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Town of Ayer
 Board of Selectmen
 Town Hall, First Floor Meeting Room
 Ayer Massachusetts, 1432



Tuesday, January 8, 2013

**Selectmen's Meeting Live (Channel 8) and on Town of Ayer Website:
 www.ayer.ma.us**

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		

7:02p.m . Chairman Fay called the meeting to order.

7:02p.m. Open Session - Agenda Amendments- Public Service Announcements

Mr. Pontbriand requested the Board's permission to add a #8. to his report, re the Board's voting delegate to the Annual MMA Conference on Jan.25-26, 2013, and also a Item #9. re a communication he received earlier today from the Town Clerk/Collector re additional staffing request for his office.

Agenda item #1. Public Input-

Gerri Love, resident re the Town's adoption of a Town Flag. Ms. Love advising to this project a community initiative-solicit renderings from Town residents, Schools re flag design. Project to fall under Historical Commission/Society representation re rules/guidelines for submissions and will come back to the Board for distribution to community/media.

Selectman

Luca thanking Ms. love for bring this forward .. great idea.

Agenda Item #2. C.R. Pierce ABCC resubmission-Mr.Pontbriand updated the Board to this transfer before the Board on 10-16-12, approved and sent to ABCC. ABCC sent back to the Town for non-compliance by DOR. Since then the issues were resolved with petitioner and DOR and license back before the Board for reconsideration to the ABCC. Chairman Fay stated his concerns re Board coming to wrong conclusion questioning if license is still considered active. Chairman Fay requesting an informal investigation. Selectman Maxant stating the Board did not de-activate when should have when license was not used. Selectman Conley stating she was ok with investigation to go forward on 1-22-13 re history of license re if it is active or not and transferred within timeframe requesting to check statute. Motion made by Selectman Maxant to conduct a Public Hearing re CR Pierce's License and request Mr. Pontbriand contact ABCC re history of License and if it is still active, 2nd by Selectman Conley, VOTE: unanimous, so moved.

Agenda Item #3. JBoS Update-1. JBoS MOU-Selectman Maxant stated his concern re the first paragraph 5th line language. *"The MassDevelopment Executive Vice President for Devens will represent MassDevelopment as the non-voting member"*. Selectman Maxant suggesting this person be designated in MOU as unspecified, feeling if same person is designated it will show the same disrespect. Selectman Luca suggesting to leave as is, they need someone to represent the organization. Selectman Conley requesting to see amendments, opportunity to review,

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questioning what if all three Town's don't agree are we back to square one. Selectman Conley agreeing with 2nd to last paragraph re agreeing not to spend money and requesting to clarify by amending to state members of JBOS at JBOS Meeting. Selectman Luca stating at meeting last year he did not hear these arguments only heard appointment re member. Selectman Luca moved to approve the MOU as written, 2nd by Selectman Hillman. Selectman Conley revisited the Board's vote of 11-27-12 & 12-4-12 re Board withdrawing from JBOS & reconsidering changes in MOU and advising to not seeing draft MOU. Selectman Maxant spoke re clarifying intent -no action without authority of Board. Selectman Luca again stating members was the only change. Chairman Fay called for a vote: Selectman Luca aye, Selectman Hillman aye, Selectman Maxant aye, Chairman Fay aye, Selectman Conley no, 4-1 motion passes. Selectman Maxant took this opportunity to discuss the Dec. 2012 Lowell Sun article re Marty Meehan's UMass Expansion plans i.e. campus on Devens. Pauline Hamel urging Board to find out what his interest are re the college. The Board requested a letter be prepared for their review for their next meeting on January 22nd.

Agenda Item #4. DPW-Supt. Wetzel's Report-

1. Hoyle Tanner Ind. Pretreatment Program-year 3

Supt. Wetzel advised to Hoyle Tanner administering the Town's industrial pretreatment program for many years. Supt. Wetzel reviewed with the Board the Agreement dated 1-4-11, endorsed by the Board, included an optional year three not to exceed \$42K (the same fee as year two). Supt. Wetzel recommended the Board approve year three of the Town's Industrial Wastewater Pretreatment Program, in the amount not to exceed \$42k. Selectman Conley moved the Board vote to extent Consultant's Agreement with HTA for one additional year ending 12-31-13 in the amount not to exceed \$42K, 2nd by Selectman Luca VOTE: unanimous, so moved.

