

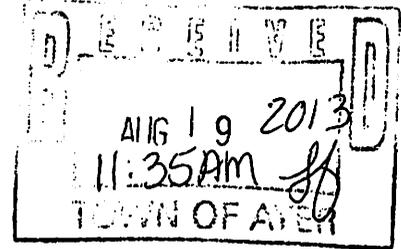
**Town of Ayer – Board of Selectmen
Ayer Town Hall – 1st Floor Meeting Room
Ayer, MA 01432
Thursday, August 22, 2013, 7:00pm
Meeting Agenda**



Call To Order: Review/Amend/Approve Agenda

PUBLIC INPUT

Approval of Minutes Aug. 6, 2013



Mr. David Maher, Economic Development Director

- Community Development Housing Unit Refinance, LIP Unit (For Approval)

Mr. Tom Horgan, Town Moderator

- Location and Details for Special Fall Town Meeting on Oct. 28, 2013, 7pm

Finance Manager Ms. Lisa Gabree and Mr. James J. Giusti, CPA, Giusti, Hingston and Co.

- Town of Ayer Financial Management Letter (For Review/Discussion)

Conservation Commission

- RFQ (Request for Qualifications) for Town of Ayer Comprehensive Pond Study

Mr. Mark Wetzel, DPW Superintendent

- Appeal of Request for Water/Sewer Abatement (The Marshall Trust, 32 E. Main Street)

Town Administrator's Report

- Building Department Staffing Memo (For Discussion)
- Electrical/Wiring Inspector Permit Fees Retroactive Adjustment Request
- Authorization to Negotiate Purchase and Sales Agreement for Kohler Place Property for conservation and open space purposes using CPC Funds
- Special Fall Town Meeting Warrant (Update)
- Employee Recognition Program (For Discussion)
- Town Counsel Opinion RE: Personnel Board Appointment(s)
- Status of Rex Trailer Event Damage Bill

BOS Policies and Procedures Review and Update (On-going)

- Approval of Proposed Public Input Policy 13-01
- Feedback/Input on Policy 99-27
- For Review: *TBD*

BOS Open Discussion

- New Business
- Future Topics/Meeting Schedule (See Packet Attachment)

ADJOURNMENT

**AYER BOARD OF SELECTMEN
MEETING PACKET FOR
Thursday, August 22, 2013, 7pm**

CALL TO ORDER
Review/Amend/Approve Agenda

PUBLIC INPUT

APPROVAL OF MINUTES

- August 6, 2013 (See Enclosed)

TOWN OF AYER SELECTMEN MEETING MINUTES

Tuesday, August 6, 2013

The Selectmen's Meeting can be viewed in its entirety on the Town's Website at: www.ayer.ma.us

Chairman Conley called the meeting to order at 7:10p.m. Advising to the Board of Selectmen's Open Session Meeting is video recorded by APAC. Present: Chairman-Pauline Conley, Gary J. Luca-Vice Chairman, Christopher Hillman, Clerk, James Fay-Member, Town Administrator Robert A. Pontbriand and Janet Lewis Secretary. Ms. Livingston absent.

Chairman Conley requested if there were any amendments to the Agenda of August 6th. Town Administrator Robert Pontbriand requested the Board's permission to add a 4th bullet under his report for the following item: Board of Selectmen future meetings. Mr. Luca requesting to take up the appointments after the Public Hearing. Ms. Conley requesting to keep appointments where they are following the report of the Joint Meeting of the Board of Health & Board of Selectmen on 7-30-13.

Chairman Conley called for a motion to approve the Agenda. Mr. Fay moved to approve the Agenda as amended, 2nd by Mr. Luca. VOTE: unanimous, so moved.

Minutes- 7-2-13 Mr. Luca moved to approve the minutes of 7-2-13 with name correction Hillier, 2nd by Mr. Fay, VOTE: unanimous, so moved.

7-16-13 Mr. Luca moved to approve the minutes of 7-16-13, 2nd by Mr. Fay, VOTE: unanimous, so moved.

Public Input-Chairman Conley requested if there was anyone present wishing to meet with the Board under Public Input, no one stepped forward. Mr. Pontbriand reported to the Board the Public Input Tracking System being up to date and placed on Website. Mr. Pontbriand advising to additional column to be placed on Tracking System depicting completion date of responsible party.

Park Street Cross-walk-Present for the discussion Police Chief William Murray, after a lengthy discussion re need/necessity for a new cross-walk for Park Street and speaking with local businessman/residents re public safety concerns/traffic, the Board per the Chief's recommendation, agreed to conduct a study before adding another illegal crosswalk to perpetuate problem. Presently there are ten (10) cross-walks in area and Chief not in favor of new cross-walk for the Groton St. area due to there being one presently 200' away from proposed new area. Chief would like clean-up first (ADA approved) of all cross-walks in Town before adding another one. Chairman Conley suggesting having MRPC conduct study through Grant funds. Mr. Luca also advising to TIP -Park Street Design Work also an available resource.

Public Hearing-Partridge Auto Sales-42 Littleton Rd., Ayer, MA /Class II License-Sean Partridge-Chairman Conley advising to Planning Board requiring a professional engineers map of Mr. Partridge's property re his expansion plans for 50+ cars. The Board continued the Public Hearing to September 17, 2013.

Report of 7-30-13 Joint Executive Session of the Board of Selectmen and Board of Health-Mr. Pontbriand read into the record in accordance with the Open Meeting Law and advice of Town Counsel reported on the 7-30-13 Joint Executive Session of the Ayer Board of Selectmen and the Ayer Board of Health regarding authorization and pursuit of litigation and/or enforcement against the property owner/s of 14 Williams St, Ayer MA and the property owner/s of 128 Washington St., Ayer, MA for the inclusion into the Official Public Meeting Minutes of the Board of Selectmen to be held on Tuesday, August 6, 2013(see attached Report from Joint Executive Session on 7-30-13).

Appointments-

Personnel Board- Mr. Pontbriand presented to the Board, for their consideration, the following people for the vacant positions on the Personnel Board. The Board interviewed each of the three (3) candidates presented. Chairman Conley questioned each candidate to what the most important function of Personal Board is to each of them.

4. Mark Coulter-7 High Street, Ayer, MA appointed to the three (3) year Citizen 7-1-13 to 6-30-16 position, motion made by Mr. Fay 2nd by Mr. Hillman VOTE: unanimous, so moved.

Lt. Brian Gill-Ayer Police Dept. appointed to three (3) year Employee's Representative Appointment, (7-1-13 to 6-30-16) motion made by Mr. Fay, 2nd by Mr. Hillman, VOTE: unanimous, so moved.

Lisa White-Secretary, Fire Dept. Mr. Luca advising to Ms. White the former Employee's Representative on the Personnel Board and should not have been removed from position arguing she should have remained appointed since the position was suppose to be a three year appointment while she only served one year. Mr. Fay disagreeing feeling he did not agree with her actions at the time she served in that role -went outside of bounds of Personnel Board (unprofessional emails sent to staff members-reminding Ms. White to emails are public record and available to her when she alluded to not being aware of any). Mr. Luca moved to appoint Ms. White to the remaining one (1) year citizens appointment to the Personnel Board, 2nd by Mr. Hillman reluctantly, VOTE: Mr. Luca aye, Mr. Fay no, Mr. Hillman no, Chairman Conley no, 3-1 motion fails.

Police Chief William Murray-Chief Murray introduced former Police Officer Daniel Morrison to the Board. Chief Murray requested the Board appoint contingent upon Mr. Morrison passing a physical and psychological exam to the APD's open police officer's position. Chief Murray advising to Mr. Morrison a past employee of the Department serving from 2007 to 2011 recommending Mr. Morrison start at Step 2 for six (6) Months after which time he would go to Step 3. Chief Murray explaining he felt his Fy-14 budget could sustain his recommendation due to officer out on line of duty injury and insurance reimbursement. Mr. Luca moved the Board vote to approve Chief Murray's recommendation and appoint Daniel Morrison to the vacant Police Office position contingent upon Mr. Morrison passing physical and psychological examinations, 2nd by Mr. Hillman VOTE: unanimous, so moved. The Board welcomed Mr. Morrison back to a round of cheer from his follow officers.

