

Ayer Board of Selectmen
Meeting Minutes For
Tuesday, August 19, 2014, 7pm
Ayer Town Hall – 1st Floor Meeting Room

BOS Attendance: C. Hillman (Chair); J. Livingston (Vice Chair); G. Luca (Clerk)

Also in Attendance: R. Pontbriand (Town Administrator)

Not Present: C. Antonellis (Assistant to the Town Administrator)

Call To Order: The meeting was called to order in open session at 7pm by Chairman Hillman.

There were no amendments to the meeting agenda.

MOTION: A Motion was made by G. Luca and seconded by J. Livingston to approve the meeting agenda. **Motion Passed 3-0.**

C. Hillman stated that he had one announcement that the Curbside Working Group would make its presentation to the BOS on Tuesday, August 26, 2014 at 7pm. This would not be a public input session but a meeting of the BOS to hear the report of the Curbside Working Group.

Resident(s) questioned why the meeting had been changed from August 19th to August 26th.

C. Hillman explained that as the BOS Chair he sets the Agenda and he made the decision to move the meeting from August 19th to August 26th due to the full agenda on August 19th and to allow ample time for the presentation. He offered apologies to any confusion or inconvenience this may have caused.

J. Livingston also offered apologies on the meeting change as she was the one at the previous Public Meeting of the Work Group to announce the meeting on August 19th but that the Chair does have the right under BOS Policies and Procedures to change the agenda.

C. Hillman stated that on August 26th, the Curbside Working Group would present to the BOS and that no decision on implementation would be made.

PUBLIC INPUT

Charles Miller (Resident): Mr. Miller asked if the meeting on August 26th would be in the Great Hall or the First Floor Meeting Room at 7pm?

C. Hillman stated that the meeting would be in the Great Hall.

Pauline Conley (Resident): Ms. Conley presented a Petition on behalf of Mr. Harvey Flagg containing 603 signatures of residents wanting to keep the Transfer Station. Ms. Conley read the Petition into the record and signed the document. She stated that there is confusion in Town that Town Meeting only controls the issue(s) of funding whereas the People have no say on the

decision unless the BOS gives it to them. Ms. Conley recommended to the BOS that they consider taking a formal vote either tonight or on August 26th to keep the Transfer Station Open.

J. Livingston stated that she wanted to clarify that she wants to see the financial numbers from the Work Group and for the Public to have that information as well. She has maintained from the beginning that she wanted to see the numbers. She is not in favor of closing the Transfer Station but if the numbers show significant savings then I would say to the residents to reevaluate.

Mary Spinner (Resident) asked the BOS about the Shirley Street Bridge and stated that Residents are concerned about the bridge being closed and the integrity of the road around the bridge as well as the issues of snow removal on that road.

C. Hillman stated that this issue would be discussed later under the DPW Superintendents Report.

Veterans Agent Report

Mr. Mike Detillion, Ayer Veteran's Agent appeared before the BOS regarding a proposal for a dedicated chair in honor of POWs/MIAs as part of a program sponsored by the organization Rolling Thunder.

C. Hillman asked if this could be integrated with the Schools.

M. Detillion said yes and that the POW/MIA Chair of Honor could be moved around the Town. He further explained that his department would pay for the Chair which is approximately \$126.00.

The BOS agreed that this was a great program and an honor and tribute to all POWs/MIAs.

Dr. Mary Malone, ASRSD School Superintendent and Mr. Pat Kelley, Member of the ASRSD School Committee appeared before the BOS to make a brief presentation.

Dr. Malone announced that the new high school would open on September 2nd and thanked the taxpayers for their support. The project remains on time and on budget. She outlined her three themes/goals for the District: 1.) Retain and Attract New Students; 2.) Move ASRSD into the 21st Century; and 3.) Strengthen/Solidify the Partnership between Ayer, Shirley and the ASRSD.

P. Kelley stated that since regionalization in 2011 the ASRSD has been focused on creating a solid foundation to build the District upon. Hiring Dr. Malone has been a very positive move by the ASRSD.

