

TOWN OF AYER SELECTMEN'S MEETING MINUTES
Tuesday, February 4, 2014-7:00P.M.
1st Floor Meeting Room, Town Hall, Main Street, Ayer, MA

Chairman Luca called the meeting to order at 7:00p.m. Present: Chairman-Gary J. Luca, Christopher R. Hillman, Vice-Chairman, Members: Pauline Conley and Jannice L. Livingston. Janet Lewis, Secretary, Town Administrator Robert A. Pontbriand, Mr. Fay absent.

Chairman Luca requested if there were any amendments to the Agenda:

Ms. Conley requested MMA Meeting Update, Curbside pick-up update be placed under Town Administrator's Report. Town Administrator's Report-Mr. Pontbriand added the two (2) requested items under his report

- **Public Input**-Mary Spinner questioning status of Storm Water Enterprise Fund -advising to Town Meeting creating Storm Water Fund 7-1-12.

Ms. Conley-requesting Public Input Matrix be updated.

- **Announcements**- Chairman Luca took this opportunity to advise all to fundraiser being sponsored by the Ayer Police Department for Public safety Dispatcher Terri Fuhs to help defray cost associated with loss of wages and medical treatment on February 23, 2014 from 4-7p.m. at the Billiard's Cafe, 39 Main St., Ayer, MA. Chairman stating for those who can't attend but wish to make a donation a Gofundme account has been set up.

-**Mark O'Hagan-The Willows**-present for the discussion Bruce Wheeler, Manager, Willow Rd. Dev. LLC. The Board reviewed with Mr. O'Hagan their 1-24-14 demand for payment letter per the Town's Comprehensive Permit issued by the ZBA -approved on 10-18-05 and filed with Middlesex South Registry of Deeds -Book 47446-Page 284. A lengthy discussion followed re Mr. O'Hagen giving the Board a brief background of the project to date.

- working through difficult economic environment
- tentative Agreement proposed with Supt. Wetzel re \$10K/per unit for 25 units
- DPW has no legal authorization to enter into agreement-Board of Selectmen only authority
- no permits to be issued until issue resolved-no permits have been issued since 12-17-13
- \$250K cost of construction for Water Tank Tower-time line Fall of 2014 Bid out Oct/Nov.2014
Town needs money to construct tower.
- Performance Bond balance to be transmitted to Town Administrator by 2-5-14
- Agreement to be drawn up by Town Counsel to protect Town of Ayer.
- Total number of homes remaining to be built: Market Value 34 -Affordable 3
- Willows has \$48K in escrow set-a-side-5 Building Permits needed (4 Market-1 Affordable) to keep everything going; will come back in two (2) weeks to update Board.
- O'Hagan to provide build out schedule to Board of Selectmen and name of Attorney re escrow
To Town Administrator for Town Counsel.

Ms. Conley moved the Board authorize Gabe Vellante-Building Commissioner to issue five (5) Building Permits for Willow Road Dev., LLC in exchange for \$48K by Willow Road Dev., LLC to be held in Escrow; and authorize Mr. Vellante to release Building Permits in exchange for Mr. O'Hagan to provide Town Administrator closing schedule within sixty (60) days re -\$12K for each unit closing, in addition the Department of Public Works to release water connection for marketing trailer on site, 2nd by Selectman Hillman VOTE: unanimous, so moved.

Cultural Council Appointments-Mr. Pontbriand updated the Board to Tony D'Amico submitting the following candidates for appointment to the Ayer Cultural Council and advising to Mr. D'Amico highly recommending their appointments. The Board met with Sheila Schwabe, Deborah Kay and Jane Morriss.

The Board reviewed the role & responsibilities of the Council with the candidates and thanked each of the candidates for volunteering their service to the Town. Selectman Livingston moved the appointments of Sheila Schwable, Deborah Kay and Jane Morriss to the Ayer Cultural Council effective July 1, 2013 to June 30, 2016, 2nd by Mr. Hillman VOTE: unanimous, so moved.

