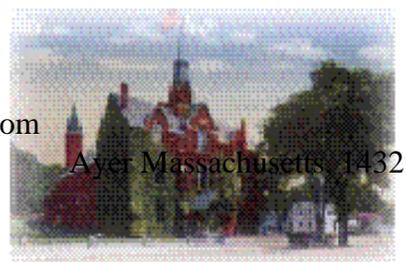


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Town of Ayer
 Board of Selectmen
 Town Hall, First Floor Meeting Room



Tuesday, January 10, 2012
Selectmen’s Meeting on Town of Ayer Website www.ayer.ma.us

Gary J. Luca, Chairman	X	Carolyn McCreary, Member	X
James M. Fay, Vice Chairman	X	Pauline Conley, Member	X
Frank F. Maxant, Clerk	X	Robert Pontbriand, Town Administrator	X
Janet S. Lewis, Secretary	X		

7:00p.m. Open Session

Agenda Item #2. Public Input

Chairman Luca called the meeting to order- Chairman Luca requested if there was anyone present wishing to meet with the Board under Public Input: The following people requested to meet with the Board:

David Bodurtha, re two liquor licenses approved by Board re agreements entered into and basis for decision.

Elizabeth Bodurtha, re public parking/speeding in Town .

Dan Gleason, Ayer/Shirley Regional School System - speaking on behalf of parents in light of recent tragedy “robbery & subsequent death of Corey Buxton-15 year old student from Ayer,” increase in drug activity in Town, break-ins i.e. cars/homes requesting the Board take leadership role re public safety.

Murray Clark ,Chairman, Town Government Study Committee’s recommendations not being addressed by Board of Selectmen.

Selectman Conley-two items-2012 Licensee non-payment request to authorize Town Administrator to contact businesses/close them if necessary and animals in the Town Hall have Board of Health issue policy only allowing assisted living dogs.

Murray Clark-Mr. Clark took issue with the Board not following up on the Town Government Study Committee’s recommendations of 10-4-11. Mr. Clark speaking for the committee, stated his/their disappointment with the Board taking no action and spoke to hard work of the Committee putting together their recommendations and urging the Board to act upon.

Dan Gleason-Mr. Gleason read into the record a prepared statement on behalf of himself and concerned citizens and parents. Mr. Gleason stated he was before the Board this evening purely as a resident of the Town and not as a member of the Ayer/Shirley Regional School Committee. Mr. Gleason stated that Ayer appears to have a larger than normal drug problem for a community of its size and make up and feels there are three issues the drug problem is causing for the community: 1. Crime 2. growing concern re a lack of safety, mainly for property although we now have evidence of a desire to purchase drugs leading to assault and robbery 3. Lastly, the general public’s impression of Ayer as a community, especially those that live outside the community.

Mr. Gleason spoke to complaints of break-ins of unlocked cars i.e. stolen change, GPS devices, iPods and other valuables . Mr. Gleason spoke to the eventual arrests (2) made in November 2011 almost 2 ½ years from when they began, but not until one graduated to a house break-in and eventually a third man was arrested as part of this crime spree. Mr. Gleason advising to this relating to drugs when one of the accused said he slipped and went back on drugs again and he and his partners gathered what they could steal for

