

**TOWN OF AYER SELECTMEN MEETING MINUTES**  
**Tuesday, November 12, 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](http://www.ayer.ma.us)**

**Chairman Conley called the meeting to order at 7:06p.m.** Present: Chairman-Pauline Conley, Gary J. Luca-Vice Chairman, Members James Fay-Member, Jannice Livingston, Town Administrator Robert A. Pontbriand and Janet Lewis Secretary. Selectman Hillman running late.

Ms. Conley requesting if there were any amendments to the Agenda. Mr. Pontbriand requested the Board continue the Minutes of 10-8-13 and 10-15-13 to the Board's 11-19-13 meeting.

Mr. Pontbriand advising to the Minutes of 9-17-13 and 10-1-13 are ready for the Board's review.

Ms. Livingston requested the Board remove Bullet #6 under the Town Administrator's Report samples from other municipalities re Agenda formats. Mr. Livingston stating they serve no purpose and does nothing to enhance the Town of Ayer but take up time. Mr. Pontbriand clarifying stating due to issues concerning time allocation/formatting of the Agenda i.e. having Selectmen's name assigned re their advocating for various Town projects, etc. he placed this item on the Agenda to resolve matter. Ms. Conley stating it has always been the Policy of the Board that the Town Administrator and Chairman meet and put the Agenda together. Mr. Fay allocating for time allotments re agenda items for time management, current form fine just encouraging everyone to stick to topic. Ms. Conley defending removal of time from agenda stating to give participants the necessary time they needed. Ms. Livingston requesting to remove sample agendas from Town Administrator's Report placed in the form of a motion 2nd by Mr. Luca, VOTE: unanimous, so moved.

7:15p m. Mr. Hillman entered the meeting.

Mr. Fay requested clarification re Town Counsel RFP on Agenda and Mr. Hillman responding not RFP only discussion if time allows.

Mr. Luca moved to approve the Agenda as amended, 2nd by Ms. Livingston, VOTE: unanimous, so moved.

**Announcements-**

1. JBoS Meeting-Thursday, November 14, 2013 @7.p. at the Ayer Town Hall-2nd floor.
2. Winter Parking Ban-Begins 11-15-13 at 12:01a.m. through 4-14-14.
3. Selectmen's Meeting - November 19, 2013 re Medical Marijuana Facilities wishing to locate in Ayer.
4. Christmas Tree Lighting at the Rotary 6:00p. m. on Sunday, December 1, 2013
5. Tax Classification Public Hearing-Tuesday. December 3, 2013 @7:15p.m.

Mr. Fay took this opportunity to publicly thank and share poem from anonymous person who left Armistice Day Poem on Monday -November 11, 2013-Veterans Day, at the American Legion Ceremony in the Memorial Garden of Town Hall.

**Public Input**-Chairman Conley requested if there was anyone wishing to meet with the Board under Public Input-no one stepped forward.

**Minutes-**

**9-17-13** Mr. Fay moved the Board vote to approve with Amendment (to include omission of Ms. Livingston not being present) 2nd by Mr. Luca, VOTE: unanimous so moved.

**10-1-13** Mr. Fay moved the Board vote to approve with amendment spelling (perview/preview), 2nd by Mr. Luca, VOTE: unanimous, so moved.

**Appointments-**

1. Council on Aging-Mr. Pontbriand shared with the Board a letter dated 10-28-13 from Chairperson Sister Paula McCrea from the Council on Aging requesting to appoint Ms. Sally Balcom to fill the unexpired term of Catherine Lawson who passed away on Oct. 19, 2013. Ms. Balcom to serve Ms.

Lawson's remaining three (3) year term 6-30-13 to 7-1-16. Motion to approve made by Mr. Luca, 2nd by Mr. Hillman, VOTE: unanimous.

2. Part-time Building Inspector-Mr. Pontbriand updated the Board to position advertised locally and to date only receiving two applicants neither of which meets the minimum requirements. Mr. Pontbriand advising to position being posted on the MA Statewide list commencing 11-12-13 and suggesting the Board revisit the parameters of the position i.e. wage which requires collective bargaining with the Union. Mr. Pontbriand advising to salary currently posted at \$17/hr. Salary must increase to find qualified candidate. The Board also requested Job posting be corrected to reflect eighteen (18) Hours a week three (3) days a week six (6) hours per day on second page.

**Public Hearing-Lorden Oil-Amendment to Flammable and Combustible Liquid, Gases and Solids Permit**

The Board met with Chief Pedrazzi and Ted Lorden. Mr. Hillman read the Legal Notice into the record advertised in the Public Spirit the weeks of November 1, & 8, 2013. The Board reviewed with the Chief Mr. Lorden's request to modify his current propane capacity to 200,000 gallons a 72K increase, to accommodate residential small tanks/propane tanks. Mr. Luca asked if the Chief had any problem with this increase and advised to Mr. Lorden running a state of the art facility and having no problems. Mr. Luca moved the Board vote to approve Lorden Oil's Flammable and Combustible Liquid, Gases and Solids Permit as presented by Fire Chief Robert Pedrazzi, 2nd by Ms. Livingston, VOTE: unanimous, so moved. Mr. Luca moved to close the Public Hearing, 2nd by Mr. Hillman VOTE: unanimous, so moved.