Dr. Malone stated that a lot has been accomplished in four years: regionalization; build new high school/renovation; and the hiring of a new superintendent!

G. Luca stated that he wishes Dr. Malone luck and that he looks forward to working with her.

Dr. Malone invited the BOS to an August 27th Welcome Back event for teachers and staff at the ASRSD Middle school in Shirley. She also thanked C. Hillman for his efforts in coordinating the Middlesex County Sheriff's Inmates to do work at the Lura White School and they will also be doing cleaning and work at the schools over Christmas break, February break, and April vacation.

C. Hillman thanked Dr. Malone and said that she has an open invitation to appear before the BOS anytime.

Common Victualler's License for Subayer

The Town Administrator provided an overview of the Common Victualler's License for Subayer and stated that the application was in good order. The owners of Subayer were also present.

MOTION: A Motion was made by G. Luca and seconded by J. Livingston to approve the Common Victualler's License for Subayer. **Motion Passed 3-0.**

Ayer Package Store Inc. Request for Change Manager

Attorney Roy Pastor and Mr. David Berry appeared before the BOS. The Town Administrator stated that the Form 43 Application to the ABCC was in good order.

MOTION: A Motion was made by J. Livingston and seconded by G. Luca to approve the Form 43 Change of Manager Application for submission to the ABCC. **Motion Passed 3-0.**

MRPC Hazard Mitigation Plan Presentation

Mr. Sam Lawton of the MRPC appeared before the BOS to make a presentation on the Town of Ayer's Hazard Mitigation Plan. He passed out copies of the Plan to the BOS and made a power-point presentation. Ayer's Plan expired on July 2014. He asked the Town to review the Plan over the next two weeks and submit any changes to the MRPC. Upon receipt of the changes, MRPC will finalize the Plan and ask the BOS to sign a certificate approving the plan.

The Town Administrator stated that he would have the Chiefs and DPW Superintendent review the Plan and submit any changes to the MRPC.

DPW Superintendent's Report

Superintendent Wetzel appeared before the BOS regarding the following items.

1. **Change Order for PJ Albert in the amount of \$44,000.**

MOTION: A Motion was made by G. Luca and seconded by J. Livingston to approve the Change Order. **Motion Passed 3-0.**

2. Mountain Laurel Road Acceptance

MOTION: A Motion was made by G. Luca and seconded by J. Livingston to approve acceptance of the Deed and Easements as modified for Mt. Laurel Road. **Motion Passed 3-0.**

3. Pleasant Street and Taft Street Water Main Bid Award.

MOTION: A Motion was made by G. Luca and seconded by J. Livingston to approve the Bid Award for the Pleasant Street and Taft Street Water Main. **Motion Passed 3-0.**

4. Sandy Pond Traffic Proposal

Superintendent Wetzel discussed his findings and recommendations with respect to improving traffic control on Sandy Pond Road as previously requested by the BOS. He recommended the installation of two (2) solar powered radar speed signs on Sandy Pond Road. The signs cost \$4,000 each.

C. Hillman stated that he would like to see a third sign in the vicinity of the East Main Street Bridge.

J. Livingston stated that a flashing Stop Sign where Central Ave meets Columbia Street is needed as many vehicles fail to fully stop or have a rolling stop as they approach that intersection.

Superintendent Wetzel suggested that the signs be funded from the UDAG Recycled Funds.

MOTION: A Motion was made by G. Luca and seconded by J. Livingston to approve \$15,000 from the Town's UDAG Account (Recycled Funds) for the purchase of two (2) solar powered radar speed signs for Sandy Pond Road with a possible third for the vicinity of the East Main Street Bridge on the approach coming into Downtown. **Motion Passed 3-0.**

5. Private Way Snow Removal Policy and Unaccepted Roads Work Group

Superintendent Wetzel discussed the issues of private way snow removal with the BOS. He stated that there should be a yearly inspection of each private way with notification to the residents of needed repairs and the establishment of a minimum clearance on each private way. He would start the process this year and finalize next year.

