

Tuesday, OCTOBER 2, 2012

Selectmen's Meeting on Town of Ayer Website www.ayer.ma.us

7:30p.m . Chairman Fay called the meeting to order.

James M. Fay, Chairman	X	Christopher R. Hillman, Member	X
Frank F. Maxant, Vice-Chair	X	Gary J. Luca, Member	X
Pauline Conley, Clerk	X	Robert Pontbriand, Town Administrator	X
Janet S. Lewis, Secretary	X		

Agenda Item #1. Announcements-Review and approve Agenda

Chairman Fay welcomed Mr. Pontbriand back. Mr. Pontbriand stated it was good to be back and thanked the Board, staff for all their good wishes and cards.

* Mr. Pontbriand requested the Board's permission to add additional items under his report Agenda Item #7. #3. Federal Insurance Public Release of executive session minutes re settlement. #4. DCHD Monitoring Report and #5. Bill from Facilities Director re event at Town Hall on September 15, 2012.

*Selectman Hillman requested the Board remove/table under Agenda Item #7. Sandy Pond Parking. Chairman Fay called for a motion to approve the Agenda. Selectman Luca moved the Board vote to approve the agenda as amended, 2nd by Selectman Conley, VOTE: unanimous, so moved.

Agenda Item #2 Public Input- Chairman Fay requested if there was anyone present wishing to meet with the Board under Public Input no one stepped forward.

Agenda Item #3. Public Hearing (Cont.) Common Victualler's License-Natural Mkt. & Cafe- 25

Main St. Georgette Pulsifer. Ms. Pulsifer advised the Board to requirements met. Food Handler's License obtained from NBOH. Selectman Luca moved the Board vote to approve the Common Victualler's License for the Natural Mkt. & Cafe 25 Main Street, Ayer, MA -License # 233-12 which expires on 12-31-12 2nd by Selectman Conley, VOTE: unanimous, so moved. The Board thanked Ms. Pulsifer for her indulgence.

Agenda Item #4. Dr. Judith Klimkiwicz-NVTHS, re: Town of Ayer Membership and Buy-in

Supt. Klimkiwicz reviewed with the Board the Amendment to the Agreement of 9-28-12 which amended the agreement among the Town's of Chelmsford, Groton, Shirley, Littleton and Westford pursuant to MGL Chapter 71 Section VIII approving Ayer's membership to NVTHS. Dr. Klimkiwicz reviewed with the Board the composition i.e. powers and duties of the Regional District School Committee, each member towns number of members on the Committee- Town of Ayer one (1) member appointed by the Moderator serving as Chairman, Selectmen, and local school committee members within thirty (30) days of the effective date appoint their member beginning 4-1-14 to serve for three years. The average enrollment of pupils in the region from each member town on Oct. 1 during the proceeding ten years will determine the number of members on the Committee. Supt. Klimkiwicz reviewed alternate members, organization, powers and duties, quorum, and apportionment of Capital Costs, special operating costs, i.e. evening trade extension courses, times of payment of apportioned costs- July 1, 25%, October 1, 50%, January 1, 75% April 1, 100%. Dr. Klimkiwicz closed with final operating and maintenance budget. Dr. Klimkiwicz also reviewed with the Board NVTHS Education, Statistics, enrollment & minimum contribution trends, per pupil spending, advantages of membership,

letter from the Commissioner. Selectman Maxant reviewed with Supt. Klimkiwicz Fy-13 salaries and advised to NVTHS no new hires since 2005 including Asst. Supt. was not replaced advising to 7 people evaluating 78 staff members and teachers evaluated every two years to cut costs. Selectman Maxant expressed hope that Ayer Shirley Region School Committee is listening to NVTHS staffing level. Selectman Hillman advising all to being a 1993 graduate of NVTHS and happy with Ayer's membership to the region. Selectman Luca requesting information re Town community service projects available of NVTHS i.e. signs, carpentry, electric, plumbing available through school work programs for the Town. Supt. Klimkiwicz advising to Ayer's Buy-in \$550K. Selectman Luca moved the Board vote to fund the Buy-in costs for the Town of Ayer's membership from UDAG Funds, 2nd by Selectman Hillman. Selectman Maxant stated his concerns requesting provision be placed to repay UDAG over the course of five years through the savings from the combination of free cash, if available, \$77K from transportation which would average approximately \$100K/per year. Selectman Conley stated she has genuine concerns re the use of UDAG funds to fund Buy-in rather than taking to Town Meeting, not in favor of taking interest or reimbursing UDAG let the voters make decision. Selectman Conley stating Board is notorious for not following through with agreements no guarantee UDAG will be reimbursed requesting to get something from Town Counsel in writing re use of Federal Funds from UDAG to fund NVTHS Buy-in being appropriate.