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drugs. Now two months later we have an assault on two teenagers in Ayer where the apparent motivation was wanting money for drugs. The accused were driving and smoking weed and seeking marijuana before the assault and robbery took place which led to Corey's tragic death. Mr. Gleason reminded the Board to the Ayer/Shirley football team having to forfeit a game, during the play offs, after players were smoking marijuana on the bus returning to Ayer from a game. No one would admit to who possessed or was smoking the marijuana which led to the administration 's decision to forfeit the game, which led to the team missing the playoffs. Mr. Gleason spoke to his concern re safety, mostly in the Washington St. neighborhood, and being concerned for his property where most of the break-ins re cars occurred also advising to almost every traffic sign in town being peppered with graffiti. Mr. Gleason stated he feared for his family i.e. when his son is a teenager in a few years would he too be assaulted & robbed. Mr. Gleason closed his remarks re the reputation of the Town taking a beating in the press the past year or so. A level 3 sex offender fleeing from the FBI, football team forfeiting a game for smoking marijuana on the bus, the series of car break-ins/home break-ins, and now an assault & robbery leading to a tragic death. Who would want to open a business here, buy a house here, something has to change. Mr. Gleason urging the Board of Selectmen to take on a leadership role and engage the police department, the regional schools district to help identify the problem and what can be done to address them. Mr. Gleason stating no one is looking at these events to determine the exact extent of the problem and where they are going to get their drugs. Mr. Gleason thanked the Board for allowing him the opportunity to address this important issue and again urging the Board take on a leadership role and inform the community what is going on and report back in February what you find out and how it is going to be dealt with. Selectman Maxant stating he has the same concerns and would like to pursue finding contacts. Selectman Fay thanked Mr. Gleason for coming into the meeting and updating the Board to his concerns, stating he feels the passion to which Mr. Gleason spoke to. Selectman Fay stated the safety of Ayer citizens to live in a safe environment is a priority of the Board and stated the Board will look into and get some answers.

Agenda Item #3. Properties Enforcement-the Board met with Gabe Vellante, Building Inspector, Mary Spinner, Chairman Board of Health. Present for discussion Hugh Ernises. Mr. Pontbriand opened the discussion by updating the Board to property enforcement issues re several properties in town. Town Board's/Departments have done due diligence i.e. letters sent by Board of Health, Building Department. Mr. Vellante advising Board in order to make progress re these properties it will involve courts and Town Counsel which will cost money...money that is not budgeted for. Chairman Luca stated his feeling that it is time to go to the next step; Zoning violations letters ignored, homeowners filing complaints frustration has peaked. Mr. Vellante stating he needs the ability to enforce and take action. Selectman Fay echoing Chairman Luca stating the time has come to give Mr. Vellante the tools to enforce & resources (funding). The Board requested Mr. Pontbriand contact town counsel to remit by-law- enforcement policy. Ms. Spinner suggested House & Sanitary Code Violations By-law quicker source of action. Selectman Conley requested a letter be sent to Nashoba Boards of Health-Bridgett Bailey and Mr. Vellante authorizing them to contact town counsel. Ms. Spinner suggesting the Selectmen elaborate more on violations and steps to be taken re what needs to be done before giving both Mr. Vellante and Ms. Bailey opportunity to speak with town counsel stating the Board of Health does not enforce Nuisance By-law. Selectman Maxant requested to read into the record a letter he wrote re this issue and Nashoba Boards of Health involvement with town properties dated 12-8-11 from Bridgett Bailey of NBOH pertaining to violations/health-safety of properties, specifically paragraph two of his letter. Selectman Maxant requesting his letter be incorporated into the minutes as well. Chairman Luca approved Selectman Maxant's letter received by the Board on 1-10-12 be placed with the minutes. Selectman Maxant read into the record his letter disputing Ms. Bailey's statement re health-related safety hazards to occupants/abutters being a resident of one of the properties in question. Selectman McCreary took offense at the tone of his letter attacking someone not present. Chairman Luca agreeing and

stopped Selectman Maxant from continuing to read his comments stating comments vs. attack on someone is not allowed. Selectman Fay also stating his dismay with the letter stating he will not participate in such discussion and left the table. Selectman Maxant defended his comments re illegal claims. Selectman Conley moved the Board authorize Mr. Pontbriand and Ms Spinner to contact Kopelman & Paige re obtaining estimated cost to have Town Counsel draft enforcement order policy, 2nd Selectman McCreary, VOTE: Selectman McCreary aye, Selectman Conley aye, Selectman Fay aye, Chairman Luca aye, Selectman Maxant no, 4-1 motion passes. The Board took comments from Ruth Maxant about NBOH and Mr. Ernise defending his position re his properties.

Agenda Item #4. Dept. Planning & Economic Development-the Board met with Susan Provencher sitting in for David Maher.

