



TOWN OF AYER
BOARD OF SELECTMEN MINUTES

Tuesday, January 22, 2013

Ayer Town Hall
1 Main Street
Ayer, MA 01432

PRELIMINARIES:

PRESENT

James M. Fay, Chairman
Frank F Maxant, Vice-Chair
Pauline Conley, Clerk
Gary J. Luca, Member
Christopher R. Hillman, Member

CALL TO ORDER

7:05P.M. Chairman Fay called the meeting to order

ANNOUNCEMENTS/REVIEW AND APPROVE AGENDA

Amend Agenda- Town Administrator request to add #9. Under his Report re: Release of Property Lien-54 Pearl St.

1. **PUBLIC INPUT**

1.1 Tim's Transport LLC-Timothy Holland (Livery License)

The Board voted unanimously to approve letter to MA DOT re Tim's Livery LLC operating in Town of Ayer.

2. **John Canney II, Town Clerk/Collector** request for full-time Temporary Assistant Tax Collector-The Board met with Mr. Canney re concerns re length of absence of his full time Asst. Collector out on sick leave since Nov. 21, 2012 and Dr.'s update re projecting another 8-10 weeks probable absence. Issues discussed with Mr. Canney focused on: Work level, skills, labor pool, Impact-Bargaining (Union), MUNIS experience-bonded retired individual preferred. Mr. Canney discussed current assistance by Treasurer very helpful but needing full time person-very busy time of the year. Selectman Conley suggesting the hiring of a clerk or senior work-off person to do office portion and Treasurer to continue to do MUNIS portion of work load. Mr. Canney again advising Treasurer has her own responsibilities and cannot always

be available when needed. Town Administrator advising to no proposal being submitted by Town Clerk/Collector re Senior Work Off Program. Selectman Maxant recommending if Treasurer has the time to assist on a long term basis Board should approve. Chairman Fay cautioning Board to Treasurer up for election in April 2013 and may/may not be re-elected. Selectman Luca moved to approve a position of Temporary Full-time Assistant Tax Collector subject to funding by the Fin-Com and Impact bargaining with AFSCMF 93, 2nd by Selectman Maxant, VOTE: Selectman Luca aye, Selectman Maxant aye, Chairman Fay aye, Selectman Conley no, Selectman Hillman no.

3. Chief Murray-Update on Traffic-Willow Rd and Westford Rd. The Board met with Chief William Murray. Chairman Fay took this opportunity to congratulate the Chief on the quick work of the Department re the recent burglary at Partridge's Garage and acknowledging quick action by Officer Cunningham re incident.

3.1 Truck Traffic-Chief Murray updated the Board to ongoing study being conducted by Department re vehicle count in area proceeding and alternatives being investigated i.e. installing signs banning right hand turn onto Sandy Pond Road from Westford Rd., however, this would require state approval as Sandy Pond Rd. is a public road- partial exclusion possibility/voluntary compliance. Discussion heard re meeting with Town of Littleton in 2004 re intersection improvement/s which never went anywhere. Chief Murray suggesting re-opening the road behind the school house. Cost to re-open projected around \$100K and tree/s removal required. Chief Murray advising to Fire Chief advising to multiple accidents there in the past and road closed. This could be eliminated with one-way traffic placed on cut through. The Board requested the Sandy Pond School House Assoc. be contacted re impact of opening road concerns, survey request and possibility of it being done by Senior Work Off Program re vehicle count. The Board heard from local businesses re Sandy Pond Road traffic exclusion impact on Central Ave. businesses and local businesses i.e. Nashoba Valley Trucking- Robert Hebb and Cains Foods Marketing Director re negatively impacted financially and labor wise by truck ban, problem caused by out of town truckers not familiar with turn as well as to impact on School buses, railroad crossing. Selectman Hillman advising to Town of Littleton having a truck exclusion in place questioning how are they doing it. The Board suggested to meet with the DPW, Police, and get best proposal re what can and cannot do. The Board informed all to this issue in the investigative stage, more to come, and continued this discussion for 2-17-13.

Agenda Item #4. DPW Report-The Board met with Supt. Wetzel-

4.1. Sludge Disposal Contract-Supt. Wetzel presented the Board the MOU for Sludge Disposal with Upper Blackstone Water Pollution Abatement District- Supt Wetzel advising to City of Fitchburg stopped accepting sludge last year. Three proposals received and advised to UBWPAD the most cost effective. Supt. Wetzel advising to same language in contract as City of Fitchburg's with contingency (sludge taken to Cranston, RI) Contract effective from October 1 through June 30, 2013.