Selectman Maxant stating purpose of UDAG is to develop the Town, nervous about using UDAG, not reliable and urged the Board to put before voters at Town Meeting and he will vote no re use of UDAG funds for Buy-in. Selectman Fay stating premise of Board is to re-pay UDAG and Board will be held to that standard. Board elected to make such decisions. Selectman Luca gave brief recent history of UDAG showing most Board's reimbursements back to UDAG from FEMA and Solar and Board being elected to make these decisions. Ms Gabree advising to most UDAG funding requests had no restrictions to pay back. Selectman Conley stating the Board has no experience doing this re such a huge amount of money. Chairman Fay called for the vote: Selectman Luca aye, Selectman Hillman aye, Selectman Conley no, Selectman Maxant no, Chairman Fay aye, 3-2 motion passes. Selectman Conley requesting Town Counsel site specific provisions to allow this UDAG funding.

Agenda Item #5. ASRSD-High School Debt Exclusion/Ballot Question-The Board met with Supt. Carl Mock. Supt. Mock presented the Board the Ballot Question re the Election on November 17, 2012 from 8:00a.m. to 4:00p.m. Selectman Maxant moved the Board vote to authorize the ballot question to appear on the Election Ballot on 11-17-12 from 8:00a.m. to 4:00p.m., 2nd by Selectman Luca. Selectman Conley requesting confirmation from the Secretary of State's Office re changing hours of Town's Election By-law from thirteen hours to eight hours. Selectman Hillman stated he attended the Town of Shirley's Regional meeting and Town Counsel spoke with the Secretary of State's Office and confirmed both meetings fall at same time. Chairman Fay called the Vote: unanimous, so moved.

Agenda Item #6. October 22, 2012 Special Fall Town Meeting Warrant Review and Approval Mr. Pontbriand opened the discussion by advising to three (3) Special Town Meeting Warrants before the Town on 10-22-12, advising to Selectman Maxant's two (2) articles legally warranting their own warrant. Mr. Pontbriand advising to first warrant (version 1) asking voters to petition the legislature to restore "Ayers government jurisdiction over former Fort Devens lands located within Ayer's historical boundaries will be taken up as warrant number one and version #2 asks voters in concert with Harvard and Shirley vote to jointly petition the legislature to seek return of municipal power of all Devens Regional Enterprise Zone lands to their respective Towns based upon their historical jurisdictional boundaries to be taken up as Warrant number two, Warrant number three will be the Town's business warrant. Order of warrants will be 7:00 (Warrant #1) 7:15p.m. (Warrant #2) 7:30 (Warrant #3) Mr. Pontbriand advising to Petitions came in first, right thing to do to take them up first. Selectman

Luca moved to approve the three separate Town Meeting warrants as presented by the Town Administrator for October 22, 2012, 2nd by Selectman Conley VOTE: unanimous, so moved. Selectman Conley requesting that all three warrant be mailed out as one document being careful to separate each one from each other. Mr. Pontbriand advising to the Fin-Com advising they will report their position/s at Town Meeting. Selectman Conley requesting explanations be included on some of the articles i.e. School Article re renovation of High School, Arbitrage Article, Non-Union Classification & Compensation plan, Police/Fire Accident Insurance, & Collective Bargaining Agreements.

Article 1. School Department-renovation of the Ayer Shirley Regional High School-the Board requested to insert explanation re limited renovation to High School than originally planned contingent upon the approval of the incurring debt for the High School renovation in the amount approved by the Regional School Committee and contingent upon the successful passage of a Proposition 2 & 1/2 debt exclusion by the voters of each town to the high school debt.

Janine Nichipor requested to address the Planning Board's Street acceptances for Crabtree Development: Article 11 stating not a lot has changed since meeting with the Board in February requesting the Board's assistance having the builder step up and do what he has to do before taxpayers have to take over i.e. drainage problem, silt release/s-get it under control. The Board asked Supt. Wetzel if streets should be accepted by the Town and he answered yes. Chairman Fay asked Mark Fermanian, Chair of the Planning Board if the Planning Board was in favor of the Street Acceptance/s, Mr. Fermanian replied yes. Mrs. Nichipor stated she was at Planning Board meeting when the Board was discussing Crabtree and Mr. Roper the Developer also a Planning Board member, refused to recuse himself when asked by her even voting on his own bond release. Selectman Hillman this is a different matter not being satisfied with the developer and reminding all to previous meeting and advising to this area being an active construction site-Phase 5. Ms. Nichipor referenced area on S. Mullaney Eng. as built plan showing where the street paving ends different to where it actually is. Selectman Maxant requesting which plan the Planning Board have, will effect decision. Mr. Fermanian stated he will have to see the plan approved. Supt. Wetzel presented plans from former Supt. Dan Nason, advising Board to as-builts do match up and stamped by professional engineer. Planning Board will not sign off unless all done stating anything discovered will be put on bond before release. Mrs. Nichipor stating this is very frustrating dealing with water run-off, silt erosion. DPW foreman spoke to their checking area every day and silt barriers constantly being replaced when requested, developer does repair & builds new silt fence- good cooperative effort and again confirming this is an active construction site. Supt Wetzel reiterating problem with Town having a lot of unaccepted roads-Chapter 90 does not pay for when streets are unaccepted and Town should take over before they are forgotten. Chairman Fay requested Planning Board resolve map problem before Town Meeting.