- 1. Fletcher Building Update-Safety Plans**-Ms. Provencher advised the Board to property owners of Bonnet Realty and Project Manager/Safety Director for Senate Construction meeting with the Town's Police, Fire and DPW re pedestrian safety plans i.e workers, pedestrians and motorist during construction. Ms. Provencher updated Board to temporary scaffolding and chain link fence has been set up to provide safety and block the sidewalk along Main St. and Pleasant Street along the building side only, along with signage requesting pedestrians to use the sidewalk on the other side of Pleasant street. When heavy equipment is needed along the front side of the building (Main St.) parking will be prohibited. Ms. Provencher advised to Safety Meetings being held at the Town Hall every Tuesday at 9:30am and Board members are invited to attend. Selectman Maxant suggested asking the Ayer Police to be vigilant enforcing the 2-Hour paking limit especially when parking is unavailable by the Nutting block.
- 2. Lien Subordination Request-Case #04-230**-Selectman Fay moved the Board vote to approve and authorize the Chairman's signature authorizing the subordination of the Town's Lien conditioned upon a new mortgage not to exceed \$137K for Case #04-230/26 Pearl Street, Ayer, MA, 2nd by Selectman McCreary, Vote: unanimous, so moved.
- 3. Consent Letter-(refinancing)**-12 Auman Street, Deven (LIP unit)-Case #12-01 Ms. Provencher advised the Board to owner making a request to DHCD to refinance his mortgage. Selectman Conley questioning request due to DHCD having original mortgage. Ms. Provencher advising to Board of Selectmen has to authorize first before State can approve. Selectman Fay moved the Board authorize the Town Administrator's signature on consent letter for refinancing of 12 Auman St., Deven, MA, 2nd by Selectman Conley, VOTE: unanimous, so moved. Selectman Maxant noted the address is Ayer, no such place as Devens suggesting correcting address on documents.

Agenda item #5. Fire Chief-Jaws of Life P.O. The Board met with Chief Pedrazzi

Chief Pedrazzi requested the Board's approval of State Bid FIR-03, P.O. #MM1216 dated 12-19-11 from Fire Tech & Safety of New England Inc. in the amount of \$38,502.00 for the Jaws of Life rescue tool/s authorized by Town Meeting and included in Fire Dept. FY-12 Budget. Selectman Conley moved the Board vote to approve the Jaws of Life P.O. #MM1216 dated 12-19-11 in the amount not to exceed \$38,502.00 and authorize the Chairman's signature, 2nd by Selectman Fay, VOTE: unanimous, so moved.

The Board took this opportunity to welcomed back to the Ayer Fire Dept. Charles "Chuck" Dillion from his recent tour of Iraq and thanked him for his service.

Agenda item #6. Supt. Daniel Nason's Report-The Board met with Supt. Nason

- 1. IPP-Vitasoy USA Administrative Consent Order 016-012-01**-Supt. Nason advised to violations at the pretreatment system over the summer months advising the Town must penalize VITASOY for these violations in the amount of \$6,900.00 or \$300.00 per ea/violation(which goes back to Ayer Sewer) and assure the Town that the violations will not reoccur. Selectman Fay moved the Board vote to approve

and endorse VITASOY USA Administrative Consent Order #AO 106-012-01 dated 1-12-12 issued by the Town of Ayer, 2nd by Selectman Conley VOTE: unanimous, so moved.

