

TOWN OF AYER SELECTMEN'S MEETING MINUTES
Tuesday, April, 15, 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, Jannice L. Livingston, Clerk and Pauline Conley, Member, Robert Pontbriand-Town Administrator and Janet Lewis, Secretary.

Chairman Luca opened the meeting by requesting a "Moment of Silence" be observed for the upcoming anniversary of the Boston Marathon Bombing by showing our support/solidarity for the innocent lives lost and victims of last year's bombing.

Chairman Luca welcomed Senator Jamie Eldridge and Representative Jennifer Benson to the meeting. Mr. Pontbriand requested to amend the DPW-Supt.'s Report by adding a number 4. Vote to lay out Mt. Laurel Lane and refer to Planning Board for inclusion on the May 2014 Annual Town Meeting Warrant and a number 5. Winter Rapid Recovery Road Program Reimbursement from MassDOT in the amount of \$36,693.00.

Mr. Pontbriand advising to the Central Fire Station RFP Proposals scheduled for May 6, 2014. Ms. Conley questioning status of evaluations by Board members. Mr. Pontbriand requested to defer discussion re this issue to be taken up under his report later this evening. Mr. Pontbriand amended the Agenda re correct dates of Selectmen's Minutes to read March 25, and April 1, 2014.

Public Input-Chairman Luca requested if there was anyone present wishing to meet with the Board under Public Input-none.

Chairman Luca called for a motion to accept the Agenda. Motion to approve the agenda as amended made by Selectman Conley 2nd by Selectman Hillman VOTE: unanimous, so moved.

Announcements: Chairman Luca made the following announcements:

4-22-14 @7:00p.m. Fy-15 Budget & ATM Warrant Public Hearing at the Ayer Town Hall

4-28-14 7:00a.m. to 8:00p.m. Annual Town Election at the Ayer Town Hall, 2nd Floor Great Hall

5-12-14 7:00p.m. Annual Town Meeting at the Ayer Town Hall-2nd Floor Great Hall

Chairman Luca took this opportunity to announce the retirement Selectmen's Secretary Janet Lewis by reading a Proclamation into the record proclaiming April 15, 2014, as Janet S. Lewis Day in the Town of Ayer. Senator Eldridge presented a Governor's Citation to Ms. Lewis in recognition of her 35 years of service signed by Governor Deval Patrick as well as presenting Ms. Lewis a MA. State Senate Citation. Representative Jennifer Benson also presented Ms. Lewis with a citation from the MA House of Representatives. Ms. Lewis thanked all for their kindness.

State Senator James Eldridge and State Representative Jennifer Benson, Fy-2015 Budget Message.
(Joined later in Meeting By State Representative Sheila Harrington)

Senator Eldridge opened the discussion by updating the Board to his priorities for 2015 being: Local Aid, water infrastructure, funding for regional school transportation (circuit breaker) making it easier for municipalities to regionalized services promoting municipal collaboration stating this has passed House and is now in the Senate. Representative Benson adding that there has been a significant shift of recent re: regionalization and it has not been catching fire as originally anticipated. Senator Eldridge also informed the Board to \$13 billion Transportation Bond that passed this week which includes Chapter 90 money for Town road work. Representative Benson questioned the Board re questions or assistance the Board has re budget priorities. Chairman Luca citing Water & Sewer infrastructure the town is investigating re replacement of old water/sewer lines and looking for any assistance available. Ms. Conley advising to Town receiving a \$3K cut in Veterans Benefits in the Governor's proposal requesting an inquiry be made and advised to being formula driven based upon #'s. Representative Harrington stating she will report back in three weeks on Governor's budget cut i.e. elderly, library & veterans.