Personnel Board of Appeals Appointments-Mr. Pontbriand reviewed with the Board the Lottery Process set forth in Chapter 12 Step 5 of the Personnel Policies re appointment process of the five (5) members to serve. Mr. Pontbriand presented a basket with the names of the potential fourteen (14) Department Heads and/or Commission Board members to serve re Problem Resolution. The following department heads were randomly drawn by the Board of Selectmen to sit on the Personnel Board of Appeals: Economic Development Director-David Maher, Town Accountant-Lisa Gabree, DPW Superintendent-Mark Wetzal, Planning Board Member, and Board of Health Member to be determined. Mr. Pontbriand to notify all to their selection to the Personnel Board of Appeals.

Building Department Appointments-Present for the discussion Gabe Vellante-Building Inspector, Philip Horgan-Electrical Inspector and Robert Friedrich-Plumb/Gas Inspector. Mr. Pontbriand opened the discussion by updating the Board to the Board holding off on the Building Dept. re-appointments due to possible re-structuring of this Dept. i.e. going to full-time Building Inspector, funding a part-time inspector, and part-time admin support, and pending meeting with the Building Dept. re same. Mr. Pontbriand recommended the re-appointments of Gabe Vellante, Building Inspector, Philip Horgan, Wiring Inspector Alternates: Roland Bernier-Asst. Bldg. Inspector, James Bacom- Asst. Plumb/Gas Inspector and Alan Parker- Asst. Wiring Inspector for one (1) year appointments 7-1-13 to 6-30-14. Mr. Pontbriand advising to Board wishing to meet with Mr. Friedrich re Town of Ayer Inspection Tags. Mr. Luca moved the re-appointments of Gabe Vellante, Philip Horgan, Alan Parker, James Bacom, and Roland Bernier so stated above, 2nd by Mr. Fay, VOTE: unanimous so moved. The Board met with Robert Friedrich-Plumb/Gas Inspector re use of Town of Ayer Inspection Tags in Shirley, MA and advised by Mr. Friedrich to Town of Shirley running out of Tags and Town of Ayer Tags borrowed and replaced by Town of Shirley. Mr. Hillman advising to his inquiring why Ayer Tags were utilized and thanked Mr. Friedrich for explanation. Mr. Luca moved the re-appointment of Robert Friedrich -Plumbing/Gas Inspector for one (1) year 7-1-13 to 6-30-14, 2nd by Mr. Fay, VOTE: unanimous, so moved. The Board entered into a discussion with Mr. Vellante re Full-time vs. Part-time Building Inspector i.e. need, accessibility, cost effective, hiring of an Enforcement Officer and/or Department Assistant to assist the Department. Discussion to agenda for another meeting was suggested by Chairman re give the Board

more time to decide re advertising the position (Zoning Officer) or part-time assistant for three days a week. The Board continued this discussion for thirty (30) days.

Housing Rehab Program-the Board met with Alicia Hersey, Financial Manager re amendment to the CDF-Fy11 Grant. Ms Hersey requested the Board's approval to transfer from the Housing Rehab Budget from Program Income the amount of \$626.83 amending the total funds expended to \$900,626.83 due to Change Order to close-out the last housing unit. Ms. Hersey advising to DHCD's approval of this Change Order. Mr. Luca moved the Board vote to approve the Budget Amendment to \$900,626.83 to the Fy-11 Grant, 2nd by Mr. Hillman, VOTE: unanimous, so moved.

Town Administrator's Report-Present for the discussion Cindy Knox-IT Director

1. MUNIS ASP Contract-Tyler Technologies re software upgrades to the MUNIS System per the Town Accountant and IT Director. The Board reviewed with Ms. Knox the IT Committee Meeting and approval of the contract at their meeting on 6-10-13. Ms. Knox also advising to Town Counsel's review and approval. Mr. Pontbriand advising to procurement being met under MGL Chapter 30B per sole source provider and approved by the Capital Planning Com, Fin-Com and approved at ATM 5-13-13. Mr. Pontbriand recommending the Board's approval of Contract Award to Tyler Technologies in the amount no to exceed \$119,113.00. Chairman Conley requesting Page 9 site location is amended to include DPW and Library. Motion to approve the contract as amended to Tyler Technologies not to exceed \$119,113.00 made by Mr. Fay, 2nd by Mr. Luca, VOTE: unanimous, so moved.

2. Groton School Road Pumping Station Upgrade-Present for the discussion Supt. Mark Wetzel
Supt. Wetzel presented the Contract for the Groton School Road Pumping Station approved on 7-16-13. Supt. Wetzel recommended the contract be awarded to Ricciardi Bros. for the bid award no to exceed \$410,878.00. Motion to approve made by Mr. Fay, 2nd by Mr. Hillman VOTE: unanimous, so moved.

3. ASRSD-DPW Work-Mr. Wetzel updated the Board to Department billing the School District \$9,963.95 for snow removal plowing & salting in Fy-12. Supt. Wetzel advising to later finding out the Town amended the Agreement to include snow & ice removal and instead of paying back the money the district would like the Department to provide in-kind services to work off the payment. Supt. Wetzel advising to meeting with Doug Jaspersen, Fred Deppe and Bill Plunkett re services requested by District which most involved parking improvements. (see list dated 8-1-13 ASRSD -DPW Projects) The Board had no objections and Supt. Wetzel to proceed. (no vote taken by Board).

4. Home Rule Petition-Mr. Pontbriand reviewed the procedure with the Board authorizing the Town of Ayer to hold a Special Town Election to determine whether the Town shall reduce the number of Selectmen from 5 to 3. Mr. Pontbriand advising to the next step in the process is for the Town to hold a Special Election no later than 65 days before the annual election in order for the voters to decide whether to reduce the number of Selectmen from 5 to 3. Mr. Pontbriand advising the Board to not being able to piggy back on another election must be separate. Mr. Pontbriand also advised to speaking with Town Clerk and advised to no funding (approximately \$3,500.00 to hold election) available. Chairman Conley suggesting the Board fund the election on the Fall Town Meeting Warrant and rescheduled the discussion for the Selectmen's August 20th Agenda.

5. October 28, 2013 Special Fall Town Meeting Warrant-Mr. Pontbriand requested the Board vote to open the 10-28-13 Special Fall Town Meeting Warrant and close the 10-28-13 Special Fall Town Meeting Warrant on 9-13-13. Motion to open the FTM Warrant 8-6-13 and close the FTM Warrant on 9-13-13 made by Mr. Luca, 2nd by Mr. Fay, VOTE: unanimous, so moved.

6. New Business/Future Topics-

Mr. Pontbriand requested the Board's consideration to meet in Executive Session either on Monday, 8-12-13 or Tuesday, 8-13-13 re Personnel matters Exemption #3 APPOA Dispatchers re employee extended medical leave, Exemption #3 Col. Bargaining-AFFL #2544 -Step 2 Grievance, Exemption #3 AFSCME 93 Town Hall Clerical Union re removal of positions from Union and COA restructuring proposal, and Exemption #3 APPOA Police Contract Arbitration Strategy Update. The Board to get back to Mr. Pontbriand by 8-7-13.

7. Mr. Pontbriand presented the Board a list of current outstanding issues/topics for the Board's upcoming meetings. The Board took the following action:

Management Audit Letter-to be taken up at 8-20-13 Selectmen's Meeting.