J. Livingston asked why snow removal on private ways is an issue now. She is aware of the Old Groton Road issues but stated that the Town has been maintaining the other private ways in terms of snow removal for years.

Superintendent Wetzel stated that the Residents of Old Groton Road have made this into a larger issue and that this would be a good transition point into the next topic of the Unaccepted Roads Work Group Proposal.

Superintendent Wetzel presented his proposal for the BOS to approve an Unaccepted Roads Work Group charged with looking at the issues and costs of transitioning unaccepted roads into public roads. He presented his Proposal Memo to the BOS.

MOTION: A Motion was made by G. Luca and seconded by J. Livingston to approve the Unaccepted Roads Work Group as outlined in the Memo submitted by Superintendent Wetzel. Motion Passed 3-0.

Superintendent Wetzel provided an overview of the Shirley Road Bridge issue(s) to the BOS. He stated that in the second week of July 2014, a portion of the Shirley Road Bridge washed out. The abutment to the bridge is stable but there have been past problems with the bridge. The bridge is town owned. The corrugated metal underneath the bridge corroded and needs repair. The bridge is currently barricaded and there are signs up notifying the public. DPW will make a pedestrian path thru that area. The bridge being closed poses no public safety issues.

C. Hillman asked how long to repair the bridge.

Superintendent Wetzel stated that he will have a proposal for the 2015 Annual Town Meeting

Economic Development Director's Report

David Maher, Director of Economic Development appeared before the BOS regarding the following items:

1. **FY 2011 EDF Grant** (D. Maher presented a Memo to the BOS)

MOTION: A Motion was made by J. Livingston and seconded G. Luca to approve the FY 2011 CDBG Grant Extension and Budget for the purposes of re-opening the grant for funds in the amount of \$70,000 for signature by the BOS Chair. Motion Passed 3-0

2. **FY 2015 CDBG Public Input Process** (D. Maher presented a Memo to the BOS)

MOTION: A Motion was made by J. Livingston and seconded by G. Luca to authorize the Public Input Process for the FY 2015 CDBG Grant with public input session to occur on September 3rd, 9th, and 24th. Motion Passes 3-0.

3. **Proposal for the Expansion of Community Development Hours** (D. Maher presented a Memo to the BOS)

D. Maher proposed to the BOS that with the increase in work as well as grant funding related to the CDBG Program, he is requesting that the BOS increase the CDBG Program Manager's hours from sixteen (16) hours a week to twenty-four (24) hours a week. Of these 24 hours, sixteen will

be funded from the CDBG Grant and 8 hours will be funded from the Economic Development Department Budget.

G. Luca stated that he did not object to the proposal and that Ms. Hersey does a great job. He would like the proposal run by the Town Accountant; Impact Bargained with AFSCME 93 since it is a Union position and that it is clearly understood that funding of the position is subject to the availability of CDBG grant funds.

C. Hillman concurred with G. Luca and stated that this was in no way a reflection of Ms. Hersey's work for the Town.

Alicia Hersey, CDBG Program Manager addressed the BOS stating that she would not be taking the Town's Health Insurance and that any fringe benefits would be charged to the CDBG Grant Program Income and not the Town and finally that the AFSCME 93 Union had no objection.

The Town Administrator recommended that the BOS could approve the proposal subject to the satisfaction of three criteria: 1.) Successful Impact Bargaining with the Union; 2.) Analysis of any Budget Impact; and 3.) Increase in hours subject to the availability of CDBG Grant Funds.

MOTION: A Motion was made by J. Livingston and seconded by G. Luca to authorize and approve the increase in the CDBG Program Manager's Hours to 24 hours a week contingent on the successful impact bargaining with the Union; analysis of any budget impact; and subject to the availability of CDBG Grant Funds. Motion Passed 3-0.

Town Administrator's Report

The Town Administrator presented the following items for BOS consideration/approval.