64 Westford Road-Present for the discussion-Ralph McNiff, Heather Haas, Chairman of the Ayer Board of Health, Gabe Vellante, Building Commissioner, Police Chief William Murray and Fire Chief Robert Pedrazzi. Mr. Pontbriand opened the discussion by advising the Board to letter/s received re condition of 64 Westford Rd. property to which this issue comes up periodically. Mr. Pontbriand advising Board to Town Officials invited to attend re update/status report/s. Ms. Haas advising to no health violations, animal inspector finding no violation re live stock and no complaints to date. Mr. Vellante advising Board to main house in reasonable condition regarding its age, barn showing age not going to collapse/concrete-wood structure. Chief Murray advising to vehicles in compliance having Farm PLATE which is inter-changeable between vehicles. Vehicles all in running condition. Fire Chief Pedrazzi no issues. Mr. Mango originator of letter stating lack of consistency of Board feeling friendship blocking action. i.e. 37 Willard St. The Board correcting stating Willard Street property fire having asbestos-health concerns as well as many other serious problems and declared a Nuisance under Town's By-law after conducting a Public Hearing. Ms. Conley stating there are no violations with Westford Rd. property the Board can't help the way the property looks. Ms. Livingston questioned how to solve the problem. Mr. Hillman suggesting to clean up front of house stating Mr. McNiff started to clean up property then stopped. Questions came up re if Mr. McNiff mined out property and then filling with junk questioning if there were environmental concerns. Mr. McNiff advising to gravel taken for foundation for O'Ryan Building. Mr. Paddenton questioning definition of farm property to which Mr. McNiff clarified re Chapter 61A-Farm. Ruth Maxant requesting to leave property owner alone, no violations and no legal argument. Ms. Livingston requesting if Mr. McNiff needed help with clean up. Mr. McNiff advising to sorting out materials problem, hay building to be taken down and he will take down himself. Ms Haas taking exception to picking & choosing properties re enforcement advising to Boards working very well on this sensitive issue and referring DEP as appropriate resource re evidence of contamination buried on property, if any. Mr. Hillman stating primary problem is lack of communication no one is trying to drive people off farm issue is about clean-up, property is unsightly Board got off track, want to see some progress. Clean up front of property move clutter/debris into barn improve area, it is a reasonable request. The Board to revisit issue in May (90 days).

Alicia Hersey--CDBG Loan Forgiveness Request-Present for discussion-Robert E. Vear property owner 19 Oakridge Drive, Ayer, MA. and Loan advisor for American Title Service, re short sale of 19 Oakridge Drive property. Ms. Hersey advised to owner a 35 year resident of Town having to give up property. Mr. Vear stated he is unable to maintain his property as he is presently living in another state and is requesting loan forgiveness on \$15,991.52 balance of original lien of \$25,250.00 to allow for a short sale of his property. Mr. Hillman stated his concern re setting a president re loan forgiveness. Ms. Conley moved the Board vote to approve a discharge of mortgage-Loan Forgiveness for Robert Vear -19 Oakridge Drive, Ayer, MA in the amount not to exceed \$15,991.52 funded through the Town's CDBG Grant Program, 2nd by Ms. Livingston, VOTE: Ms. Conley aye, Ms. Livingston aye, Chairman Luca aye, Mr. Hillman no, 3-1 Motion passes.

Police Chief William Murray-Full-Time Dispatcher Appointment-Chief Murray introduced Casey Scott to the Board. Chief Murray advising to Mr. Scott employed by the Town since August 2010 as a Part-Time Dispatcher and recommended him to be promoted to the vacant Full-Time Dispatcher's position at Step 2. Mr. Hillman moved the Board vote to approve Chief Murrays request and promote Casey Scott to the full-time dispatcher's position at Step II and waive probationary period, 2nd by Ms. Conley, Ms. Conley praised the selection of Mr. Scott having heard and known good things about him and his work VOTE: unanimous, so moved.