GPS/Transponders-taken off-

Business Certificates-8-20-13 Selectmen's Meeting

Public Land Sign Policy-to Planning Board re recommendation Zoning area be defined

Park Street Crosswalk-indefinitely postponed pending study

MADEV Police Services RFP-to JBOS agenda

Board Communications -8-20-12

Code of Conduct Training-schedule with Town of Acton

IT Policy schedule for 9-17 Selectmen's Meeting

Furniture Equipment Purchasing Policy schedule for 9-17 Selectmen's Meeting

Travel-Mileage Policy-9-17- Selectmen's meeting

BoS Polices & Procedures/Financial Policies -ongoing

Fire Station Reuse RFP-9-3- Selectmen's Meeting

FTM Warrant open Bos 8-6-13 Close 9-13-13-Location to be determined-High School under construction

Dept. Head Evaluations 9-3-Selectmen Meeting

Street Light replacement 9-3 Selectmen's Meeting (check on St. Light insurance on Main St. Pole)

Mr. Pontbriand advising to two (2) Department Head contracts expiring in 2013

Central Printing Selectmen's 9-17 meeting

8. Boston Post Cane Policy-Mr. Pontbriand reviewed the Town of Scarborough, ME Policy with the Board background of Boston Post Cane given by Mr. Pontbriand as well as location of Town's original cane & replica being stored in Ayer Town Clerk/Collector's Vault. Three person committee recommended to consist of the following: Town Clerk, Historical Commission representative, and Council on Aging Director to determine the Town's Oldest resident. Mr. Fay moved the Board vote to adopt Mr. Pontbriand' recommendation 2nd by Mr. Hillman VOTE: unanimous, so moved.

9. Selectmen's Policies- Public Input Policy-99-27 read into the record by Mr. Pontbriand. Tracking Policy within fourteen (14) days of Selectmen's Meeting.

Relationship with Department Heads/Commissioners - quarterly meetings -clarify 2001 Amendment for Selectmen's 8-20-13 Meeting.

Selectmen's FACEBOOK page revisited re comments.

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

10:00p.m. Meeting adjourned

Date: _____
Christopher R. Hillman, Clerk

MR. DAVID MAHER, ECONOMIC DEVELOPMENT DIRECTOR

- Community Development Housing Unit Refinance, LIP Unit (See Enclosed) [FOR APPROVAL]

Town of Ayer
Department of Planning & Development
Upper Town Hall □ One Main Street □ Ayer, MA 01432 □ 978-772-8221 □ Fax:
978-772-8208



MEMORANDUM

TO: Board of Selectmen
FR: Alicia Hersey, Administrative Assistant
RE: LIP Refinancing Request
DT: August 20, 2013

The property owner of LIP Unit at 68 E. Main Street, #2 has requested the Town approve the refinancing of their first mortgage.

Assessed Value of Property (FY13)	\$77,000.00
Appraised Value of Property (06/13)	\$165,000.00
DHCD/ LIP Allowed Value	\$103,857.00
Proposed New Mortgage Amount	\$ 92,900.00

The owner is seeking to obtain a new mortgage. She is seeking a new loan to lower her interest rate. She will be using this new loan to pay off an existing mortgage and consolidate debt. The owner has met all the DHCD requirements for refinancing.

At this time it is the Board's decision whether to approve or deny the owners refinancing request. Since the owner is refinancing to obtain a better interest rate and the refinanced amount is within the guideline limits the Economic and Community Development Office recommends you approve this request.

Town of Ayer Board of Selectmen

Town Hall ♦ One Main Street ♦ Ayer, MA 01432
978-772-8220 ♦ 978-772-3017 (fax) ♦ Town Administrator 978-772-8210



August 22, 2013

Ms. Bertha Borin
LIP Program Assistant
Department of Housing and Community Development
100 Cambridge Street, Suite 300
Boston, MA 02114

Solangel Alonzo
68 E. Main Street, Unit #2
Ayer MA 01432

Dear Mr. Alonzo:

At their meeting of August 22, 2013, the Ayer Board of Selectmen voted to approve your request to refinance your home at 68 East Main St., Unit # 2, Ayer, MA.

The vote of approval stipulated that the loan be at a fixed rate and the principal loan amount should not exceed \$92,900.00.

You may now proceed with your loan, subject to obtaining the prior written approval of the Department of Housing and Community Development. By copy of this letter to that Agency, we are confirming that the Town of Ayer, has approved your request.

Sincerely,

Robert Pontbriand
Town Administrator/Manager

Enclosure

cc: Bertha Borin, DHCD

MR. TOM HORGAN, TOWN MODERATOR

- The Town Moderator will appear before the BOS for a brief discussion on the location and details for the Special Fall Town Meeting on Monday, October 28, 2013 at 7pm

MS. LISA GABREE AND MR. JAMES J. GIUSTI

- Ms. Gabree and Mr. Giusti will appear before the BOS to review and discuss the Town of Ayer Financial Management Letter (See Enclosed) [FOR REVIEW/DISCUSSION]

Note: The Tax Collector and Treasurer have been invited to attend via e-mail.

CONSERVATION COMMISSION

- Members of the Conservation Commission will appear before the BOS to discuss the enclosed RFQ (Request for Qualifications) for the Town of Ayer Comprehensive Pond Study (See Enclosed).

- ON FILE in
Board of Selectman's
Office —

MR. MARK WETZEL, DPW SUPERINTENDENT
Water/Sewer Abatement Denial Appeal

- Members of The Marshall Trust, 32 E. Main Street will appear before the BOS appealing the denial of their request for a water/sewer abatement which the Superintendent has denied (See Enclosed).

- Superintendent Wetzel will appear before the BOS as well regarding this matter.

Note: Due to the meeting change from Tuesday to Thursday, he will be in the Great Hall conducting the Public Hearing on the Victor Drive Culvert Replacement Project but will be available.

DEPARTMENT OF PUBLIC WORKS

Mark L. Wetzel, P.E., Superintendent
Pamela J. Martin, Office Manager

25 BROOK STREET
AYER, MASSACHUSETTS 01432
T: (978) 772-8240
F: (978) 772-8244

Memorandum

Date: June 26, 2013

To: Robert Pontbriand, Town Administrator

From: Mark Wetzel P.E., Public Works Superintendent

Re: Water & Sewer Bill Dispute, 32 East Main Street

I reviewed the letter from the Marshall Family Trust sent to the Board of Selectmen dated June 19, 2013. This is in regards to a dispute in the water and sewer bill.

My first comment to you is that at no time did the Water Division or DPW staff treat the family rudely or state "he would fight me all the way". I remember talking to Mr. Belanger about this and told him that he could request an abatement from the Board, but I would recommend against it as I have no justification that the was inaccurately metered.

I have reviewed the water usage and discussed this with the Water Division. The location is a rental unit and not owner occupied. Therefore the owners have no control over the tenants water usage. In addition, if there is a leak in the plumbing, such as a running toilet, the owner may not know about it.

The December 2011 meter reading showed water usage had significantly increased (8600 CF), from the previous 3 years (average 4500 CF). The usage over the next 12 months averaged 10,350 CF. We have not read the meter yet this year. Ms. Belanger states in her letter that "the water guy gave us a print-out of the History and said -look the usage has dropped back down." If we haven't read the meter since the last bill, this is an inaccurate statement.

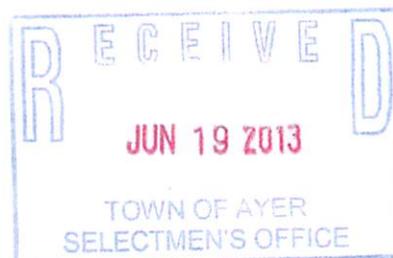
The meter is a relatively new meter, installed in 2004. The Meter Reader met with Mr. Belanger on January 9, 2013 and observed a high flow in the meter. Mr. Belanger told him he would check the apartment for a leak.

It is very unlikely that a meter over registers the amount of water used. Our Water staff and meter experts that I talked with have never seen an over metering with this type of meter. If this type of meter fails, it will under register or stop. Based on our review of the water usage, I do not find any justifiable reason to grant an abatement of the water & sewer bill for 32 East Main Street.

The Marshall Family Trust
9 Rodman Avenue,
Shirley, MA 01464
(978) 618-8030

19 June 2013

To Town Of Ayer
ATTN: Selectman's Office
1 Main Street
Ayer, MA 01432



To Whom It May Concern,

We have contacted the Town of Ayer, 25 Brook Street, Ayer, MA 01432, Water and Sewer Department in dispute of Account No 2200054000, The Marshall Family Trust, 32 East Main Street Location, Ayer, MA 01432.

