Meeting being held at the Ayer Town Hall. Selectman Conley requesting Chief Murray being contacted to place Police Department's electronic message board at the High School Site to divert residents back to Town Hall if they go to High School. Mr. Pontbriand advising Board to Nashoba Publications being requested to highlight Ayer Town Hall in yellow on the front page of the Warrant.

Main Street Light Improvements-Notice of Award-Mr. Pontbriand reviewed with the Board Supt. Wetzel's recommendation of award dated October 4, 2013 re the Bid Opening held on October 3, 2013 for the Main Street Lights Improvement Contract-Supt. Wetzel recommending the Board award the contract to the low bidder Blais Electric Corp. of Framingham, MA for the low bid award not to exceed \$44,440.00 Mr. Luca moved the Board vote to approve the contract for the Main /street Light improvements to Blais Electric Corp of Framingham, MA and authorize the Chairman's signature, 2nd by Mr. Fay, VOTE: unanimous, so moved.

Town Administrator's Policy Protocols regarding Electronic Communications-Mr. Pontbriand reviewed his Memo of 9-3-13 with the Board re his electronic communications (email) concerns stating although it was a positive, candid discussion no real consensus on direction, guidance or policy was materialized for going forward and issues still remain (see attached) between the Board, the Town Administrator and Department Heads. The following areas were formalized with the Board.

- Ayerbos@ayer.ma.us account to be utilized only by the Town Administrator solely for scheduling meetings, distribution of documents and emergency notifications.
- volume of emails to date 9759 received by Mr. Pontbriand for this year. Mr. Pontbriand to respond to non-urgent Selectmen's emails within 48 hours of receipt.
- Selectmen's Meeting Packet - Mr. Pontbriand will not respond to Selectmen's emails on Fridays before meetings. Mr. Hillman suggesting Fridays be off limit day and Board to use discretion when contacting him other than emergencies.
- emails from the Board to Dept. heads are copied to him and used at a minimum for seeking information or asking a question, such emails will be disseminated by him to the Board. The Board requested to include Town Counsel emails sent by the Board/Department Head before and after.
- Town Administrator will not respond to texting or instant messaging from Selectmen and requested the Board practice the same as well as all public bodies due to A.G. Open Meeting Law (OML) concerns.
- Electronic packets-urging the Board consider only printing sections of packet they need for the meeting to reduce the amount time & effort/cost put into physical reproducing the packets and advising to hard copy made available if requested.
- Establishing a thirty (30) minute time limit for individual Board members to meet with him/or by telephone during normal working hours (8:30a.m.-6:00p.m.) Mr. Hillman suggesting including fifteen minutes before & after Selectmen's Meetings the Board leaves Mr. Pontbriand alone, so he can prepare for meetings and leave building after meetings timelier.

- Mr. Pontbriand will not respond to Selectmen's emails after 6p.m. Monday through Friday and will not respond to selectmen's emails on Saturdays and Sundays and Holidays advising to in cases of emergencies the Fire/Police/DPW all have his contact number and vice-versa he will contact the Board using the Ayerbos@ayer.ma.us account in emergencies. The Board requested Mr. Pontbriand make necessary amendments to his policy and present it to the Board at their 10-15-13 Meeting for approval. The Board thanked Mr. Pontbriand for his suggestions. Ms. Livingston applauding effort and time put into document stating it's unfortunate Mr. Pontbriand felt he had to communicate this to the Board, going forward the Board now has a policy in place re how they are to communicate with each other and Mr. Pontbriand. Mr. Luca feeling document well written. Mr. Fay feeling document long overdue and too bad he had to reduce it to writing. Mr. Hillman stating "Open Door Policy" has been taken advantage of. Ms. Conley stating witnessing walk-ins after 6:00p.m. and documents needing his signature delivered during his lunch, etc. urging appointment be made and sign on his door adhered to. The Board discussed placing a gate in Selectmen's office to stop employees from walking through to his office without an appointment. Mr. Pontbriand thanked the Board, points well taken and he will amend and bring forward his policy on the 15th for final review and approval.

JBOS Update: Devens Transition & Integration Matrix; Alternate JBoS Representative (see Attached)

Chairman Luca opened the discussion feeling MADEV through their leadership is not paying attention to JBoS. DREZ document 2nd paragraph being managed by local residents not State good summation. Mr. Luca suggesting the Town of Ayer is notified when anything happens on Devens and Mr. Ramirous has been coming to meetings. Movie Studio huge development with a lot in the pipeline going on up there and its good to have a say in what will happen there. Funding down to \$36K left over in seven years, looking to find more money down the road have to start someplace perhaps each town kicking in funds. Contact being made to Sen. Eldridge re funding availability. Mr. Luca advising to Town of Ayer having no alternate presently in his absence. Ms. Conley and Ms. Livingston volunteering to assist as alternates.

Selectmen's Questions/New Business-

Mr. Hillman advised to his looking into cleaning up Memorial Garden i.e. having overgrown trees removed, having landscape architect come in and redesign plantings or draw up plan. Ms. Livingston suggesting having a formalized plan before doing anything. Mr. Pontbriand reminding Board to irrigation system there and careful planning i.e. removal of stumps must be monitored. Trees/branches laying on slate roof a problem should at least remove objectionable branches. Mr. Hillman stating he plans to start the ball rolling.

Gazebo-Mr. Hillman advising to Nashoba Valley Regional Technical School offering to do a project in Town of Ayer and looking at possible site/s re having a gazebo built i.e. in front of car wash, Pirone Park, Pleasant Street. Mr. Pontbriand echoing Mr. Hillman re NVTSH offering to build a "Welcome to Ayer Sign" or other amenity for Town of good quality workmanship. More on this to come.

9:00p.m. Ms. Livingston moved to adjourn the meeting 2nd by Mr. Hillman, VOTE: unanimous.



Gary J. Luca
Chair

Approved by
BOS
12/3/13

