

**TOWN OF AYER SELECTMEN MEETING MINUTES**  
**Tuesday, February 5, 2013**

**The Selectmen's Meeting can be viewed in its entirety on the Town's Website at: [www.ayer.ma.us](http://www.ayer.ma.us)**

Chairman Fay called the meeting to order at 7:05p.m.

Present: Chairman James Fay, Vice-Chair Frank Maxant, Clerk Pauline Conley, Members Gary Luca and Christopher Hillman, Town Administrator Robert Pontbriand, Janet Lewis, Secretary.

Mr. Fay called for a Moment of Silence for Julia McKinney, wife of former Selectman Charles D. McKinney, who passed on January 28, 2013.

**Agenda Additions:**

Reserve Fund Transfers: Fire Casualty \$2,137.85 & Liability Insurance \$4,963.00.

Mr. Luca moved to approve the agenda as amended, 2nd by Selectman Maxant. **VOTE:** unanimous.

**American Legion -Certificate of Appreciation** The Board was presented with Certificates of Appreciation from the American Legion Post 139 for participating in the Memorial Day Parade. Mr. Maxant denounced his acceptance of the Certificate claiming the Legion refused to allow a Registered Sex Offender to join the Legion, tore up his certificate and dropped it on the floor.

**Item 1. Public Input** No one stepped forward.

**Item 2. Public Hearing - Common Victualler's License-Markoh's on Main Restaurant-43 Main St.**

Ms. Conley read the Legal Notice into the record.

Mark diCicco, owner of Markoh's on Main, was present for the hearing.

Mr. Fay asked if there were abutters present. No one stepped forward.

Mr. diCicco informed the Board the restaurant will have seating for 25-30 at tables and 10 at a small bar. Adjoining the restaurant is a banquet area for private parties, etc. Mr. diCicco advised he expects to have his food handler's license from the Nashoba Assoc. Boards of Health by next week.

Ms. Conley motioned to approve the Common Victualler's License for Markoh's on Main, 43 Main Street, Ayer, MA subject to Board of Health approval, 2<sup>nd</sup> by Mr. Luca. **VOTE:** unanimous.

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

**Item #3. All Alcohol License - Markoh's on Main**

Mr. Pontbriand advised that the ABCC approved Markoh's on Main's All Alcohol License on January 18, 2013. Ms. Conley mentioned that the banquet area appeared to not be included on the application and requested further clarification from the ABCC. Mr. diCicco advised he met with Nashoba Assoc. Board of Health and expects to have this resolved next week. Ms. Conley motioned to have Mr. Pontbriand contact the ABCC regarding the banquet area and to approve the All Alcohol License contingent upon the ABCC's approval of additional seating area, 2<sup>nd</sup> by \_\_\_\_\_. **VOTE:** \_\_\_\_\_

**Item #4. Veteran's Agent**

Mr. Detillion informed the Board the number the veterans housed at Devens had increased to 36 and the total number of veterans receiving services increased from 171 in FY10 to 244 in FY12 with 154 to date for FY13. The need for services has also increased service such that additional time is needed in the Veterans Office. Mr. Detillion requested permission to increase his office hours three additional hours during the day at no additional impact on the budget. The Board requested Mr. Pontbriand determine the cost for Mr. Detillion's additional hours and provide the info to the FinCom. Mr. Luca motioned to approve Mr. Detillion's request, 2nd by Mr. Hillman. **VOTE:** unanimous.

#### **Item #5. Fire Station Re-Use Committee Appointment-**

Mr. Luca motioned to appoint Jeri Love to the Fire Station Re-Use Committee effective 2-5-13 to 6-30-13, 2<sup>nd</sup> Mr. Hillman. **VOTE:** unanimous.

Ms. Love advised the idea of creating a Town Flag would to be formally announced at the Historical Commission's event on Saturday February 16th.

Ms. Conley requested the draft of the Fire Station RFP be distributed to the Board in the February 19th meeting packets.

#### **Item #6. Acceptance of Patriot Way as a Public Way**

DPW Supt. Mark Wetzel requested final approval and acceptance of Patriots Way pursuant to the passage of Article 12 of the October 22, 2012 Special Town Meeting. Ms. Conley moved to accept the conveyance of Patriot Way as a public way to the Town of Ayer from the Sandy Pond Investment Trust pursuant to the Quitclaim Deed dated January 30, 2013, 2<sup>nd</sup> by Mr. Maxant. **VOTE:** unanimous.

#### **Item #7. Proposal for Temporary Asst. Tax Collector**

Tax Collector John Canney was present for the discussion.

Mr. Pontbriand informed the Board that on 1-23-13 the FinCom approved funding for an individual to assist with clerical duties in the office while the Tax Collector and Treasurer continue to perform those duties requiring bonding. The matter is back for further discussion as the Board's vote on 1-22-13 was subject to funding approval of the FinCom and successful impact bargaining with AFSCME93 Clerical Union.