I have been in charge of the Marshall Family Trust as Trustee since 2001. I have paid all of my water and sewer bills on time. (See Encl 1- Transaction History from the town of Ayer, Water and Sewer Department.

I usually paid between \$280.00 and \$380.00 for a semiannually water and sewer bill for 32 East Main Street location.

I received a semi annual bill for the period of 12/08/11 to 06/07/12 which totaled \$1,305.09. and I informed the water and sewer department that the bill was wrong. Water and sewer said to pay the bill and fight it later and as you can see they charged me interest on not paying for a bill I didn't incur.

I paid the bill and water and sewer and the water guy said to wait for the next bill to see if it was a fluke or if it was the new rate of water being used. We told the water and sewer department there were no new tenants or higher number of tenants in the building to make the water and sewer go up. Water and Sewer Department said to wait for the next bill.

The Marshall Family Trust, 9 Rodman Avenue, Shirley, MA 01464, 19 June 2013

We received another bill for the period of 06/07/12 to 12/06/12 which totaled \$1,482.19 which was even higher than the last bill. We contacted the Water and Sewer Department again and they said we could either pay to put in a new meter (at our expense or they could first come down and check to make sure no plumbing was running and we did not know about it). We chose to have the water man come and check the toilets in the tenants' bathrooms to see if they were continuously running. The water man said everything was fine and didn't understand why it was so high). He said that this was a newer meter so it shouldn't have anything to do with the meter and I said meters can go wrong. He said this is running fine today and to wait for the next bill cycle and see if it changes.

We decided to not wait until the end of the cycle because the Trust was running out of money paying for water and sewer bills that were incorrect and over three times higher than our previous bills.

We stopped by the water and sewer department the second week of May and the water guy gave us a printout of the History of 32 East Main Street Location and said "oh look, the usage has dropped back down. I asked the Water man if we were going to get a refund on all the higher water and sewer bills that I was told I had to pay that were wrong. He told me that we have to go through the Town Selectman's Office for a refund on this matter and the water guy said "he would fight me all the way".

As you can see in the history of my account with the Water and Sewer Department this whole mess is wrong and I am asking for the Selectman's Office to rectify this matter for me. I have never owed the Town of Ayer any late water and sewer bills, property tax bills or any other bills for the town of Ayer and I feel I am being mistreated by the Water and Sewer Department.

As of this date I paid over \$2,700.00 in water and sewer bills for a total of 12 months. I usually pay around \$700.00 for the same 12 month period. The next bill will be out any day now and will be due Jul 30,2013. I cannot afford to pay any more money on this matter on behalf of the Marshall Family Trust.

Thanking you in advance for your cooperation in rectifying this matter. I need help as soon as possible. You may contact myself at (978) 618-8030 or my husband David Belanger (978) 618-3105 if more information is needed.

Sincerely,


Joanna Belanger
The Marshall Family Trust Trustee

TRANSACTION HISTORY

Acct #:2200054000

Loc:32 E MAIN ST

Type:RES

Owner:MARSHALL TRUST. THE
 Street:9 RODMAN AVE
 City:SHIRLEY

State:MA Zip:01464

Water: 0.00 Sewer: 0.00 Misc.: 0.00 Past Int: 0.00
 W Int: 0.00 S Int: 0.00 Past Due: 0.00 Total Due: 0.00

DATE	ACTION	CREAD	LREAD	USAGE	CODE	AMTPAID	AMOUNT	BALANCE
06/25/04	BILLED	135553	130395	5158		0.00	279.56	279.56
07/07/04	PAYMENT					279.56	0.00	0.00
12/17/04	BILLED	3900		4855		0.00	282.04	282.04
01/03/05	PAYMENT					282.04	0.00	0.00
06/27/05	BILLED	8900	3900	5000		0.00	294.00	294.00
07/12/05	PAYMENT					294.00	0.00	0.00
12/20/05	BILLED	14400	8900	5500		0.00	340.05	340.05
01/03/06	PAYMENT					340.05	0.00	0.00
06/30/06	BILLED	19600	14400	5200		0.00	324.48	324.48
07/13/06	PAYMENT					324.48	0.00	0.00
12/21/06	BILLED	24900	19600	5300		0.00	349.80	349.80
01/17/07	PAYMENT					349.80	0.00	0.00
06/25/07	BILLED	30400	24900	5500		0.00	366.30	366.30
07/23/07	PAYMENT					366.30	0.00	0.00
12/28/07	BILLED	36800	30400	6400		0.00	454.01	454.01
01/18/08	PAYMENT					454.01	0.00	0.00
06/25/08	BILLED	42100	36800	5300		0.00	374.18	374.18
07/18/08	PAYMENT					374.18	0.00	0.00
12/30/08	BILLED	46500	42100	4400		0.00	321.20	321.20
01/14/09	PAYMENT					321.20	0.00	0.00
06/30/09	BILLED	51000	46500	4500		0.00	330.30	330.30
07/14/09	PAYMENT					330.30	0.00	0.00
12/23/09	BILLED	55300	51000	4300		0.00	326.24	326.24
01/06/10	PAYMENT					326.24	0.00	0.00
06/30/10	BILLED	59800	55300	4500		0.00	343.35	343.35
07/08/10	PAYMENT					343.35	0.00	0.00
12/28/10	BILLED	64700	59800	4900		0.00	389.47	389.47
01/11/11	PAYMENT					389.47	0.00	0.00
06/29/11	BILLED	68900	64700	4200		0.00	335.58	335.58
08/04/11	PAYMENT					335.58	0.00	0.00
12/30/11	BILLED	77500	68900	8600		0.00	806.16	806.16
02/15/12	INTEREST		0.09(W)		0.22(S)		0.31	806.47
03/15/12	INTEREST		2.49(W)		6.48(S)		8.97	815.44
04/18/12	INTEREST		2.91(W)		7.60(S)		10.51	825.95
05/16/12	INTEREST		2.40(W)		6.26(S)		8.66	834.61
06/15/12	INTEREST		2.57(W)		6.70(S)		9.27	843.88
06/29/12	BILLED	83050	77500	5550		0.00	461.21	1305.09
07/12/12	PAYMENT					1305.09	0.00	0.00
12/21/12	BILLED	98200	83050	15150		0.00	1482.19	1482.19
01/25/13	PAYMENT					1482.19	0.00	0.00

Enc 1

Janet Lewis

From: Robert Pontbriand [ta@ayer.ma.us]
Sent: Wednesday, June 19, 2013 1:29 PM
To: 'Mark Wetzel'
Cc: 'AyerBOS'; 'Janet Lewis (Ayer BOS secretary)'
Subject: The Marshall Family Trust, 32 East Main Street, Dispute of Account No 2200054000 Water and Sewer
Attachments: Water and Sewer Bill Dispute Letter Marshall Family Trust 32 E Main St 6-19-2013.pdf

Dear Mark,

Good afternoon. Please see the attached letter the BOS Office received today from Ms. Joanna Belanger of the Marshall Family Trust.

Would you kindly review, investigate, and advise.

Thank you .

Sincerely,

Robert

Robert A. Pontbriand
Ayer Town Administrator

Ayer Town Hall
1 Main Street
Ayer, MA 01432

(978)772-8210
ta@ayer.ma.us

TOWN ADMINISTRATOR'S REPORT

1. Building Department Staffing Memo (See Enclosed) [FOR DISCUSSION]

Please see the enclosed Staffing Memo from the Building Commissioner. The purpose of this memo and this Agenda item is to begin the discussion for the staffing of the Building Department. The Town Administrator will also prepare and transmit a memo on this issue to the Board no later than 5pm on Wed. August 21, 2013.