Public Hearing Fy-2015 Water/Sewer Rates- Mr. Pontbriand thanked the Rate Committee comprised of Ms. Gabree, Mark Wetzel, Mary Spinner, Rick Skocylas, Jim Fay, Scott Houde and himself for all their diligence working and evaluating rates to recover costs and significant fluctuations to avoid spikes in rates and reduce the reliance on surplus. Mr. Pontbriand turned the meeting over to Ms. Livingston, Clerk of the Board of Selectmen. Ms. Livingston read into the record the Public Notice opening the Fy-2015 Water & Sewer Public Hearing. The Board met with Lisa Gabree, Finance Director and Mark Wetzel-Supt. DPW- Ms. Gabree conducted an overhead presentation of the proposed criteria relevant to setting the Fy-2015 water & sewer rate/s. Ms. Gabree also presented and reviewed Fy-14 accomplishment-establishing a capital stabilization goal of \$500K for each of the funds to provide for future capital needs/emergencies. Ms. Gabree expenses reviewed with the Board Fy-13 to Fy-15, revenues, enterprise funds, projects, impact on residents, rate comparison of neighboring communities, and Rate Committee's recommendations. Supt, Wetzel reviewed and discussed with the Board working with MADEV re potential of selling future capacity (sludge) back to MADEV as well as evaluating septage re limits on capacity and fee charge. Supt. Wetzel advising to New Billing software in place with capability of reading the whole Town in a half a day and ability to flag low/high use, stating new meters much more efficient. Ms. Conley questioning time frame when the DPW will be able to initiate the quarterly billing for residents Mr. Wetzel responding that the Town is half way there, currently reading semi-annually, estimating by 2nd quarter. Ms. Conley moved to approve the Water & Sewer Rate Committee's recommendation **not to increase the Water Rate** for Fy-2015, 2nd by Mr. Hillman, VOTE: unanimous, so moved. Ms. Conley moved to approve the recommendation of the Water & Sewer Rate Committee for the **Fy-2015 Sewer Rate** per 6000 cubic feet so stated below, 2nd by Mr. Hillman, VOTE: unanimous, so moved. New 2015 Sewer Rates:

- Step 1. \$6.71
- Step 2. \$7.68
- Step 3. \$8.75

Ms. Gabree advising to rate reflecting .2% less than projected for Fy-2014

8:20p.m. Ms. Conley moved to close the Fy-2015 Water/Sewer Public Hearing 2nd, by Mr. Hillman VOTE: unanimous, so moved.

Common Victualler's License-Ho Hing Restaurant d/b/a Empire City-210 West Main Street, Ayer, MA

Chairman Luca opened the Public Hearing by requesting the Clerk read the Legal Notice into the record. The Board met with Ai Rang Hong, Ms. Conley clarifying that he is the new owner of 210 West Main Street Restaurant and not same company previously before the Board. Mr. Luca advising to Nashoba Boards of Health approving the Food Handler's License on 3-27-14 per MGL Chapter 94, Section 305A and Chapter 111, Section 5. Hours of operation 7:00am-10:00p.m. Monday through Thursday, Friday & Saturday 11:00a.m.to 11:00p.m., Sunday 12:00 to 10:00p.m. Selectman Conley moved the Board vote to approve the Common Victualler's License for Ho Hing Restaurant d/b/a Empire City, 2nd by Ms. Livingston, VOTE: unanimous, so moved.

Chief Murray-Parking Regulations Amendment/-Newton St. and Pleasant Street-Chief Murray

reviewed his memo of 3-28-14 with the Board requesting the Board's endorsement to reverse the direction of the Parking Regulations of 2005 on Newton & Pleasant Streets from parking on the Northerly side to Southerly side on Newton Street and Westerly side to Easterly side on Pleasant Street to be in line with current practices. Chief Murray also requesting all the amendments made to the Parking Regulations of 1939 be incorporated reflecting all the changes to the document be properly recorded and placed under the charge of the Town Clerk and distributed to Police Dept. and Parking Clerk. Mr. Hillman moved to approve the Chief's recommendation as so stated above 2nd by Ms. Conley, VOTE: unanimous, so moved.

Laurie Sabol-Recycling Committee re Town-wide Clean-up Day/s- Ms Sabol announced the Recycling Committee's Town-wide Clean up Day/s scheduled for Saturday & Sunday May 3rd and 4th 2014 in

conjunction with Earth Day from 9:00a.m. to 1:00p.m. Ms Sabol encouraged the Board's participation in this event to support the Committee's initiative. Ms. Conley inquiring on status of Adopt-A-Road Program and Ms. Sabol advising to program a time driven project to which the Committee has not had time to pursue. Ms. Conley urging Committee to not lose sight of. Rick Skocylas advising to Masonic Association offering to assist with trash pick-up during the clean-up event requesting bags to be left along side of the road.