Selectman Luca moved the Board vote to approve the MOU for Sludge Disposal with UBWPAD effective October 1, 2012 through June 30, 2013 and authorize the Chairman's signature, 2nd by Selectman Conley VOTE: unanimous, so moved.

4.2 On another matter the Board discussed with Supt. Wetzel the Main Street lighting re pedestrians hit/killed crossing the street i.e. lights missing, changing lights to face downward on street. Supt. Wetzel advising to his looking into double raised crosswalks for better reflection and also stating light poles are not in right locations being a big factor. The Board also suggesting looking into LED lights.

Agenda Item #5. Town Administrator's Report- See Administrative Update 1-9-13 to 1-22-13

5.2 C.R. Pierce Alcohol License Reconsideration The Board went off the posted agenda to take up the license reconsideration due to large assembly of business owners present. Mr. Pontbriand updated the Board to both he and Ms. Lewis having conversation/s with ABCC Investigator and advising Board to their voting back in October to approve the license and the license process should proceed, failure to do so could open the Town up to serious legal challenges. Selectman Maxant updating the Board to 30 Main Street store opening today (T. Bresnahan-C.R. Pierce, Inc.) and of his being first person to make purchase there. License is active which was questioned by Board as well. Selectman Conley moved the Board vote to approve License #006000013 Reconsideration Transfer from C.R. Pierce Inc. to Barnum Road Liquors, Inc.-Prit Patel -One Barnum Road, Ayer, MA for an All Alcohol Package Store License , 2nd by Selectman Hillman, VOTE: Selectman Conley aye, Selectman Hillman aye, Chairman Fay aye, Selectman Maxant no, Selectman Luca no. VOTE: 3-2 motion passes. Selectman Luca stating he feels there should not be another liquor store in Town.

5.1 Governor's Proposal re Regional Housing Authorities- Mr. Pontbriand updated the Board to the

recent advisory re Regional Housing Authorities being explored. Mr. Pontbriand acknowledging the Town's local Housing Authority having a great record and recommending Board request the Legislature to allow Ayer to remain as is. Selectman Luca moved the Board write letter to State to allow Ayer to remain as is, 2nd by Selectman Conley, VOTE: unanimous, moved. Selectman Luca acknowledging work by Director doing a great job.

5.3 Vicksburg Sq. letter re UMass Lowell -Mr. Pontbriand updated the Board to letter on counter to Chancellor Marty Meehan for the Board's signatures re his recent announcement to Devens becoming a future UMass Lowell Campus and the Board welcoming further discussion re this expansion.

5.4. Department of Public Health re Regionalized Medical Marijuana Centers-Mr. Pontbriand updated the Board to the Department of Public Health opening five (5) distribution centers in the Commonwealth- five per county. The Board requested to schedule this matter for discussion on 2-5-13 re Board taking pro-active stance-establishing by-law re control.

5.5 Ayer Shirley Region School District Snow & Ice Removal-Mr. Pontbriand updated the Board to Supt. Mock referred Board to last page of 5-17-11 MOU Amendment -Article 7. where Town is responsible for snow removal. Mr. Pontbriand advising the Board for the last couple of years all parties: ASRSD, Board of Selectmen, DPW were under the assumption that the ASRSD was responsible for snow removal and the ASRSD paid the town approximately \$10K last year, however per the amendment to the Agreement the Town is responsible for snow/ice removal. The Town to adjust the Fy-14 Regional Assessment to reflect a reduction to take into account the town's cost for snow removal. (\$22K/-10 storms)

5.6 Fy-2014 Budget- Mr. Pontbriand presented the Board the updated Budget & Annual Town Meeting (5-13-13) Election (4-22-13)/Meeting Guide.

5.7 Shepley Hill-Mr. Pontbriand gave the Board an update of the 1-9-13 Meeting-Mr. Pontbriand reviewed concerns raised and acted upon at that meeting with the Board. Delayed close of Public comment period re Draft Environmental Impact Statement to 4-5-13. The Town to hold Public Hearing re remediation of Shepley Hill Landfill 3-2013 at 7p.m. at Town Hall. Town will apply for technical assistance from EPA re remediation and assured that the Town's application will be expedited and granted. Congresswoman Tsongas to be contacted to assist re Draft Impact concerns.