2. MA WARN Mutual Aid System Update-Supt. Wetzel clarified the Board's concerns re standard operating procedures in the participation agreement. Supt. Wetzel advising to benefits to the MA WARN Network would provide Ayer access to staffing, specialized expertise, supplies & equipment that we may not have re a specific emergency. Provides a legal document that details the operation, responsibilities and reimbursement related to the response. Allows the town to be reimbursed for mutual aid cost by FEMA (you must have an agreement in place to receive FEMA reimbursement)

Leadership Team: Supt. Wetzel updated the Board to the Leadership Team- Savos Damos from Littleton, is the current Chairman, Ayer can designate a member to the Leadership Team. Liability each community would have their own workman's comp in place, and there is no other provisions detailing indemnification/liability. Selectman Conley requesting Town administrator to check with our insurer to be assured Town's coverage would be in place. The Board rescheduled this matter for their meeting on Jan. 22nd, not time sensitive, to assure Town's protection.

3/4. Water Shut-Off Status update. Supt. Wetzel updated the Board to the communities response to the Town's Shut-off Policy advising to some residents opting to pay others entering into payment plan (done on a case by case basis). Supt. Wetzel reviewed the Agreement for Payment -past Due Water/Sewer Account. Selectman Maxant stating he sees no urgency and Board should be reluctant to shut off water. Mr. Pontbriand advising to water/sewer lien list continues to grown year after year which doesn't benefit the rate payers or DPW. The DPW is moving forward with the Board of Selectmen in a positive manner and it is a good step to standardize a payment plan the goal being the town provides these services and there is cost

associated with those services. Selectman Conley agreeing it being a step in the right direction. Mr. Pontbriand advised the Board to being bothered by The Tax Collector allowing for three year payment plan for customers to pay their bills which he felt needs further review. Supt. Wetzel advising the Board to DPW starting up quarterly billing re water/sewer bills to assist residents with an easier payment method. Selectman Luca moved the Board vote to approve the Agreement for Payment as presented and outlined by Supt. Wetzel, 2nd by Selectman Conley, VOTE: unanimous, so moved.

5. Snow Removal Update-Supt. Wetzel-reviewed with the Board the Town sidewalks that are historically maintained by the Department of Public Works following winter storms. (see attached) advising the Board to the DPW will continue to maintain these sidewalks unless instructed or directed otherwise by the Board. The Board reminded residents/Businesses of their responsibility to keep sidewalks clear of snow & ice under the Town's Bylaw. Supt. Wetzel advising Board to problems arising with the plowing of private streets/unaccepted roads in example Old Groton Rd. (behind Pleasant Street). Mr. Wetzel advising to street does not go all the way through, very narrow not wide enough to do job with regular plow had to bring in special equipment ...in the future he will need the assistance of residents of Old Groton Rd. Mr. Pontbriand advising to meeting with Supt. and Foreman of the Highway Dept. last Friday and updated the Board to everything the DPW did last year re snow removal will be plowed this year. Issues remaining to be worked on is getting these unaccepted roads approved at Town Meeting, these roads are currently being maintained and plowed. i.e. Snakehill Rd., Old Groton Rd. a group effort meeting to be conducted with the Planning Board, DPW, Assessor and the Town Administrator to be scheduled re identifying all the Town's unaccepted streets that the Town wants plowed for the Fall Town Meeting. Supt. Wetzel recommending the residents on these unaccepted streets sign waiver before plowing/maintenance begins. Mr. Pontbriand reminded the Board to their past request re receiving a quote from Town Counsel authorizing the research and legal status of this road with the Registry of Deeds & Probate at a cost of \$1800.00, and reminding them to probability of price going up, this option still on the table. Street Signs- Supt. Wetzel updated the Board to new signs on order at a cost of \$5K -Town Seal on all the new signs. Selectman hillman requesting if new signs would be strong enough to withstand vandalism. Supt. Wetzel stating poles are strong enough and hopefully long enough. Signs should be up by Spring 2013.

Selectman Luca on another mater requested Supt. Wetzel's thoughts re snow removal from Main Street sidewalks being done during the day. Currently being done at night/weekend and businesses affected. Supt. Wetzel advising this being tried in past and problems arising with traffic issues. Selectman Maxant suggesting the use of electronic sign board to help detour traffic during removal operations.

Agenda Item #5. Town Administrator's Report-The Board met with Robert Pontbriand. (see Administrative Update dated 12-19-12 to 1-8-13)

1. Dee Transportation Bus Contract finalized and for the Town's regional school busing.
2. 2013 Licensing-completed.
3. Old Central Fire Station draft finished. Documentation from Town of Shirley very helpful to be presented to Board for their 2-5-13 meeting.
4. Parking Facility Update-All Financial Funding secured. transfer of Rail Trail moving forward from DCR and property acquisitions. Need public input re design/layout. start up projected for February 2013.