Supt. Wetzel's Report- The Board met with Mark Wetzel.

1. Devens WWTP -current flow projections and recommendations- Mr. Wetzel reviewed with the Board his Memo of 4-15-14 advising to Town entering into an Agreement with Devens in 2001 for twenty (20) years (2021) which allows Ayer to transfer up to 0.80 mgd of wastewater to Devens WWTP at \$250/275K/yr. Mr. Wetzel advising to the Agreement a result of an Administrative Consent Order with MA DEP due to Town flows exceeding 80%. The Agreement required the town to pay an Annual Capital Charge and an O&M cost related to Ayer flow transferred to Devens. Mr. Wetzel reviewed the current flows and projected flow through 2023 with the Board including potential new developments/connections i.e. Littleton Lyne, SIU's, Town of Groton and based upon analyses the Town can reduce the Devens reserve capacity from 0.80 mgd to 0.45mgd and current flow conditions at the WWTP indicate no need to transfer 0.10 mgd (base flow to Devens). Supt. Wetzel encouraging contacting MASDEV to renegotiate the agreement for the two items: Base Flow & O&M and reserve capacity reducing this down to 0.45 and related changes to the BOS and TSS limits. Mr. Pontbriand recommending the Board authorizes a letter to new Director Ms. Jones new Director at MADEV re formal intent to renegotiate. Ms Conley recommending the Agreement be reviewed questioning if it has no renegotiating clause. Mr. Wetzel also suggesting Town request Devens to take Town's higher strength to eliminate hauling charge.

2. Town Engineer Position-Mr. Wetzel updated the Board to Fin-Com copied re estimated cost savings. (i.e. reducing profession technical services to reflect reducing use of consulting engineers, Waste-water reduced \$10K, and the stormwater budget by \$15K) and if this position is not funded at Town Meeting adjustments would include Wastewater \$5K and Stormwater \$6K capital request. (see 3-11-14 Memo)

3. Wastewater Discharge Permit- scheduled with HTA re compliance schedule.

4. Mountain Laurel Way-Supt. Wetzel advised to requesting Planning Board's approval of street acceptance of Mt. Laurel Way over a month ago and advised to process being Selectmen have to vote to approve Laying out of Road and then refer to Planning Board for approval. Ms. Conley advising to plan not included suggesting Board take this up at their meeting on 4-22-14 due to map having to be on file with Town Clerk and available for viewing by the public Monday -Friday from 9-5. Ms. Conley suggesting leaving a place-holder on 5-12-14 warrant for this street acceptance.

5. Winter Rapid Recovery Road Program Reimbursement-MA DOT- The Board voted to approve and submit the Winter Rapid Recovery Road Program Reimbursement in the amount of \$36,693.00 to MA DOT. Motion made by Ms. Conley 2nd by Mr. Hillman VOTE: unanimous, so moved. Mr. Wentzel advising to this funding to be utilized for Central Ave. and Sandy Pond Rd. Mr. Pontbriand reported on pot hole list. Ms. Conley reported sink hole on Cambridge St.

Town Administrator's Report-

1. Reserve Fund Transfer- The Board approved a RFT in the amount of \$2,075.18 for account #-16658000-Computer Hardware. The Board met with Cindy Knox, IT Director who updated the Board re actual cost difference in Ricoh Copier expense and toner which was underfunded. Actual cost of copier \$8,985.18 and toner \$1,512.00. (remaining balance in budget \$137.56 shortage). Motion to approve made by Ms. Conley 2nd by Mr. Hillman VOTE: unanimous, so moved.

2. Mr. Pontbriand took this opportunity to publicly thank the Board of Selectmen and Town Hall staff for all their support during the recent tragic passing of his brother. Thank you's went out to everyone for the flowers, cards and all who attended the calling hours from the Town.

