

TOWN OF AYER SELECTMEN MEETING MINUTES
Tuesday, December 17, 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 Luca called the meeting to order at 7:00p.m. Present: Chairman-Gary J. Luca, Members, Pauline Conley and Jannice Livingston, Town Administrator Robert A. Pontbriand and Janet Lewis Secretary. Absent: Mr. Hillman and Mr. Fay.

Announcements-none

Chairman Luca requested if there was any amendments to the agenda. Ms. Conley requesting under the Town Administrator's Report or general information to add:

- Meeting Videos
- Dissemination of Information

and under Supt. Wetzel's Report to add:

- Street lights installation update
Crabtree Update-Pumping Station

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

Public Input-

1. Doug Janssen & Janet Gullotta-Old Groton Road. Chairman Luca advising to this discussion to be brought up under Supt. Wetzel's Report later in the meeting.
2. Mary Spinner requested a Moment of Silence in observance of the Helicopter Crash that took the lives of six (6) Army soldiers in Afghanistan today

The Board went off the posted Agenda to take up Supt. Wetzel's Report due to being ahead of schedule.

1. Water Meters and Automatic Meter Reading System Bid-Supt. Wetzel reviewed the procurement process selection re four (4) proposals Town received for three (3) one (1) year contracts for the purchase of 900 water meters and 3000 radio frequency transmitters. Supt. Wetzel advised the Board to the award based upon the first year's proposal pursuant to MGL Chapter 30B- and Weston & Sampson assisting DPW with process. Four (4) bids were received:

- E.J. Prescott- \$174,340.00
- Itron- \$166,466.50
- Ti-Sales \$119,321.19
- Stiles Com. \$114,438.50

Based upon evaluation criteria and price, two companies were interviewed and per proposals submitted Ti-Sales was selected for Year 1 in the amount of \$119,321.19. Ms. Livingston moved the Board vote to approve Supt. Wetzel's recommendation and awarded the Water Meter and Automatic Meter Reading System Contract Award to Ti-Sales in the amount not to exceed \$119,321.19 for Year One, 2nd by Ms. Conley. Ms Conley questioning if 900 water meters and 3000 radio transmitters would be enough and advised to letter of 12-3-13 Town extended year three proposal the opportunity for additional meters and deferring collectors to year three as well. Supt. Wetzel advised to DPW will be installing meters (being more efficient) and Agreement having penalty component, if Ti-Sales are unable to deliver product by 6/30/14 they would pay the Town of Ayer \$400.00 for each day not delivered. Ms. Conley stating she had wished the Board had penalty component with the Street Lights Contract. Chairman Luca called for a VOTE: unanimous so moved.

2. Ayer Recycling Committee-Supt. Wetzel took this opportunity to congratulate and announce the Town's recent two awards from the Central MA Dept. Environmental Protection for reducing household

trash and the Town of Ayer meeting 30% Waste Collection/Recycling. Supt. Wetzel thanking and congratulating this Committee for their remarkable job.

3. Willow Road Development-Water Storage Tank Mitigation Fee -Supt. Wetzel updated the Board to the original Agreement with Willow Rd. Dev. LLC entered on 6-21-05 re water/sewer fees and construction of the Ridgeview Heights Water Storage Tank. Supt. Wetzel also stated the Comprehensive Permit issued by the Zoning Board of Appeals dated 10-19-05 had a condition if the water tower is not constructed within five (5) years of commencement of the construction of the Willow development these funds shall be transferred to the town for whatever purpose the town deems appropriate. Supt. Wetzel advising the Board he spoke with Mark O'Hagan of Willows Dev. and O Hagen proposed to pay the Town the fee based on \$10K each real estate closing for the remaining 25 units. Supt. Wetzel requesting Town Counsel amend the Comprehensive Permit re how the money is deposited, where & when, execution of the Agreement; the Town Accountant should determine if separate account is needed to deposit & track the money and DPW will need an article at ATM authorizing the spending of the money for the tank project. Ms. Conley stating her displeasure with the Town waiting ten (10) years and a concern if Willows doesn't sell 25 units now that the Town now knows where the money we should demand it. Ms. Livingston agreeing having heard rumor re Agreement being renegotiated; Development has to pay up-owe the Town this money. Ms. Conley proposed a motion, Chairman Luca recommending Board come back to later to take up Public Hearing scheduled for 7:15p.m.