2. Electrical/Wiring Inspector Permit Fees Retroactive Adjustment Request (See Enclosed) [FOR REVIEW AND CONSIDERATION]

At the July 16 2013 meeting at the request of the Town Administrator and Building Commissioner, the Board authorized the change of the Electrical/Wiring Permit Fees percentage from 50%-50% to 60%(Inspector)-40%(Town) retroactive to July 1, 2013 which was unanimously approved by the Board. At that same meeting, the Town Administrator requested that the Board consider making this percentage change retroactive to July 1, 2012. The reasoning for this was 1.) That the Electrical/Wiring Inspector had requested to address the Board back in July 2012 regarding this request and that never got scheduled; 2.) The permit fee percentages and the Electrical/Wiring Inspector have not been increased since 1993. The total impact to the FY 2013 Budget would be \$2,686.11 this money was encumbered by the Building Commissioner and represents the 60% of all Electrical/Wiring Permit Fees collected in FY 2013. It is respectfully requested that the Board consider approving this request.

3. Authorization to Negotiate Purchase and Sales Agreement for Kohler Place Property for Conservation and Open Space Purposes using CPC Funds (See Enclosed) [FOR REVIEW AND APPROVAL]

The Community Preservation Committee is interested in purchasing approximately 22-26 acres of land along Sandy Pond for the purposes of open space and conservation. The property is currently referred to as Kohler Place and is pristine land that was never developed. The property is currently owned by the Cornellier Family and they would like to sell it to the Town for the purposes of conservation, open space, and to provide limited kayak access to Sandy Pond. At this time, I am respectfully requesting that the Board authorize the Town Administrator and Selectman Luca (Previous CPC BOS Rep) to negotiate a purchase and sales agreement for the property for consideration ultimately by the Fall Town Meeting. The CPC will conduct an environmental assessment and appraisal of the property (required) and the Town Administrator and Selectman Luca will work closely with the CPC and Mr. Ed Cornellier. (See Enclosed)

4. Special Fall Town Meeting Warrant Update [FOR REVIEW/DISCUSSION]

- The Town Administrator will provide a brief oral update.

5. Employee Recognition Program (See Enclosed) [FOR DISCUSSION]
 - Town Administrator will provide Memo no later than Wed. Aug. 21st at 5pm.
6. Town Counsel Opinion RE: Personnel Board Appointment(s) (See Enclosed)
7. Status of Rex Trailer Event Damage Bill (See Enclosed)

The Following Two Items Would Be Amendments for the Meeting Agenda:

8. Approval of St. Mary's Lawn Party Beer and Wine License (See Enclosed) [SUBJECT TO APPROVAL OF AMENDMENT TO AGENDA/FOR APPROVAL]
9. Discussion on BOS Members Requesting E-mails of Other BOS Members [SUBJECT TO APPROVAL OF AMENDMENT TO AGENDA/FOR DISCUSSION]

BUILDING COMMISSIONER

TOWN OF AYER

GABRIEL J. VELLANTE JR.
TOWN HALL
1 MAIN ST.
AYER, MA. 01432

TELEPHONE (978) 772-8214

20, Aug., '13

Re: Assistant Building Inspector Overview

Rob,

At present I am working for the town 16 hours per week. My office time starts around 7:30am to 7:45am. This early time gives me the opportunity to process some paper work and permits. After 8:30am the morning is taken up by calls and walk-in traffic. I perform my inspection in the afternoon returning to the office to process permits until quitting time.

I would suggest that an assistant inspector would work between 10 to 16 hours per week depending on work load.

I would have the Assistant come into the office about 10:00am to be brought up to speed on the events of the day and the schedule of required inspection. This would probable result in a 30 to 45 minute meeting each day after which he would be out performing the inspections and completing the required paper work. Since the number of inspections varies from day to day his hours would also vary. Further, he would be free to schedule inspections on off days as needed for builders, although this has not been a real issue for most builders over the years. *(Many full time building departments although open everyday only perform inspection a few days a week. It is a more efficient use of time to go out with a full schedule of inspections rather than go out to do only one or two.)*

By having the Assistant do the inspections and related paper work, this would free my time up to process permits. Keep in mind that when a permit is submitted there is a 30 day allowed period to review and take action on the application. Since many of the projects are small it is imperative to process these permits as quickly as possible once applications are complete so that the contractors may continue to work. This work load also varies from week to week and season to season.

The remaining time would allow a more aggressive zoning enforcement action on the part of the department. Also, the Assistant would also be charged with investigation on zoning issues and reporting back to me so that a final decision and ruling could be made.

Assistant Building Inspector Overview (continued)

Building Department Budget:	\$73,684.00
Building Commissioners Salary:	\$28,882.00
Operation Budget:	\$ 8684.00
Money left for Assistant and Clerical Staff:	\$36,118.00

I would fund the Assistants position at \$15,000.00
With an allocation of 16 hours a week at \$17/hr the cost would be \$14,144.00/ per year.

I would request that \$5000.00 be reallocated back into the Operational Budget so that Microfisch work may begin again. The budget has been cut every year and funds for this work have diminished.

If we had a part-time clerical worker, they would be charged with keeping the office files up-to-date, and the preparation of documents to be sent out for Microfisch work. I feel that this work would take less than 5 hours per week. After training this work could be scheduled on days the office is closed. This would provide another day when the public would have access to the office to pick-up permits or applications etc.

This position could be established at an hourly rate of \$12.00/hr which would be a total of \$3120.00 per year.

This approach will put us \$13,854 under the budgeted amount for the department.