Mr. Canney maintained his need for a full-time assistant advising he met with a resident who worked as the Asst Tax Collector in Acton for 27 years and was willing to assist in his office. Mr. Pontbriand indicated the MoU dated 12-5-12 only references the Asst. Tax Collector position not a clerical one. Discussion focused on duties/responsibilities of position and continuing to utilize the Treasurer's assistance. Mr. Canney argued no office in Town interacts more with public nor has the volume of paperwork than his and he needs the tools to restore his office. The Board will continue the discussion at their next meeting.

#### **Item #8. Fy-14 Budget Process/Update**

Mr. Pontbriand provided the following:

- the Capital Planning Committee reviewed and revised their recommendations on 2-4-13 reducing them by \$800K.
- the IAC will provide their final recommendation for the Health Insurance Opt-out program and Life Insurance for the Board's 2-19-13 meeting for their 2-19-13 Meeting along with Life Insurance decision.
- Nashoba Valley Regional Technical School Budget to be provided on 2-6-13
- Draft Proposal for reviewing the Compensation Plan to be provided on 2-14-13
- A joint meeting of the Towns of Ayer and Shirley Boards of Selectmen and Finance Committees with the ASRSC to discuss the FY14 School Assessment is being scheduled
- Collective Bargaining schedule to be prepared for review on 2-19-12

The Board requested Mr. Pontbriand place Budget Meeting Schedule on Town's Web site.

Ms. Conley recommended reviewing the Town Meeting Warrant earlier to avoid 11th hour deadline meetings, suggested the final draft be available no later than April 1, 2013 and, if necessary, giving Town Counsel a deadline for their input. Mr. Pontbriand suggested having the first draft ready for review at the Board's first meeting in March so that a Final Review and Public Hearing can be done in early April. The deadline for sending to the printer is noon on April 19.

#### **Item #9. Town Administrator's Report-**

**9.1** Administrative Update-see report dated 1-23-13 to 2-5-13.

**9.2** Mr. Luca motioned to open the May 13, 2013 Annual Town Meeting Warrant, 2<sup>nd</sup> by Ms. Conley. **VOTE:** unanimous.

**9.3** ABCC Information Meeting scheduled for 2-25-13 at 7pm at the Ayer Town Hall. The Town's licensees will be invited to attend.

**9.4** Mr. Pontbriand reported on the MMA Annual Conference he and Selectman Conley attended on January 25-26, 2013.

- They met with the Town's street light vendor and discussed various options including providing several light fixture samples to address lighting on Main St.
- The Attorney General's office is considering conducting Regional Open Meeting Law training in Ayer on March 28-13 from 6-8p.m.
- The Town of Acton gave a presentation on their recently enacted "Code of conduct" at the Conference which was very enlightening. Mr. Pontbriand is discussing having them give a similar presentation to the Town in the upcoming months.

#### **9.5 Reserve Fund Transfers**

- Fire/Liability – Mr. Luca moved to approve a Reserve Fund Transfer Request for \$2,137.85 for the Fire, casualty and Liability insurance subject to clarification from Ms. Gabree, 2nd by Mr. Maxant.
- **VOTE:** unanimous.
- Workman's Compensation – Ms. Conley moved to approve a Reserve Fund Transfer Request for \$4,963.00 to pay the 4th quarter premium installment, 2<sup>nd</sup> by Mr. Hillman. **VOTE:** unanimous.

#### **Item #10. New Business/Selectmen's Questions**

Mr. Fay announced the Founders Day event sponsored by the Ayer Historical Society on February 16 at Town Hall 3-6p.m.

Mr. Fay distributed a book of rules for creating flags and suggested that Town Meeting approve of flag.

Mr. Luca updated the Board on JBoS:

- The changes to the MOU were done without approval of the individual Boards as indicated in the first sentence of the MoU. Proposed changes will be revisited with the JBoS membership.
- Harvard Selectman Lucy Wallace will be discussing Harvard becoming more active in JBoS at an upcoming meeting.
- Ayer will take over the chairmanship and Mr. Luca was appointed the Chairman until Harvard decides what they will do. Ms. Conley stated it was unfortunate Ms. Wallace wasn't given time to discuss with the Harvard Board before the Chairmanship changed. Ms. Conley also maintained that Mr. Maxant is Ayer's representative as voted by the Board and that if he is at the JBoS meeting then he is the Chair. Mr. Luca maintained that the JBoS majority voted for him as Chairman.
- Ms. Conley questioned why JBoS voted to endorse MADEV residential build-out on Grant Rd. when this was never discussed by this Board. Mr. Luca stated nothing was presented to the JBoS, that Mr. Starzec just spoke from the audience. Mr. Luca agreed to get more information.
- Devens Regional Dispatch will hold two Public Hearings on the State Police RFP. Ayer needs to decide if it will submit a proposal. Chief will review and update Board. Town Meeting vote necessary will be necessary to proceed.

Mr. Hillman thanked Park Commission Director Jeff Thomas for the Handicap Sports Program, encouraging all to attend this Saturday's game at the Page/Hilltop school.

**Item #11. Minutes** Ms. Conley provided a proposed new format for the Board's minutes, requesting the Board advise her to which version of the minutes it prefers at the next meeting.

The meeting adjourned at 9:40 pm.