**Partridge Auto Sales-Class II Amendment to Licenses- Public Hearing continuation of 6-18-12**-The Board met with Sean Partridge. Mr. Partridge updated the Board to his request to amend his current Class II License from six (6) car limit to fifty (50) cars, advising to having 44K sq. ft. of land with 31,500 feet that is ready for used car sales. Mr. Partridge advised to Building Commissioner approving his request which is located in a General Business Zone. Mr. Partridge also updated the Board to meeting with the Planning Board as requested on October 3, 2013, and approved his engineered drawings re the rear gravel parking area being in conformance and supported by the Fire Chief. Mr. Partridge presented Plan #6290P110 dated 9-30-13 prepared by Acton Survey & Engineering consisting of 67 parking spaces (7'x17'). Chairman Conley requested if there were any abutters present, no one stepped forward. Ms. Livingston moved to approve the Class II License amendment for Partridge Auto Sales not to exceed fifty (50) cars per approval/s of Planning Board, Building Commissioner and Fire Chief, 2nd by Mr. Hillman, VOTE: unanimous, so moved. Ms. Lewis reminded the Board to 2014 license renewals in progress and requested the Board's permission to prorate Mr. Partridge's License for 2014. The Board approved this request. Mr. Luca moved to close the Public Hearing, 2nd by Mr. Hillman VOTE: unanimous, so moved.

**Police Chief- William Murray-Middlesex County Interagency Mutual Aid Agreement**-The Board met with Chief Murray who reviewed with the Board the Agreement which would give Ayer's Police Officers the authority to take action outside the territorial boundaries of Ayer into communities that have also adopted this Agreement. Mr. Luca moved the Board vote to approve the Middlesex County MOU as presented by Chief Murray and authorize the Chairman's signature, 2nd by Ms. Livingston, VOTE: unanimous, so moved. (See attached Agreement)

**Mondopad**-Mr. Pontbriand announced to the Board that Ms. Knox will have the new Mondopad up and running for the next Selectmen's Meeting on 11-19-13.

**David Maher-Economic and Community Development**-The Board met with David Maher and Alicia Hersey. Mr. Hillman took this opportunity to publicly thank Mr. Maher for sending out letters re the Holiday Lights Fund for the Rotary to town businesses.

1. Drug Court Grant-Ms. Hersey advised to the Town awarded funds from the Department of Health & Human Services in support of the SAMHSA Program to engage Advocates to operate/oversee the program to assist the courts with the administration of the program in the amount of \$318,460.00 to run from 9-30-13 to 9-29-14. The Board voted to approve Advocates contract renewal. Motion to approve made by Mr. Fay, 2nd by Mr. Luca, VOTE: unanimous, so moved.

2. Habitat-Mr. Maher gave the Board a brief update re 76 Central Ave. property transferred to habitat on 7-2-13. Mr. Maher stating property is a LIP Unit/Lottery System- per MGL30b-\$25K procurement.

Public & Central Register process to begin through RFP process. Mr. Maher advised to UDAG Funds used for cleanup of property. Mr. Luca questioning if UDAG payback could be waived? Mr. Pontbriand to check with DOR and Town Accountant. Ms. Spinner questioning UDAG funds being used re clean-up of site feeling Town used Program Income. The Board to relook vote of Board re clean-up funding. Mr. Maher advised to spring/early summer build for Central Ave. property. Mr. Luca questioning if Habitat approached CPC re funding?

The Board reviewed with Mr. Maher status of TIFS from September 2019\*3.3 meeting re

Agility TIF 2009 -Plexis-being in name of same owner?

Process of other Town re TIFS-application process

List of other Municipalities who were also de-certified.

L-3/Nashoba Valley Hospital-DOR detrimental to how Town proceeds re amended or new TIF/s.

Mr. Pontbriand updating Board to Town Counsel advising Board to take no action until DOR looks into.

Mr. Fay suggesting the Board filters through TIF Committee, Town Administrator to spearhead/update.

**Supt. Wetzel's Report**-The Board met with Mark Wetzel

1. MassDEP Technical Services Assistance-Evaluation of Curbside Trash/Recycling- Present for the discussion Irene Congdon-Central MA Region Municipal Assistant Coordinator. Ms. Congdon reviewed with the Board technical assistance offered to the town for sixty (60) hours to evaluate the alternatives, costs, benefits and implementation. Ms. Congdon urged the Board form a working group to provide input, review the scope and data and assist with the public information phase. Working group suggested to be made up of: 2 members of the Selectmen, Board of Health member, 2 residents and DPW Supt. Mr. Luca moved the Board accept MassDEP Sixty (60) Hours Technical Services Assistance Award, and authorize the Chairman's signature 2nd by Mr. Fay, VOTE: unanimous, so moved. Mr. Luca moved to appoint a working group to collect information, Mr. Hillman and Ms. Livingston to be appointed Selectmen's representatives, 2nd by Mr. Hillman VOTE: unanimous, so moved. Mr. Barry Schwarzel requesting and approved to be appointed to one of the citizen's appointments on working group. The Board requested this Program be communicated electronically and placed on Town's Website.