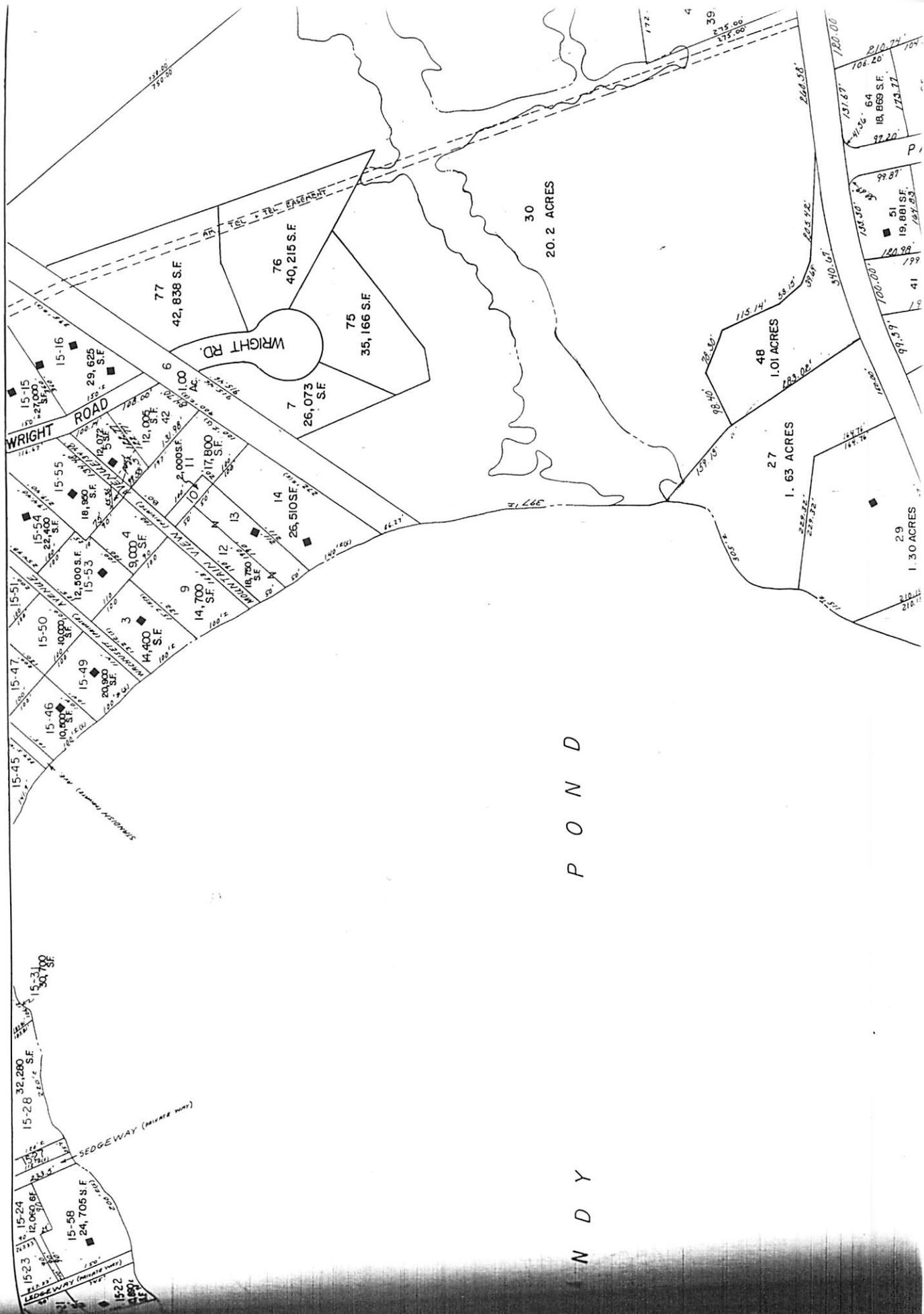
Sincerely,

____ Gabriel J. Vellante Jr. _____

Gabriel J. Vellante Jr.
Building Commissioner/Zoning Enforcement Officer

CC:File
Cf: c/ayer/letter/ltr13-ltr13029

MAP 22



P O N D

N D Y

SS 9AM

PARCEL_ID: 019/022.0-0000-0007.0 MAP 022.0

BLOCK 0000

LOT 0007.0

PARCEL ADDRESS: 0 SANDY POND ROAD

as of: 8/6/2013

PARCEL INFORMATION

Owner#1: CALLAHAN CAROLA ET AL
Owner#2:
Address#1: 98 SANDY POND ROAD
Address#2: AYER MA 01432 USA

Use-Code: 131	Sale Price: 1	Book:
Tax Class: T	Sale Date: 10/27/1976	Page:
Tot Fin Area: 0	Sale Type: L	Cert/Doc: PROBATE
Tot Land Area: 0.599	Sale Valid: Y	
	Grantor: 496529	
Inspect Date: 2/8/1993	Road Type: N	Exempt-B/L%: /0
Meas Date: 3/30/1987	Rd Condition: N	Resid-B/L%: 100/100
Entrance: X	Traffic: N	Comm-B/L%: 0/0
Collect ID: DHB	Water: NO	Indust-B/L%: 0/0
Inspect Reas: R	Sewer: NO	Open Sp-B/L%: 0/0

RESIDENCE INFORMATION

Style:	Tot Rooms:	Main Fn Area:	Attic:
Story Height:	Bedrooms:	Up Fn Area:	Bsmt Area:
Roof:	Full Baths:	Add Fn Area:	Fn Bsmt Area:
Ext Wall:	Half Baths:	Unfin Area:	Bsmt Grade:
Masonry Trim:	Ext Bath Fix:	Tot Fin Area: 0	RCNLD:
Foundation:	Bath Qual:		Mkt Adj:
	Kitch Qual:	Eff Yr Built:	Sound Value:
Heat Type:	Ext Kitch:	Year Built:	Cost Bldg:
Fuel Type:		Grade:	Att Str Val1:
Fireplace:	Bsmt Gar Cap:	Condition:	Att Str Val2:
Central AC:	Bsmt Gar SF:	Pct Complete:	
	Att Gar SF:	%Good P/F/E/R: ///	

LAND INFORMATION

NBHD CODE: 200		NBHD CLASS:		ZONE: A1	
Seg	Type	Code	Method	Sq-Ft	Acres
1	P	131	S	26073	0.599
				25/	27988

DETACHED STRUCTURE INFORMATION

Str	Unit	Msr-1	Msr-2	E-YR-Blt	Grade	Cond	%Good	P/F/E/R	Cost	Class
-----	------	-------	-------	----------	-------	------	-------	---------	------	-------

<u>Porch Type</u>	<u>Porch Area</u>	<u>Porch Grade Factor</u>
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SKETCH

VALUATION INFORMATION

Current Total:	30500	Bldg:	0	Land:	30500	MktLnd:	30500
Prior Tot:	30500	Bldg:	0	Land:	30500	MktLnd:	30500

PHOTO

PARCEL_ID: 019/022.0-0000-0075.0 MAP 022.0

BLOCK 0000

LOT 0075.0

PARCEL ADDRESS: 0 WRIGHT ROAD

as of: 8/6/2013

PARCEL INFORMATION

Owner#1: CALLAHAN CAROLA ET AL
Owner#2:
Address#1: 98 SANDY POND ROAD
Address#2: AYER MA 01432 USA

Use-Code: 131	Sale Price: 1	Book:
Tax Class: T	Sale Date: 10/27/1976	Page:
Tot Fin Area: 0	Sale Type: L	Cert/Doc: PROBATE
Tot Land Area: 0.807	Sale Valid: Y	
	Grantor: 496529	
Inspect Date: 2/8/1993	Road Type: N	Exempt-B/L%: /0
Meas Date: 3/30/1987	Rd Condition: N	Resid-B/L%: 100/100
Entrance: X	Traffic: N	Comm-B/L%: 0/0
Collect ID: DHB	Water: NO	Indust-B/L%: 0/0
Inspect Reas: R	Sewer: NO	Open Sp-B/L%: 0/0

RESIDENCE INFORMATION

Style:	Tot Rooms:	Main Fn Area:	Attic:
Story Height:	Bedrooms:	Up Fn Area:	Bsmt Area:
Roof:	Full Baths:	Add Fn Area:	Fn Bsmt Area:
Ext Wall:	Half Baths:	Unfin Area:	Bsmt Grade:
Masonry Trim:	Ext Bath Fix:	Tot Fin Area: 0	
Foundation:	Bath Qual:		RCNLD:
	Kitch Qual:	Eff Yr Built:	Mkt Adj:
Heat Type:	Ext Kitch:	Year Built:	Sound Value:
Fuel Type:		Grade:	Cost Bldg:
Fireplace:	Bsmt Gar Cap:	Condition:	Att Str Val1:
Central AC:	Bsmt Gar SF:	Pct Complete:	Att Str Val2:
	Att Gar SF:	%Good P/F/E/R: ///	

LAND INFORMATION

NBHD CODE: 200		NBHD CLASS:		ZONE: A1				
Seg	Type	Code	Method	Sq-Ft	Acres	Influ-1/2/3	Value	Class
1	P	131	S	35166	0.807	25/	28832	

DETACHED STRUCTURE INFORMATION

Str	Unit	Msr-1	Msr-2	E-YR-Bit	Grade	Cond	%Good	P/F/E/R	Cost	Class
-----	------	-------	-------	----------	-------	------	-------	---------	------	-------

<u>Porch Type</u>	<u>Porch Area</u>	<u>Porch Grade Factor</u>
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SKETCH

VALUATION INFORMATION

Current Total:	31400	Bldg: 0	Land: 31400	MktLnd: 31400
Prior Tot:	31400	Bldg: 0	Land: 31400	MktLnd: 31400

PHOTO

PARCEL_ID: 019/022.0-0000-0030.0 MAP 022.0

BLOCK 0000

LOT 0030.0

PARCEL ADDRESS: 0 SANDY POND ROAD

as of: 8/6/2013

PARCEL INFORMATION

Owner#1: CORNELLIER CAROLA. ET AL
Owner#2:
Address#1: 98 SANDY POND ROAD
Address#2: AYER MA 01432 USA

Use-Code: 132	Sale Price: 100	Book: 26697
Tax Class: T	Sale Date: 9/26/1996	Page: 0033
Tot Fin Area: 0	Sale Type: L	Cert/Doc: PROBATE-496529
Tot Land Area: 20.2	Sale Valid: Y	Grantor: CAROLA CALLAHAN,ETC
Inspect Date: 2/8/1993	Road Type: T	Exempt-B/L%: 0/0
Meas Date: 3/31/1987	Rd Condition: P	Resid-B/L%: 100/100
Entrance: X	Traffic: H	Comm-B/L%: 0/0
Collect ID: DHB	Water: PS	Indust-B/L%: 0/0
Inspect Reas: R	Sewer: SW	Open Sp-B/L%: 0/0