5.8 Conservation Commission-Mr. Pontbriand updated the Board to Chairman Fay and he attending the 1-10-13 Con-Com Mtg. along with Mr. Miller from the Dam & Pond Com. re roles and responsibilities of the Board of Selectmen, Con-Com and Dam & Pond Com. re vegetative controls of the ponds. Dam & Pond Com to report re inventory and conditions of dams/ponds. Con-Com to control weeds in ponds.

5.9 Volunteer Form-Community service opportunities for residents -form to be placed on website-facebook and cc schools. Motion to approve form made by Selectman Maxant, 2nd by Selectman Hillman VOTE: Unanimous, so moved

5.10 Christmas Lights Reimbursement-Selectman Hillman recusing himself and stepping away from table. Mr. Pontbriand reviewed MGL Chapter 44, Section 53A with the Board re Board of Selectmen accepting gifts from individual and corporations and expending funds on behalf of the Town of Ayer. The Board after deliberation re ownership of lights and authorized expenditures approved the reimbursement of funds for the following individuals: Christopher Hillman-\$641.37, John Clifton-\$63.56 and Scott Houde \$40.00 contingent upon invoice documentation/receipt. Total reimbursements \$744.93. Motion made by Selectman Luca, 2nd by Selectman Maxant, VOTE: unanimous, so moved.

5.11 Property Lien-Mr. Pontbriand presented the Dept. of Planning & Development's Release of Property Liens for 54 Pearl Street, Ayer, MA as recommended by Susan Provencher Program Manager (15/yr lien \$19,225.00) Motion to approve release of lien made by Selectman Maxant, 2nd by Selectman Conley, VOTE: unanimous, so moved.

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

6.1 Selectman Hillman-Transponders in Town Vehicles-Selectman Hillman advising to Town of Tewksbury currently utilizing this system very beneficial -tracking by Ayer Police Dept., DPW i.e. mileage/GPS encouraging Board to look into, do analysis i.e. cost beneficial, options to be developed Mr. Pontbriand to run this by Ayer Police re Unions feedback. The Board set this discussion back for their 2-19-13 meeting.

6.2 Selectman Hillman-Newsletter-reiterated his earlier recommendation re Selectmen's newsletter being put together for quarterly release re town-wide issues encourage Police Dept., DPW, Fire Dept., to submit quarterly updates for publication. Selectman Luca suggesting Nashoba Tech. be contacted re publishing for Town. Town Administrator to check with Ms. Know re electronic version to be placed on

Web & Facebook and have each Selectman write article for publication. Mr. Pontbriand advising to Dept. Head reports come in on monthly basis and could also be incorporated into Selectmen's quarterly report as well and request participation from Ayer Shirley Regional School District as well. Newspaper to be non-political publication and forwarded to Communication Committee for their input.

6.3 Selectman Luca-JBoS Update-Selectman Luca updated the Board to MOU signing on the Agenda for Thursday night 1-24-13 and review of the RFP re Police services, gathering information from residents regarding what they want for services and real cost of services.

6.4 Selectman Maxant re Strengthening Sex offender Residency By-law -Selectman Maxant stating his concerns re By-law unconstitutional and have Town Counsel define weak points. The Board disagreeing with Selectman Maxant re by-law being unconstitutional.

Agenda Item #7. Minutes- Town Administrator presented template developed by IT Director re Town-wide submission of minutes format for all Departments, Committees and Commissions.

9:58p.m. Selectman Luca moved to adjourn the meeting, 2nd by Selectman Maxant, VOTE: unanimous, so moved.

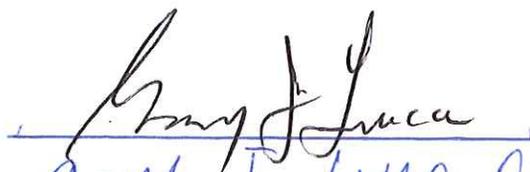
9:59p.m. Meeting adjourned.

Date: _____

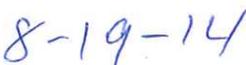
Pauline Conley, Clerk

Attachments

1. Tim's Transport Livery License
Town Clerk/Collector -Request for Temporary Assistance
2. DPW-Sludge Disposal contract
3. ABCC Form 43 License Reconsideration
4. Vickburg Sq. Meehan Letter
5. ASRSD Amendment to Agreement (snow/ice)
6. Xmas Lights reimbursement



Gary J. Luca, Clerk



BOS approval date