5. Central Ave. parking-Temporary parking not necessary. Letter being prepared to be sent to owner of parcel (Rakip) re his seeking other opportunities, hybrid solution withdrawn being that the project has changed considerably since then.
6. Shepley Hill-Met with DEP, EPA, PACE, Board of Health on Jan. 9, 2013 at 1pm at Town Hall. Agreement reached to hold Public Hearing in Town of Ayer. Town will be sending out notices to people directly affected once date has been established. DOA has committed to give Town the tools and resources necessary re cleanup.
7. 2014 Budget underway, Fin-Com completed their first pass of 2014 Town-wide budget review.
8. 2014 Calendar presented and reviewed with Board.
9. Public Records Training-scheduled for 1-17-13 from 10-12 at the Town Hall.
10. 2012 Town Report deadline re submission of Department Reports 2-1-13 to Cindy Knox. Mr. Pontbriand requesting the Board's thoughts re the Cover/Dedication for 2012 Report be given to him as soon as possible.
11. MMA Conference January 25, & 26, 2013 in Boston. Attending this year's conference will be Town Administrator, Selectman Conley and Cindy Knox. The Board designated Selectman Conley as the Board's voting member at the Conference. Motion made by Chairman Fay 2nd by Selectman Luca, VOTE: unanimous, so moved.
12. Town Clerk/Collector letter re request for additional staffing-Mr. Pontbriand presented the Town Clerk's Letter of 1-4-13 seeking permission to hire part-time 20 hour benefited temporary assistant while Asst. Tax Collector is out on extended sick leave. Lengthy discussion focused on receiving Doctor's Statement re sick leave validation re absence, expected length of absence of Asst. Collector, funding of position, Treasurer already assisting Tax Collector/Clerk with duties why additional request, she is doing good job, and has no problem assisting is bonded, familiar with MUNIS operation, CORI compliant and no additional cost to Town. Selectman Luca expressed concerns re Union Contract position and Union not allowing. Chairman Fay requesting more information be provided too many gaps unanswered.
13. 2013 Annual Town Meeting Warrant open and will close on 3-29-13. Selectman Maxant urging Board to keep open as long as possible.
14. Berry Property updated re transfer of land to Town or MART

Agenda Item #6. Selectmen's Questions/New Business

Chairman Fay requesting the Board submit topics they would like to see in 2012 Board of Selectmen's Report re Town Report be copied to him as soon as possible. The Board requested better mechanism to track Public input & Selectmen's concerns under Town Administrator's Report in the future.

Selectman Conley suggested the Board investigate opening road that runs behind the Old Sandy Pond School House that has been blocked off for years for truck traffic which it was created to do and closed by Selectmen. Discussion included concerns regarding safety i.e. additional traffic coming down Sandy Pond Rd., i.e. beach area, encouraging more trucks coming through Town, meeting with Little Red School House Board of Directors promoting school house might hinder them regarding opening road. Involving MRPC re traffic study, traffic calming. Speed bumps placement in town i.e. Main Street also, re recent pedestrian traffic fatality. The Board requested to revisit prior truck traffic reports and invite Chief Murray in to meet with the Board re this matter.

Agenda Item #7. Minutes-Selectman Conley moved the Board vote to approve the minutes of 11-30-12 as amended, 2nd by Selectman Hillman VOTE: unanimous, so moved. Mr. Pontbriand advised the Board to Ms. Knox suggesting a standardized form re Minutes be formulated advising to many different minute submissions being done by elected Boards, Committees. Commissions on Town website/reports. Selectman Conley volunteering to streamline make template for Board.

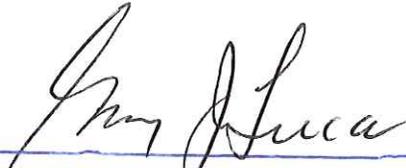
9:35p.m. Selectman Luca moved to adjourn the meeting, 2nd by Selectmen Hillman, VOTE: unanimous, so moved.

9:35p.m. Meeting adjourned.

Date: _____

Pauline Conley, Clerk

Attachments: Agenda #2. ABCC Form 43 Resubmission: C.R. Pierce
Agenda #3. JBoS- MOU Amendment
Agenda #4. HTA Industrial Pretreatment Contract
MA Warn Mutual Aid System
Water Shut-Off Policy
List of SideWalks Maintained in Town
Agenda #5. Town Administrator's Administrative Report 12-18-12/1-8-13
Town Clerk's letter re Additional staffing request



gary J. Luca, Clerk

8/19/14

BOS approval date