RESIDENCE INFORMATION

Style:	Tot Rooms:	Main Fn Area:	Attic:
Story Height:	Bedrooms:	Up Fn Area:	Bsmt Area:
Roof:	Full Baths:	Add Fn Area:	Fn Bsmt Area:
Ext Wall:	Half Baths:	Unfin Area:	Bsmt Grade:
Masonry Trim:	Ext Bath Fix:	Tot Fin Area: 0	RCNLD:
Foundation:	Bath Qual:		Mkt Adj:
Heat Type:	Kitch Qual:	Eff Yr Built:	Sound Value:
Fuel Type:	Ext Kitch:	Year Built:	Cost Bldg:
Fireplace:		Grade:	Att Str Val1:
Central AC:	Bsmt Gar Cap:	Condition:	Att Str Val2:
	Bsmt Gar SF:	Pct Complete:	
	Att Gar SF:	%Good P/F/E/R: ///	

LAND INFORMATION

NBHD CODE: 200		NBHD CLASS:		ZONE: A2				
Seg	Type	Code	Method	Sq-Ft	Acres	Influ-1/2/3	Value	Class
1	U	132	A	879912	20.2	50/	33330	

DETACHED STRUCTURE INFORMATION

Str	Unit	Msr-1	Msr-2	E-YR-Blt	Grade	Cond	%Good	P/F/E/R	Cost	Class
-----	------	-------	-------	----------	-------	------	-------	---------	------	-------

Porch Type Porch Area Porch Grade Factor

SKETCH

VALUATION INFORMATION

Current Total:	35400	Bldg: 0	Land: 35400	MktLnd: 35400
Prior Tot:	35400	Bldg: 0	Land: 35400	MktLnd: 35400

PHOTO

Robert Pontbriand

From: David C. Jenkins [DJenkins@k-plaw.com]
Sent: Tuesday, August 20, 2013 3:45 PM
To: Robert Pontbriand
Cc: Mark R. Reich
Subject: Personnel Bylaw Opinion

Dear Members of the Board of Selectmen:

I have received a request for an opinion with respect to issues concerning the appointment of Lisa White to a one-year term to the Personnel Board. Ms. White was appointed as the Employee Representative to the Board. I have been asked whether or not the Board acted appropriately in appointing Ms. White to a one-year term and have also been requested to opine on whether or not the Personnel Board may have more than one member that is an Employee Representative.

The Bylaw at issue reads as follows:

The Board of Selectmen shall appoint a Personnel Board consisting of five registered voters of the Town, to be appointed for three-year overlapping terms. Whenever possible, the Selectmen will appoint members possessing a professional personnel background, including one Town employee or official not a member of the school department or covered by any collective bargaining agreement, and one member of the Advisory Committee, to be appointed on a yearly basis. Members of the Personnel Board shall serve without compensation.

In my opinion, the instructions to the Board of Selectmen by the Bylaw are directory in nature, and not mandatory. The directory nature of such a Bylaw is established by law and, in this case, in my opinion, is reemphasized by the introductory clause to the Bylaw. The introductory clause to sentence number 2 in the Bylaw reads: "whenever possible . . ." As a matter of statutory construction, it is my opinion that bylaws of this type are by their nature and not mandatory and that the language giving discretion to the Board of Selectmen in making appointments is emphasized to be directory in nature and not mandatory.

The language is also vague in the sense that the restriction on the yearly appointment is not clearly set out. In my opinion, the yearly appointment would apply to both the employee representative as well as the Advisory Committee representative.

In my opinion, the Board of Selectmen acted appropriately in appointing Ms. White to serve a one-year term.

You have also asked as to whether or not the Board may have more than one member who is an Employee Representative. In my opinion, the Bylaw provides for only one Employee Representative. The structure of the Bylaw provides that there be one Employee Member and one Advisory Committee member. In my opinion, there should only be one representative from those two groups. In my opinion, therefore, the Board is instructed by the Bylaw to appoint only one Employee Representative.

In light of my opinion that the Board did not act inappropriate in appointing Ms. White to her position, it is not necessary for me to answer question number 3 below.

I hope this is responsive to your request. Please let me know if you need anything more.

Very truly yours,
David C. Jenkins

David C. Jenkins, Esq.
Kopelman and Paige, P.C.
101 Arch St.
12th floor
Boston, MA 02110
(617) 556-0007
(617) 654-1735 (Fax)
djenkins@k-plaw.com

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From: Robert Pontbriand [<mailto:ta@ayer.ma.us>]
Sent: Monday, August 19, 2013 12:01 PM
To: David C. Jenkins
Cc: Mark R. Reich
Subject: Ayer: Personnel Bylaw Opinion
Importance: High

Dear David,

Good morning. As you will see from the attached Ayer BOS Meeting Agenda for this Thursday, under my report, the BOS would like an Opinion from Town Counsel regarding Personnel Board Appointments.

The issue(s) is as follows:

The Personnel Bylaw for the Town states that the Ayer Personnel Board shall consist of a 5-member Board appointed to staggering three (3) year terms. There shall be one Employee Representative; one member from the Fin Com and three other appointees who are Ayer residents. All but the Fin Com rep are appointed by the BOS.

Last year, the BOS reappointed the Employee Rep (Ms. Lisa White) to only a one-year term.

This year she came before the BOS for reappointment as either the Employee Rep or a Citizen Rep. She was not reappointed by a 2-2 vote. That same night, Lt. Brian Gill was appointed as the Employee Rep to a three year term, and a citizen was appointed to a three year term. The Fin Com has selected their representative. There remain two vacancies on the Personnel Board.

Last year during the controversial reclassification issue(s) of the Assistant Treasurer, Ms. White who was on the Personnel Board had sent e-mails to the Press about the Town Treasurer that were not factually correct and some BOS Members took issue with.

The questions/issues are as follows:

1. Did the BOS act appropriately in re-appointing Ms. White to only a one year term last year as they are the Appointing Authority or was this in conflict with the Bylaw;
2. Can the Ayer Personnel Board have more than one member that is an Employee Rep?
3. If the answer to #1 is "no". Then what is the status of Ms. White's appointment?

Please let me know if you need any further information. An opinion would respectfully be needed by tomorrow for the BOS Packets for Thursday.

Thank you.

Sincerely,

Robert

Robert A. Pontbriand
Ayer Town Administrator

Ayer Town Hall
1 Main Street
Ayer, MA 01432

(978)772-8210
ta@ayer.ma.us

Board of Selectmen

MEETING TUESDAYS AT 7:00 P.M. • UPPER TOWN HALL • 1 MAIN STREET • AYER, MASSACHUSETTS 01432



Tel. (978) 772-8220
Fax. (978) 772-3017

Town Administrator
(978) 772-8210

MEMORANDUM

DATE: August 20, 2013

TO: John C. Canney, II
Town Clerk and Tax Collector

Cc: Ayer Board of Selectmen; Mr. Dan Sherman, Dir. of Facilities Maintenance

FROM: Robert A. Pontbriand
Town Administrator

SUBJECT: Update/Status on Payment of \$250.00 for the Damage to the Great Hall as a Result of the September 15, 2012 Rex Trailer Event

Dear John,

Please refer to the attached copy of the Memo and supporting materials which I sent to you on September 22, 2012 regarding payment for damage to the Great Hall as a result of the September 15, 2012 Rex Trailer Event.

The Board of Selectmen has asked for an update on the payment for this damage at their August 22, 2013 meeting.

To date I have not received payment for this damage. Kindly reimburse the Town Hall Maintenance Fund in the amount of \$250.00.

Thank you.

Attachment(s)

Board of Selectmen

MEETING TUESDAYS AT 7:00 P.M. • UPPER TOWN HALL • 1 MAIN STREET • AYER, MASSACHUSETTS 01432



Tel. (978) 772-8220
Fax. (978) 772-3017

Town Administrator
(978) 772-8210

MEMORANDUM

DATE: September 22, 2012

TO: John C. Canney, II
Town Clerk and Tax Collector

Cc: Ayer Board of Selectmen; Mr. Dan Sherman, Dir. of Facilities Maintenance

FROM: Robert A. Pontbriand
Town Administrator

SUBJECT: Damage to the Great Hall as a Result of the September 15, 2012 Rex Trailer Event

Dear John,

First, I want to congratulate you, the Ayer Cultural Council, and your Committee for a very well attended and successful event on Saturday with Rex Trailer in the Great Hall.