2. Crabtree Wastewater Pumping Station Upgrade-Mr. Wentzel presented four (4) copies of Weston & Sampson's Contract for the Board's review and signatures. Mr. Fay moved the Board vote to approve the Crabtree WW Pumping Station Upgrade Contract in the amount not to exceed \$64,538.00 and authorize the Chairman's signature, 2nd by Ms. Livingston, VOTE: unanimous, so moved.

3. Street Signs-Supt. Wetzel advised to 312 signs installed, 169 posts and 41 brackets, 12 signs re-ordered i.e. misspelled, new traffic signs/speeding and 16 stop signs utilizing two (2) contractors: Highway Safety Installations & MA Corp. Town appropriated \$65k with \$48K spent to date total cost estimated to be around \$53K. Mr. Hillman requested if "No Littering" signs were ordered and advised to yes and locations given.

4. Main Street Lighting-Mr. Wetzel updated the Board to contractor prepping bases and waiting on lights to come in, delivery date 12-2-13 and installed as soon as possible, ten (10) ordered with completion date of 12-14-13. Ms. Conley expressing her disappointment that lights were not in before day light saving time being that the contract was signed in October: Board approved on 8-17, Advertised for bids on 9-18, opened bids on 9-3; requesting all departments include synopsis in contracts to keep the Board apprised of startup dates, etc. Mr. Fay not in favor of synopsis prefers contract being made available. Ms. Conley stating Board needs to be made aware of changes to start/end dates.

East Main Street Improvement Program-Mr. Wetzel conducted an overhead presentation re the Town's Water Distribution System Infrastructure Improvement Program.-Overview outlined age of system construction dating back to 1895, servicing 3K customers, services: domestic, commercial & fire, 47 miles of pipe, ranging in size from 4" to 16". Mr. Wetzel advising to ratings of pipe from 2 (good) to 80 (poor) with 65K feet with rating over 60. Mr. Wetzel reviewed with the Board Water Main Improvement Priorities and Water Main Improvement Program recommendations i.e. water main replacements, cost to replace mains with rating over 60, long dead end main eliminations, suggesting to budget \$250K per

year to begin replacing pipes (2000ft) Mr. Wetzel reviewed with the Board priority water main projects: E. Main St., Pleasant St & Taft , Wright Rd., Groton Shirley Rd., Jackson, Pearl, Shirley, Nashua, Lincoln, Willims Holms streets,-Priority projects. Mr. Wetzel advising to Memo submitted to Capital Planning Committee on 10-8-13 and 10-30-13. Mr. Pontbriand suggesting Capital Planning Committee make recommendation to Fin-Com advising do to Funding challenges, planning & delegation concerns. 9:45p.m. Mr. Luca requested the Board extend the meeting for 15 minutes, 2nd by Mr. Hillman, VOTE: unanimous, moved.

**2014 All Alcohol Renewals**-The Board voted to approve the 2014 All Alcohol Renewals contingent upon **no licenses being released** until Building Commissioner & Fire Chief have signed off and proof of Insurance Liability coverage is on file. Motion made by Ms. Livingston, 2nd by Mr. Hillman, VOTE: unanimous, so moved.

**Town Administrator's Report-**

1. St. Mary's Parish One Day Beer & Wine License-Parish Dinner Saturday, November 16, 2013 from 5:30p.m. to 9:00p.m. Mr. Fay moved to approve One Day Beer & Wine License for St. Mary's parish for 11-16-13 from 5:30p.m. to 9:00p.m., 2nd by Mr. Luca, VOTE: unanimous, so moved.

2. APPOA Dispatchers Fy-2014 Wage Reopener MOA-Mr. Pontbriand announced the Memorandum of Agreement (MOA) between the Town and APPOA for Fy-2014 being finalized following arbitration. Mr. Pontbriand disclosed a three (3) year 2% salary increase negotiated retro to 7-1-13.

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

1. Town Counsel discussion deferred to 11-19-13 Selectmen's Meeting

2. Ms. Conley to work with Mr. Pontbriand to update old business items to be distributed to Board.

Mr. Luca took this opportunity to congratulate Barry Swartzel for the Camp Stevens re-Dedication Ceremony on Saturday, November 2, 2013 at 11:00a.m. and all the work that went into restoring the grounds and memorial.

10:00p.m. Mr. Luca moved to adjourn the meeting, 2nd by Ms. Livingston, VOTE: unanimous, so moved.



Gary J. Luca, Chairman  
Ayer Board of Selectmen

**DATE:** January 7, 2014