Patriots Way Road Acceptance Article- Spelling error to be corrected. Supt Wetzel advising to developer finishing paving, putting in sidewalk/s this week Planning Board recommends acceptance of road with provisions Supt. Wetzel recommending approval as long as punch list gets done.

Three Articles rejected at the 2012 Spring Town Meeting to be put back on the 2012 Fall Town Meeting Warrant #1. Creation of Finance Dept., #2. Change of Elected Treasurer to an appointed Treasurer, Article #3 Change of the Elected Office of the Tax Collector to an Appointed Town Collector. Selectman Luca stating he is in favor of re-visiting three articles being placed on FTM Warrant. Selectman Maxant questioned what the Selectmen don't understand voters turned down these articles in May 2012 " No means No". Chairman Fay stating placing all the Town's finances under one umbrella, more efficient-areas need improvement. Selectman Hillman agreeing advising to Towns all across state doing this, it makes sense. Selectman Conley making it clear Articles being put on by Board of Selectmen not Town Government Study Committee. Board told more than once having too much power

which reduced size of Board in May. Selectman Conley stating the Board has an ongoing dispute in the Treasurer's Office which the Selectmen have interfered with and is asking the Town to retaliate against an elected official. Lisa Gabree stated some feel she is the power hungry person, but just wants qualified people to fill these positions. Selectman Luca stating this is an efficiency and internal control issue for sound government. Selectman Maxant challenging stating "look at all the Towns that have gone into receivership all have appointed officials, none were elected." Selectman Conley asked if the Treasurer was asked to be here tonight....no. Ms. Gabree stated last Town Meeting vote very close, all we want is qualified people to fill position, we were very lucky with the former past two Treasurers. Selectman Luca moved to extend the meeting to 10:30p.m., Selectman Conley requesting to make it 10:15p.m. discussion followed.

Selectman Luca moved to extend meeting to 10:30p.m. 2nd by Selectman Conley VOTE: unanimous, so moved.

Article 13. Zoning By-laws -the Board requested copies of all Zoning By-laws be made available on Website, APD, AFD, Library, Town Clerk's Office, Selectmen's Office and Planning Board Office with limited copies made available at Town Meeting.

Article 14. Report on Collective Bargaining Agreements-Selectmen and Town Administrator to report at 10-22-12 Special Fall Town Meeting on status and funding of the Town's various Collective Bargaining Agreements (DPW, Dispatchers, Fire, Patrolmen) which have been concluded since the Spring 2012 ATM.

Selectman Luca moved to approve Special Fall Town Meeting Warrants one for 7:00p.m., one for 7:15p.m. and one for 7:30p.m. with Articles 11(creation of Finance Dept.), 12. (Change elected Treasurer to an appointed Treasurer), 13. Change elected Office of Tax Collector to an Appointed Town Collector) to fall after Article #1.(School-renovation) as Articles 2, 3, & 4. remove articles 15-18 (Collective Bargaining Agreements) remove Article #6. Nashoba Valley Technical High School membership and to report on Collective Bargaining Agreement on the status of and funding of the Town's various Collective Bargaining Agreements which have been concluded since the 2012 ATM, 2nd by Selectman Hillman VOTE: unanimous, so moved. 10-22-12 Special Fall Town Meeting Business Warrant finalized with 14 Articles.

Agenda Item #7 New Business/Selectmen's Questions

Chairman Fay took this opportunity to publicly thank Selectman Conley for her invaluable assistance re the Town's recent Insurance Settlement and moved to release the Executive Session Minutes of the Town of Ayer's Federal Insurance Company litigation. Motion made by Selectman Luca, 2nd by Selectman Conley VOTE: unanimous, so moved.

The Board requested to schedule the Economic Development Director to meet with the Board on 11-16-12 re recent monitoring letter re Fy-2010 Grant citing administrative concerns and Town's response.

Mr. Pontbriand updated the Board to bill submitted from Town's Facilities Director re recent event held at Town Hall re damages amounting to \$281.00 which included janitorial services re clean-up and electricity lost due to lights left on in Great Hall over week-end. Selectman Luca moved the Board submit bill to Town Clerk-John Canney, 2nd by Selectman Conley VOTE: 4-0 Selectman Maxant abstaining, feeling Board not to make such a big deal out of and just give him the bill if he refuses to pay the bill then do something.

10:35p.m. Selectman Luca moved to adjourn the meeting, 2nd by Selectman Hillman VOTE: unanimous, so moved.