2. Kinsmen Corp.-Filter Media Replacement-Spectacle Pond WTP Change Orders (2) Supt. Nason Presented the following change Orders for the Board's approval and endorsement.
Change Order #003 Forklift rental-one (1) month \$900.00-Selectman Fay moved the Board vote to approve Change Order #003 in the amount of \$900.00 and authorize the Chairman's signature, 2nd by Selectman Conley, VOTE; unanimous, so moved.
Change Order #002-R2B remove/replace filter gravel screens-4 tanks- Labor-\$12,894.00, Payroll -\$8,213.48, Materials/freight-\$900.00, Equipment -\$4,400.00 =Total of \$30,868.00. Selectman Fay moved the Board vote to approve Change Order #002-R2B in the amount of \$30,868.00 and authorize the Chairman's signature, 2nd by Selectman Conley, VOTE: unanimous, so moved.
 3. Onsite Engineering-Groton School Road Pump Station-Project #01082 -amendment to scope of services re evaluation & design of the Groton School Rd. Pump Station -Supt. Nason advised per memo of 12-15—11 Onsite will be performing borings to ascertain soil & groundwater conditions with Technical Drilling Services at the cost of \$1,350.50 plus labor to complete the task for a total of \$2,500.00 inclusive of the boring cost. Selectman Fay moved the Board vote to approve the amendment to the scope of service for Onsite Eng. In the amount not to exceed \$2,500.00, 2nd by selectman Maxant VOTE: unanimous, so moved..
 4. Onsite Engineering-Grove Pond Water Treatment Facility Expansion-amendment to scope of work. Supt. Nason updated the Board per Onsite's memo of 12-21-11 to amendment re additional design work associated with the recycle of filter backwash water and office space requirements. Backwash recycle estimated fee for design \$9K-----Office addition estimated fee for design work \$2,500.00 total of \$11,500.00. Selectman McCreary moved the Board vote to approve the amendment to the Grove Pond Water Treatment Facility Expansion in the amount not to exceed \$11,500.00, 2nd by Selectman Conley VOTE: unanimous, so moved.
 5. Update on DPW Office Assistant Position-Supt. Nason updated the Board to Janet Berube resigning and job posted and closing on January 13, 2012. Supt. Nason advising to quite a few applicants seeking position. Selectman Conley clarifying position is Union position with the Town Hall Clerical Union. Position is a benefited 35 hour/week office position. Selectman Maxant questioning if exit interview given and told no not past procedure.
 6. DPW Hours of Work – The Board met with Doug Jasperson, DPW Union Steward present and attending was the entire DPW Union, re DPW hours of work questioned by Chairman Luca re DPW employees working 37 ½ hours per week and receiving forty (40) hours of compensation. Mr. Jasperson reviewed with the Board the DPW contract specific to meal periods Article XVII signed off by the Board & DPW Union since 1996 never a concern until tonight. Mr. Jasperson stated contract discussions/violations are always done in Executive Session not in Open Session and stated his dismay re the DPW is always being singled out, attacked and brought into Open Session stating he and fellow workers are offended. They have done nothing wrong and work through lunch due to nature of job. Fellow Selectmen McCreary & Fay both agreeing and surprised to see this item on Agenda for discussion, when a simple telephone call would have surficed. Mr. Jasperson closed by complimenting Supt. Nason on behalf of the DPW for doing a great job best Superintendent ever and urging the Board to please stop pointing finger at DPW.
- Agenda Item #7. Town Administrator's Report-** The Board met with Robert Pontbriand
1. Administrative Update-Mr. Pontbriand reported activities from 12-21-11 through 1-10-12
See report attached.

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- 2. Town Hall Generator Contract P.O.-Mr. Pontbriand presented to the Board NorthEast Electrical Distributor's P.O. #S011839219 dated 12-28-11 in the amount of \$69,300.00 for the purchase and installation of the Town Hall Generator purchased from the State Contract. Installation of the generator to be performed by R.A. Mitchell of New Bedford, MA sub-contractor for NE. Electrical which permits the town to procure the generator & installation services without going through RFP or sealed bid process as proscribed by Chapter 39. Mr. Pontbriand advising to gas line installed per Project Manager Dan Sherman and generator will be operational by 2-1-12. Selectman Conley moved the Board vote to approve the contract with NorthEast Electrical of Worcester, MA P.O. #S011839219 dated 12-28-11 in the amount not to exceed \$69,300.00 which includes installation by R.A. Mitchell of New Bedford, MA and authorize the Chairman's signature, 2nd by Selectman Fay, VOTE: unanimous, so moved.
- 3. Water & Sewer Lien List Publication-The Board authorized Mr. Pontbriand to publish the 2012 Water & Sewer Lien List on the Town's Website with appropriate disclaimer. Selectman Fay urging that lien list be disclosed people in payment plan be taken off list. Motion to approve made by Selectman Conley 2nd by Selectman Fay, VOTE: unanimous, so moved.
- 4. Board of Selectmen's Fy-13 Budget-Mr. Pontbriand presented the Board's Fy-13 draft budget for the Selectmen's Office representing level funded, 3%, and 1% reductions scenarios. Selectman Conley requesting print out of Selectmen's budget to see how money was spent.