7:15p.m. Public Hearing-37 Willard Street-pursuant to MGL Chapter 139 -Nuisance Bylaw-Determination if 37 Willard St., Ayer, MA is a Nuisance defined by Statute. Mr. Pontbriand advised the Board to Mr. Dennis Brannon receiving by Constable, Certified Mail, Regular U.S. Mail and Electronic Mail a letter dated 12-6-13 notifying him of Public Hearing to be held on 12-17-13 at 7:15p.m. at the Ayer Town Hall for determination under MGL Chapter 139 as to whether or not 37 Willard Street, Ayer, MA is a nuisance as defined by Statute to the neighborhood, or dangerous and if found to be, prescribe its disposition, alteration or regulation. As the record owner of the property he was notified to attend the Hearing to give him an opportunity to speak or produce evidence and/or be represented by counsel. Mr. Pontbriand advising the absence of owner does not compel the Board of Selectmen to postpone the Hearing. Present for the Public Hearing: Board of Health, Building Commissioner, Fire Chief, and Police Chief.

7:15p.m. Ms. Conley moved the Board open the Public Hearing, 2nd by Ms. Livingston, VOTE: unanimous, so moved. Mr. Vellante-Building Commissioner stated Mr. Brannon emailed every week where he stands re 37 Willow St. and advising Mr. Vellante to his being under contract with excavation company & asbestos removal re signed contracts per email only. Mr. Pontbriand spoke with Town Counsel advising to Town not having evidence of these contracts. Mr. Pontbriand recommended documentation submitted by Board of Health, Building Commissioner, Fire Chief & Police Chief be entered into record. Ms. Conley stating Mr. Brannon is aware of Town of Ayer concerns and moved to declare 37 Willow Street Ayer, MA a Nuisance as defined by Statute- MGL Chapter 139 and incorporate into record the files submitted by the Building Commissioner, Ayer Board of Health, Nashoba Boards of Health, Fire Chief & Police Chief and official recording of Public Hearing and authorize Town Counsel to continue and proceed with declaring 37 Willard Street property in Ayer, MA a Nuisance, 2nd by Ms. Livingston, VOTE: unanimous, so moved. The Board requested evidence of contracts re excavation and asbestos removal from Mr. Brannon.

7:25p.m. Ms. Conley moved to close the Public Hearing, 2nd by Ms. Livingston, VOTE: unanimous, so moved.

Continuation of Supt. Wetzel's Report

Willow Road Development-(Cont) Ms. Conley moved the Board to send a letter to Willow Development LLC for payment of \$250K per Comprehensive Permit and demanding payment within thirty (30) days, 2nd by Ms. Livingston. A discussion followed re change of

ownership of development, Supt. Wetzel advising to Willows claiming no one told them they owed money, someone not tracking. Ms. Livingston stating Mr. OHagan negotiated price and knew he owes \$250K tell him we want it. Mr. Pontbriand advising under MGL any permit Town of Ayer issues if payment is owed can be with held/hold i.e. Building Permit/s Mr. Pontbriand to verify this with Town Counsel but questioning cost benefits to hold-up. Ms. Livingston requesting to talk with Town Counsel re best process. Chairman Luca requesting to speak with Dale Taylor who negotiated Comprehensive Permit and come up with plan before sending out demand to developer, request Town Counsel how to push developer for the \$250K, motion made and 2nd, Chairman Luca called for a Vote: unanimous, so moved. The Board requested a copy of the Comprehensive Permit.