1. **Report from Executive Session(s) per OML** (Oral Report)
In accordance with the provisions of the Open Meeting Law, the Town Administrator reported on concluded matters of the BOS previous Executive Sessions to include successful negotiation of a three year personal services contract for the Benefits and Payroll Manager and final approval of the reclassification of the DPW Office and Business Manager Position
2. **MGL Chapter 61 Recommendation from Town Counsel** (Memo and letter provided to BOS)

The Town Administrator advised that upon review of Town Counsel it appears that MGL Chapter 61 was not followed by the Developer with respect to the Riley Jane Farm and Nashua Street Extension Projects in that the lands are classified as Forestry and that the Developer did not issue proper notice to convert from Forestry land to developable land nor has the Town been given the right of first refusal under MGL Chapter 61.

MOTION: A Motion was made by G. Luca and seconded by J. Livingston to authorize Town Counsel to proceed in the manner outlined by Town Counsel in their letter dated August 14, 2014 to issue a demand to the Developer that the provisions of MGL Chapter 61 must be followed by law. Motion Passed 3-0.

Beth Sudeymyer (Resident) informed the BOS about the issue as to whether the proposed development project had a Forestry Plan filed with DCR as well as the concern that the Town only has 120 days to make a decision regarding the Right of First Refusal.

Mary Spinner (Resident) stated that she talked to the Town Assessor and that the Town is supposed to have a Public Hearing on the matter.

Ruth Maxant (Resident) stated that the Planning Board should rescind its approval of the Definitive Plan for Nashua Street Ext.

Christa Maxant (Resident) stated that the community is disappointed in the Planning Board and that the issues including the Chapter 61 procedures are not being properly addressed by the Planning Board or the Developer.

3. **Award of Contract for Town Hall Windows Replacement Project** (Memo provided to BOS)

MOTION: A Motion was made by J. Livingston and seconded by G. Luca to approve the award of contract to Renewal By Andersen for the Town Hall Windows Replacement Project in the amount of \$159,618.00. Motion Passed 3-0.

4. **Opening of the Fall Town Meeting Warrant**

MOTION: A Motion was made by G. Luca and seconded by J. Livingston to officially open the Fall Town Meeting Warrant with a deadline for Citizens Petitions of Friday, October 3, 2014 at 12:30pm. Motion Passed 3-0.

The Ayer Fall Town Meeting will take place on Monday, October 27, 2014 at 7pm in the Great Hall of Town Hall.

5. **MJTC Appointment**

The Town Administrator advised the BOS that at the request of the Montachusett Joint Transportation Committee (MJTC) they have asked that each Member Community officially designate one primary voting member. The Town Administrator recommended Ms. Pauline Hamel.

MOTION: A Motion was made by G. Luca and seconded by J. Livingston to designate Ms. Pauline Hamel as the Town of Ayer's primary voting representative and member to the MJTC. Motion Passed 3-0.

6. **MNHG Appointment**

The Town Administrator recommended that the BOS appoint Mr. Kevin Johnston, Ayer Benefits and Payroll Manager as the Town's primary representative to the Minuteman Nashoba Health Group (MNHG) with the Town Administrator continuing to serve as the alternate representative.

MOTION: A Motion was made by G. Luca and seconded by J. Livingston to appoint Mr. Kevin Johnston as the Town's primary representative to the Minuteman Nashoba Health Group (MNHG). Motion Passed 3-0.

7. **Old Fire Station Real Estate Appraisal (14 Washington Street)**

The Town Administrator advised that in accordance with MGL Chapter 30B, the Town must have a real estate appraisal of the Old Fire Station prior to the execution of a purchase and sales agreement and the sale of the property. The Town Administrator recommended that the BOS authorize \$1,800.00 for the appraisal to be charges against the Town's UDAG Account (recycled funds) and the amount of \$1,800.00 to be replenished to the UDAG Account from the proceeds of the sale of the Old Fire Station.