Unfortunately, the event incurred damage to the Great Hall for which you (and/or your Committee) are responsible for. Per Item 6 of the attached "*Rules and Regulations for Ayer Town Hall Use*":

6. Any damage to the facility caused by the user group shall be charged to the user group, and payable to the Town of Ayer by bank check or certified check within thirty (30) days of receipt of bill.

Attached is an itemized list of damages/costs associated with your event on September 15, 2012. Of specific concern is the damage to the Great Hall Stage Wall in the amount of \$250.00 as a result of your Committee taping a Rex Trailer Banner to the back of the Stage Wall and then removing the banner and peeling the paint off sections of the Wall. The tape used was White Duct Tape and not an acceptable material. Painter's Tape or another method could and should have been used.

There were additional costs associated with the event such as the use of bathroom supplies; three hours of custodial services to clean the kitchen floors and Great Hall; and additional damage to the floor from the dragging/moving of furniture across the floor.

I am willing to waive all of the itemized charges EXCEPT for the damage to the Great Hall Stage Wall from the peeling of the banner tape. This totals \$250.00. Kindly remit payment in the amount of \$250.00 payable to the Town Hall Maintenance Fund.

Thank you.

Attachment(s): Rules and Regulations; Itemized Damage/Costs Associated with Event

Rules and Regulations for Ayer Town Hall Use

Organization and Supervision

The Use of Ayer Town Hall by outside entities shall be governed by the Ayer Board of Selectmen, through the Town Administrator, by the use of the following regulations:

Use of Ayer Town Hall shall be as follows:

1. The Ayer Town Hall will be available for use by town and outside non-profit organizations for meetings, fundraisers, etc. Local non-profits will have priority for scheduling use of the space over outside non-profits. All regulations shall apply.
2. Private use rental may be allowed upon review of the application by the Town Administrator. All regulations shall apply.
3. A \$35.00 fee shall be charged for Great Hall use after regular business hours. Any waivers must be approved by the Board of Selectmen.
4. All user groups are responsible for obtaining (and promptly returning) the necessary keys to access the building. Applicants shall be trained on necessary accessible features.
5. All user groups are responsible for cleaning the facility completely at the end of the scheduled function. Delay of cleaning will not be allowed. Lack of proper cleaning may result in loss of privileged use. (room returned in order received in)
6. Any damage to the facility caused by the user group shall be charged to the user group, and payable to the Town of Ayer by bank check or certified check within thirty (30) days of receipt of bill.
7. Facilities may be scheduled for use on weekends between 9:00a.m. and 10:00p.m. Weekday evening use shall be limited to only those evenings when no municipal function is being held between the hours of 6:00p.m. and 10:00p.m.
8. Applications for all use shall be made on the form provided by the Selectmen's Office, and shall require the approval by the Town Administrator and/or Selectmen.
9. Applications must be received by the Town Administrator at least two weeks prior to the date of requested use. Applications may be dropped off at the Selectmen's Office or mailed to: Town Administrator, 1 Main Street, Ayer, MA 01432.
10. Applications will not be accepted by anyone under the age of twenty-one (21). Provision of larger functions that require a custodian, police officer, and/or firefighter as determined necessary upon review of the application by the Town Administrator, Police Chief and Fire Chief-who shall note the cost of such coverage at the bottom of the application.

Fee Schedule

Great Hall	\$100
Great Hall with Kitchen	\$150
First Floor Mtg Room	\$25
First Floor Mtg Room with Kitchen	\$75
Damage/Cleaning Deposit - to be paid by all applicants	\$100

(This deposit is refundable to applicant after it has been determined by the Town Administrator that no damage to the building has occurred, or that no additional cleaning must be done – time period for refund not to exceed 2 week.)

COST ASSOCIATED WITH Rex Trailer PARTY

- BATHROOM SUPPLIES \$15.00
- THREE HOURS CUSTODIAL SERVICE \$60.00
- TOWN HALL UTILITIES \$56.00
- TOTAL COST \$131.00
- FEE COLLECTED \$100.00
- DAMAGE TO STAGE WALL \$250.00
- DAMAGE TO FLOOR FROM MOVING FURNITURE ,COST UNKNOWN



Shultz & Sons Painting Company
 86 Squannacook Rd.
 SHIRLEY, MA 01464

PAINTING CONTRACT

1061

(978) 448-6611 FAX (978) 448-6611

TO Dan Sherman
Town Hall
Ayer, MA

DATE 9/22/12
CUSTOMER ORDER NO.
SALESPERSON
VIA

TERMS:

QUANTITY	DESCRIPTION	PRICE	AMOUNT
	meeting hall:		
	scraping spackle + sand x2 and touch up		
	Labor + materials	\$	175
	Paint whole wall	\$	250
	Labor + materials		
	Administrators office:		
	Scrape prime + touch up		
	Labor + materials	\$	180
	Treasurers office: Scrape spackle + touch up		
	Labor + materials	\$	180

Thank You!

BOS POLICIES AND PROCEDURES REVIEW AND UPDATE (ON-GOING)

- Approval of Proposed Public Input Policy 13-01 (See Enclosed) [FOR APPROVAL]
- Feedback/Input on Policy 99-27
- For Review: TBD (To Be Determined)

Please bring your copy of the BOS Policies and Procedures with you to the meeting.

Board of Selectmen

MEETING TUESDAYS AT 7:00 P.M. • UPPER TOWN HALL • 1 MAIN STREET • AYER, MASSACHUSETTS 01432



tel. (978) 772-8220
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MEMORANDUM

DATE: August 2, 2013

TO: Ayer Board of Selectmen

FROM: Robert A. Pontbriand
Town Administrator

Handwritten signature of Robert A. Pontbriand in black ink.

SUBJECT: DRAFT Public Input Policy, 13-01 for the Ayer Board of Selectmen Policies and Procedures Manual

Dear Honorable Selectmen,

As you are aware the Ayer Board of Selectmen's Policies and Procedures Manual currently does not have a specific, clear policy with respect to "Public Input at Open Session Board of Selectmen Meetings". Therefore, I respectfully offer the following DRAFT policy for your consideration for inclusion in the Manual. Please let me know if you have any questions and/or suggestions/revisions.

Thank you.

*****DRAFT*****

13-01: Public Input at Open Session Board of Selectmen Meetings

- The Board of Selectmen is aware of the vital importance of public involvement in Ayer Town Government. As such, the Board of Selectmen shall have an item titled "Public Input" placed on all of its regularly scheduled open session meetings which is solely for members of the public to present their unsolicited communication to the Board pertaining to (but not necessarily limited to) any complaint; concern; idea; issue; program; project; question; and/or statement relevant to any and all aspects of the Town of Ayer.
- The Board of Selectmen shall not deliberate, vote, and/or take any formal action under "Public Input" other than to ask clarifying questions; take the input under advisement; and/or agenda for a future meeting. In addition to receiving oral public input at Board of Selectmen's Meetings, the public may submit their public input in writing to the Ayer Board of Selectmen in care of the Town Administrator. The Board of Selectmen cannot and will not respond to anonymous public input.

- The Board of Selectmen and/or their designee shall respond to all public input within fourteen (14) business days of receipt (from the meeting date presented and/or the date received by the Selectmen's Office).
- The Board of Selectmen shall track all public input using a tracking matrix which will consist of: the date of the public input; the nature of the public input; the responsible Town entity; and the status of the public input. This public input tracking matrix will be kept in hard copy form in the Selectmen's Office and posted under the Board of Selectmen's web-page on the Town of Ayer's web-site. The public input tracking matrix shall be updated bi-weekly by the Town Administrator and/or his/her designee.

BOS OPEN DISCUSSION

- New Business
- Future Topics/Meeting Schedule (See Packet Attachment)

ADJOURNMENT