Town-wide Life Insurance-The Board met with Melisa Doig, Asst. Treasurer. Mr. Pontbriand updated the Board to their vote on 1-27-14 authorizing the increase of the Town's life insurance from \$2K to \$5K. Ms. Doig advised the Board to the Life Insurance benefit not being updated since the late 50's and the voluntary program in the early 2000's. Ms. Doig reviewed with the Board a sample policy, the group insurance proposal, the enhanced voluntary life plan and the break out re the cost between the town and the employee. Ms. Conley advising to proposal presented two years old. Ms. Doig handed out more recent proposal for the Board's review. The Board requested proposal is run by the Fin-Com for their review and approval re increasing the life insurance from \$2K to \$5K. Ms Conley requested analyses be done of the two policies re changes in policy increasing to \$5K and report back for the Board's 2-18-14 Meeting.

Town Administrator's Report-

1. Mr. Pontbriand announced the Executive Session Action taken on 1-28-14 per OML.

- The Board approved a Reserve Fund Transfer in the Amount of \$2,568.26 subject to Fin-Com approval for Officer Matt Power-111-F Medical Bills.

The Board approved Personnel Board recommendation to transfer the supervisory authority of the Asst. Treasurer to be placed under the Town Administrator for an indefinite period of time a 3-1 vote, Ms. Livingston absent. Ms. Conley voting against. Ms. Conley requesting the Board review the job responsibilities at their next meeting.

2. 2014 Annual Town Meeting Warrant-The Board opened the May 12, 2014 Annual Town Meeting Warrant and closed the warrant for articles on April 11, 2014 at 5:00p.m.

3. Business Certificates-Present for the discussion David Maher-EOCD Director and John Canney, Town Clerk/Tax Collector

- Final list established
- mailing out of letters (fee/bill) by 3-1-14 by David Maher's Office
- fee base upon cost of service-MGL Chapter 20,S34 C202
- fee to be developed-continued to 2-18-14
- Estimated completion date 6-1-14

4. Shut Off Policy-Mr. Pontbriand updated the Board re unpaid water/sewer accounts and process taken before water is shut off (see memo dated 1-30-14) in Supt. Wetzels's absence due to prior commitment. Mr. Hillman questioned property owner who is continuously on delinquent list having HUD tenants and questioning if their water can be shut off. Discussion included requesting Rep. Harrington look into and notify both Supt. Wetzel and property owner in for the Board's next meeting.

5. GPS Transponders-Mr. Pontbriand updated the Board to a Working Group put together consisting of Police & Fire Chiefs, DPW Supt., IT Coordinator to put together a formal proposal for the Board on March 4, 2014 by a professional Public Sector GPS/Transponders Firm. Mr. Pontbriand reviewing any/all contractual legal issues. Mr. Pontbriand advising to the Town's Sludge Hauling Truck will have GPS/Transponder placed on it for safety tracking reasons, in the event of an accident the vehicles exact location must be known for first responders this to be placed in the Working Group's proposal due to the significant distances this large sludge vehicle travels on interstate highways in MA and R.I.

6. Curbside Pick-Up Working Group-Ms. Livingston updated the Board to the Working Group's 1st meeting held on _____ looking at options, best way to present to Town i.e. Public forums, no decisions made clearly up to voters, does not need bid process-trash/energy not under procurement. Mr. Pattenden requested placing this issue on ballot and advised to it not meeting criteria.

7. 76 central Ave. Property-Mr. Pontbriand advising to Central Register bumping out notification date two weeks and award ready for Board's 2-18-14 meeting.

JBOS - Chairman Luca advising to non-binding referendum being prepared re DREZ for upcoming Spring Town Meeting. Ms. Conley requesting to see questions and advised by Chairman Luca to need to be able to go forward with vote before questions can be developed. Frank Maxant urging the JBOS to allow Devens residents the opportunity to vote.

10:10p.m. Ms. Livingston moved the Board adjourn, 2nd by Ms. Conley VOTE: unanimous, so moved.

10:10 meeting adjourned.

Approved by Board 3/25/14



gary J. Luca