9:05p.m. Selectman McCreary left meeting after a hearty welcome back from recent hip surgery.

- 5. Vicksburg Square 498 Meeting-Mr. Pontbriand reported on Town of Harvard wanting the Town of Ayer, Shirley & Harvard convene a meeting with their Town Counsels and Administrators to discuss legal concerns the Town of Harvard has over the 498 process. The Town of Shirley advising they would attend meeting but not with their Town Counsel. The Board also agreed to attend three Selectmen wishing to attend (Frank, Jim & Gary) but not include Town Counsel. Meeting to be posted and Mr. Pontbriand to announce date and time of meeting.
- 6. 2012 MMA Meeting-January 20 & 21, 2012. Mr. Pontbriand advised to he and Selectman Conley attending meeting. Chairman Luca advising he also plans to attend. Mr. Pontbriand requested to register Chairman Luca for Saturday the 21st. Mr. Pontbriand requesting who will represent the Board re Town's Official Voting Delegate. Chairman Luca confirmed by Board to be official voting delegate as MMA designates Chair of Board or designee to be official voting delegate..
- 7. Shelter Preparation Flyer/Mailer-taken off agenda due to Board approving flyer to be sent out with Tax bills earlier.
- 8. Health Insurance Update-Mr. Pontbriand advised Board to Kelly Barhight elected Chairman, Drew Kularski elected Vice Chairman and Sue Sullivan Clerk of IAC. Mr. Pontbriand announced meeting with MIIA representatives on Friday, January 13, 2011 re their proposal. Mr. Pontbriand advising to whole IAC must agree with plan or Town will have to go to Section 21. IAC must make recommendation. Mr. Pontbriand stating the goal of the Committee is to get the best possible plan for employees at the best possible price.

Agenda item #8.-JBoS update- Selectman Fay announced new Chair is Tom Kinch JBoS has five members Selectman Fay, Selectman Maxant, Peter Warren, Rico Cappuci and Ron Ricci. Special Town Meeting planned for early March.

Agenda item #9 New Business/Selectmen's Questions

Selectman Conley requesting Wholesome Café & Kentucky Fried Chicken be shut down for non-payment of 2012 licenses as well as Class II License to Don's Auto-Bishop Rd. direct Town

• 1-10-12

Administrator to close down establishments operating without a license. Motion to approve made by Selectman Conley 2nd by Selectman Maxant, VOTE: unanimous, so moved.

Selectman Conley requested no animal policy in Town Hall be instituted by Board of Health only allow medical/assisted dogs in building.

Agenda #10 Minutes Selectman Maxant moved the Board vote to approve the Minutes of 11-8-11, 2nd by Selectman Fay, Vote unanimous, so moved.

Selectman Maxant moved the Board vote to approve the Minutes of 11-22-11, 2nd by Selectman Fay, VOTE: unanimous, so moved

Selectman Maxant moved the Board vote to approve the Minutes of 12-6-11, 2nd by Selectman Fay, Vote unanimous, so moved.

Selectman Maxant moved the Board vote to approve the minutes of 12-20-11 set back for further review.

10:00p.m. Selectman Fay moved the Board vote to adjourn the meeting, 2nd by Selectman Conley VOTE: unanimous, so moved.

10:00p.m. Meeting adjourned.

DATE: _____

Frank F. Maxant, Clerk

AYER BOARD OF SELECTMEN

• 6

• 1-10-12