4. Old Groton Road- Present for the discussion Doug Janssen and Janet Gullotta. Supt. Wetzel conducted a slide presentation re current condition of Old Groton Road.; depicting unpaved, unmaintained dirt road with deep ruts, shrubs/bushes on both sides of road 15' wide and 800' long, "Do Not Enter" signs at both ends, no drainage with washout onto Pleasant St. (rocks/gravel). Mr. Pontbriand updating the Board to various issues arising over the years concerning this road re maintenance i.e. drainage problems, snow-plowing since he has been here. Supt. Wetzel explained problem with DPW equipment getting into road -equipment to big. Damaged car/brush with loader. Back hoe brought in at end of storm last road to be cleared due to special equipment necessary to clear. Main streets priority for public safety. Supt. Wetzel introduced Doug Jaspersen-Foreman of Highway Division who reaffirmed problems encountered by DPW re road and Washington Street berm being investigated by DPW re washout. Mr. Janssen & Ms. Gulotta advised to no snow removal being done this past storm and plowing being done by pick-up truck privately. Supt. Wetzel advising to when DPW got there road had been plowed. Mr. Janssen presented statement to Board in response to Supt. Wetzel's memo dated 10-7-13. Mr. Janssen responding to deep ruts/road surface uneven and erosion being the result of run-off from Washington St. and challenging Back-Hoe being the only DPW equipment that can plow street advising to pick-up trucks being used prior to Supt. Nason. Mr. Janssen stating Old Groton Rd. issues were compounded starting with Mr. Nason's tenure instead of using pick-up trucks he began using oversized vehicles that tore up the road. Mr. Janssen took issue with Supt. Wetzel's proposal re seizure of land, retaining walls, drainage pipes and paving costing over \$200K being totally out of proportion urging small reasonable steps i.e. pick-up trucks and adding a berm on Washington St. to keep water coming down Old Groton Rd, Supt. Wetzel advising to installing berm would still have erosion and snow removal operations would rip out every winter. Ms Conley stating the road needs to be kept open, ownership of road more difficult issue cautioning Board some issues are Executive Session topic. Ms. Conley after lengthy discussion stated final decision not going to happen right away suggesting the Board look at hiring a private contractor to plow Old Groton Road at beginning and end of storm would solve this winters problem and give the Board more time to resolve real issue re ownership of road. Chairman Luca stating Board should have options by Spring. Board will keep on top of and not lose sight of; in the mean time Supt. Wetzel will continue snow removal with back-hoe. Mr. Curran requesting Board to keep neighborhood updated re status. Ms Conley moved to retain a private contractor for snow removal on Old Groton Road, no second.

Street Light Update-Supt. Wetzel advising to street light installation start up on Monday 12-9-13 and snow removal operations (snow banks in front of businesses) along Main street to be removed on Thursday, 12-5-13.

Ms. Conley questioned Supt. Wetzel re: various projects i.e. Street Lights, pumping station, Crabtree which brought up a brief dispute re Supt. Wetzel not being prepared to discuss and not included in his report to which Ms. Livingston took issue with. Ms. Conley reminded Supt. Wetzel of his request to meet with the Board on a quarterly basis to give status updates re various town ongoing projects.

Town Administrator's Report-

1. 2014 License Renewals-Mr. Pontbriand requesting the Board approve and sign the 2014 License Renewals as presented in a Memo dated 10-23-13. Mr. Pontbriand reviewed list of Licensees having outstanding water/sewer and taxes bills and advising Board to no license will be issued until all taxes, water/sewer bills are paid in full reminding the Board to Licensees having until 12-31-13 at 12:00 noon to receive their license. All licenses will be kept in vault and only released if current. Any outstanding licensee as of 12:01 on Wednesday January 1, 2014 will be reported to the police re enforcement. Mr. Pontbriand advising to two (2) licensees having large outstanding tax bills-Partridge Auto Sales and Harry Schwartz & Sons and not receiving this information until 12-13-13 from the Town Clerk/Collector. Town Clerk/Collector out of the office on Monday & Tuesday and invited to attend tonight's meeting to give clarification. The Board voted to approve all the 2014 renewals . Ms Conley moved the Board vote to approve the 2014 Alcohol License Renewals, 2nd by Ms. Livingston, VOTE: unanimous, so moved. Ms. Conley moved the Board vote to approve the 2014 Common Victualler's Renewals, 2nd by Ms. Livingston, VOTE: unanimous, so moved, Ms. Conley moved to approve the 2014 Amusement Licenses, 2nd by Ms. Livingston, VOTE: unanimous, so moved. Ms. Conley moved the Board vote to approve the 2014 Sunday Entertainment License Renewals, VOTE: unanimous, so moved. Ms. Conley moved the Board vote to approve the Class I License Renewals, 2nd by Ms. Livingston, VOTE: unanimous, moved. Ms. Conley moved the Board vote to approve the 2014 Class II Licenses Renewals with the exception of Partridge Auto 2nd by Ms. Livingston VOTE: unanimous, so moved. Ms. Conley moved the Board approve the Class li License for Partridge Auto and the Class III License for Schwartz & Sons on the condition both businesses provide certified copies of tax bills and proof of payment, 2nd by Ms. Livingston, VOTE: unanimous, so moved. The Board to sign the 2014 License Renewals after the meeting.

9:05p.m. Ms. Livingston moved to adjourn the meeting, 2nd by Ms. Conley VOTE: unanimous, so moved.

9:05 Meeting adjourned.

Date of BOS Approval: June 24, 2014

Signed by Gary J. Luca, Clerk:

A handwritten signature in black ink, appearing to read "Gary Luca", is written over a horizontal line. The signature is cursive and somewhat stylized.