Fire Station-RFP Mr. Pontbriand advised to the Board of Selectmen being the awarding entity and as such each member must review the proposals and evaluate. Mr. Pontbriand requested if the Board wished to meet with the proponents. Board would meet to open bids, record price, rating & fees, sale price negotiable. The Board requested to schedule meeting to meet with the proponents re reviewing their proposals, to deliberate & select best proposal/price to further negotiate price and terms to make a decision. Mr. Pontbriand to schedule meeting for the Board's first meeting in May. (5-6-14).

2. Appointment of BOS/TA Secretary-Mr. Pontbriand advised to bringing forward a candidate to the Board for their 4-22-14 meeting.

3. Asst. Treasurer's Position-Mr. Pontbriand took this opportunity to update the Board to the resignation of Asst. Town Treasurer Melisa Doig effective 4-18-14. Mr. Pontbriand stating this resignation gives the opportunity for the Board, Fin-Com, and Treasurer to evaluate the future of that office and needs of the Town i.e. out sourcing payroll, hire a Payroll/Benefits Manager as the position was approved by the Personnel Board, hire part-time Asst. Treasurer or full-time? Mr. Pontbriand suggesting to meet after the Town Elections to discuss what is in the best interest of the Town. In the interim the Treasurer will do payroll and Mr. Pontbriand will do benefits. The Board moved to appoint Lisa Gabree as the Town's second Privacy Officer on interim basis per Town Counsel's recommendation. Motion to approve Ms. Gabree's appointment as the Town's 2nd Privacy Officer made by Ms. Conley, 2nd by Mr. Hillman VOTE: unanimous, so moved.

4. Building Dept. Staffing-Mr. Pontbriand updated the Board to 2013 ATM Meeting funding approved to increase staffing in the Building Dept. with the goal to improve customer service and commitment to ongoing property enforcement. Mr. Pontbriand requesting input from the Board to move forward, advising to rate set by Union resulted in no one applying for the Asst. Building Inspector's position. Mr. Hillman suggesting to advertise for a full-time Building Inspector feeling Town would get better candidates. Ms. Livingston also agreeing stating it is time for a full-time inspector and closes the discussion. Ms. Conley requesting to take position out of Union. Mr. Pontbriand to advertise for a full-time Building Inspector and begin discussion to remove position from CBA.

5. Commuter Rail Trail Surface Parking Lot- Mr. Pontbriand advised to MART to come before the Board in May for a detailed update and timeline for this project.

6. Town Hall-Window Replacement- Mr. Pontbriand reviewed the project with the Board estimated originally at \$300-\$350K and in March of this year receiving a proposal in the amount of \$159K to refurbish the Ayer Town Hall Windows meeting Historic and Green Com. guidelines. Mr. Pontbriand advising to price holding until October 2014 and estimated at 45 days to complete entire project. Mr. Pontbriand reviewed the Board's options: UDAG, MaSave to do place article on Town Meeting Warrant and let people decide for \$170K. Ms. Conley suggesting to go before CPC again and replenish UDAG in October. Mr. Hillman suggesting Board looks into MaSAVE and inserts a placeholder to take funding from Free Cash.

10:00p.m. Ms. Livingston moved to extend meeting for fifteen (15) minutes, 2nd by Mr. Hillman, VOTE: unanimous, so moved. Mr. Pontbriand advising to warrant has to be a printer on Friday the 25th by 12:00noon. The Board reviewed draft #4 dated 4-11-14. To include recent amendments to Business Certificates, and Brunch Hours and inclusion of Mt. Laurel Street Acceptance. Mr. Pontbriand also updated to the Board to two (2) Citizens Petitions received and verified. Mr. Gabree reviewed borrow articles.

JBOS Update- Chairmen Luca report nothing new

New Business/Selectmen's Questions- Chairman Luca reported that Post Office received no postage mailers from candidate running for office and Post Office unable to deliver without postage. Chairman Luca took this opportunity to wish Melisa Doig well upon her resignation and new position, speaking highly of her contributions to the Town of Ayer and closing with she will be missed greatly.

10:15pm Ms. Livingston moved to adjourn the meeting, 2nd by Ms. Conley, VOTE: unanimous, so moved.

Approved by:  Gary J. Luca, Clerk

Date: May 21, 2014