MOTION: A Motion was made by G. Luca and seconded by J. Livingston to authorize \$1,800 from the Town's UDAG Account (recycled funds) for the purposes of conducting a real estate appraisal of the Old Fire Station at 14 Washington Street and to replenish the \$1,800 back into the UDAG Account from the proceeds of the sale of the property. Motion Passed 3-0.

New Business

Planning Board (BOS Discussion)

J. Livingston stated that Town Meeting voted on May 12, 2014 to zero out the Planning and ZBA Budgets for FY 2015. The BOS cannot override Town Meeting simply because four people on the Planning Board want them to. This is a Democracy and the People voted. No one to this date has ever asked the BOS to call a Special Town Meeting. A citizen's petition for a Special Town Meeting requires 200 signatures and no petition has come forward in over three months. The BOS cannot and will not override Town Meeting.

C. Hillman stated that if you do not like the verdict (the vote of Town Meeting) you cannot ask for a new jury.

J. Livingston stated that when the Planning Board was supposed to meet in July only the Chairman was present. It is not the BOS's fault that the Planning Board did not have a quorum. The BOS does not let our Chair hang. On this issue of meeting postings, the Town Clerk posts

all meeting notices and agendas. It is not difficult for someone to type up an agenda and have the Town Clerk post it.

Payment and Bills of the Town's MGL Chapter 32B 9 A ½ Health Insurance Bills (Selectman Luca)

G. Luca stated that the Treasurer refuses to do this in accordance with State Law.

J. Livingston stated that it is the law in Massachusetts and that just because the Treasurer "doesn't agree with the law" does not mean she does not have to follow it. She read the Oath of Office taken by all Ayer Elected Official into the records which includes the statement "to uphold all the laws of the Commonwealth of Massachusetts".

Town Audit Report and Management Letter (Selectman Luca)

G. Luca stated that it appears that many of the recommendations of the Town's Management Letter are the same recommendations and I would like this matter put on the Agenda of the next meeting and to have the Town Accountant, Town Treasurer, Tax Collector, and Mr. Giusti present. I have also heard recently of money in various draws of Town Hall because the Treasurer was away and also vendors waiting for payments due to the Accounts Payables Checks being delays by the Treasurer.

JBOS Update (Selectman Luca)

G. Luca stated that JBOS has put him on a subcommittee to look at the zoning issues in Shirley for a 55 and over housing project which may require a Super Town Meeting in the Spring of 2015.

Grant Writer (Selectman Hillman)

C. Hillman stated that he would like to revisit the issue of the Town looking into hiring a Grant writer. We are missing out on Economic Development Grants.

G. Luca stated we should get information from other communities.

Town Administrator stated that he would gather information on this for the BOS.

Approval of Meeting Minutes:

Jan. 8, 2013 Moved by J. Livingston, seconded by C. Hillman. Minutes approved 3-0.
Jan. 22, 2013 Moved by J. Livingston, seconded by G. Luca. Minutes approved 3-0.
Mar. 26, 2013 Moved by J. Livingston, seconded by C. Hillman. Minutes approved 3-0.
Apr. 23, 2013 Moved by J. Livingston, seconded by G. Luca. Minutes approved 3-0.
May 7, 2013 Moved by J. Livingston, seconded by G. Luca. Minutes approved 3-0.
May 21, 2013 Moved by J. Livingston, seconded by G. Luca. Minutes approved 3-0.
June 4, 2013 Moved by J. Livingston, seconded by G. Luca. Minutes approved 3-0.

Apr. 22, 2014 Moved by J. Livingston, seconded by G. Luca. Minutes approved 3-0.
July 15, 2014 Moved by J. Livingston, seconded by G. Luca. Minutes approved 3-0.

MOTION to adjourn made by G. Luca and seconded by C. Hillman. Motion Passed 3-0.

The Board of Selectmen adjourned at 10:10pm.

Recorded and submitted by R. Pontbriand, Town Administrator

Approved by the BOS on 9/16/14

Signed by , G. Luca, BOS Clerk