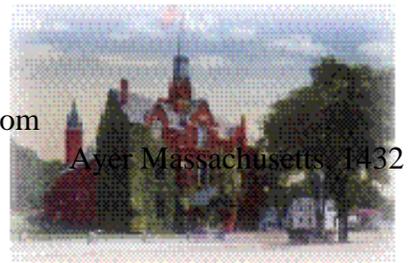


- Town of Ayer
- Board of Selectmen
- Town Hall, First Floor Meeting Room
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**Tuesday, January 24, 2012**  
**Selectmen’s Meeting on Town of Ayer Website [www.ayer.ma.us](http://www.ayer.ma.us)**

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 #1. Announcements-Approve Agenda** –Selectman Maxant moved to approve the Agenda as presented, 2<sup>nd</sup> by Selectman Fay, VOTE: unanimous, so moved.

**Agenda Item #2. Public Input**-Chairman Luca requested if there was anyone present wishing to meet with the Board under Public Input. No one came forward.

**Douglas Jasperson**-DPW Union President-re Supt. Nason’s Resignation-Douglas Jasperson, AFSCME Union steward, spoke on behalf of the DPW workers stating the Union’s dismay re their work ethic, integrity and skill questioned at a public meeting without valid cause and supporting Selectman McCreary requesting Chairman Luca resign; his ongoing negativity and harassment is counter-productive to the DPW’s daily efforts. Mr. Jasperson stated they did not want to see Dan go but it’s too late citing one of the main reasons being the Board of Selectmen micromanaged him and requesting it stop. Chairman Luca responded by stating never in his wildest dreams did he think he would be sitting here defending accountability of public employees, apologizing to Selectman Conley when he led the charge to remove her as Chair, re her pursuit of then Town Administrator Shaun Suhoski stating she did the same thing and he called her on it, stating she had every right to question him and anyone else. Chairman Luca advised to other unpopular stances he undertook including the DOR audit of Town books which produced thousands of dollars in savings, and inefficiencies in town processes. Chairman Luca spoke too many discussions with Town Department Heads on the most part being amicable including those with Supt. Nason and thanking him for the work he has done, that said, but does not earn them the right not to be scrutinized, stating he will continue to ask about what taxpayers and businesses want to know. Chairman Luca stated he is not resigning. Selectman McCreary stating she agrees the Board needs to be accountable but opposed the manner in which it was done; stating questions could have been resolved in conversation through the Town Administrator or directly with the employee. Selectman McCreary again stated it’s the method by which the Board has been acting towards both citizens and employees that she finds objectionable.

Mr. Jasperson stating disputes with Fire & Police never spills over into Open Session at the Selectmen’s Meetings and Chairman Luca’s concerns could have been resolved with a phone call. Chairman Luca agreeing and again thanked Supt. Nason for his work in the Town of Ayer, Supt. Nason responded with thank you, which prompted a standing ovation for Supt. Nason by everyone in the room and hallway thanking him for all his service to the Town.

**Agenda Item #3. Public Hearing-All Alcohol License-Sidetracked Pub-63 Main Street, Ayer, MA**  
 The Board met with Atty. Robert Markley, Sheila and Matthew Field of 12 Blood Rd., Littleton, MA. Chairman Luca opened the hearing by requesting the Legal Notice be read into the record by Selectman Maxant, Clerk. Mr. Pontbriand turned the floor over to David Maher, Director of Economic Development.

Mr. Maher gave the Board a brief background re the Field's purchase of the Subway Building and securing IDFA funding to assist with rehabilitation of building to establish a family style sports pub in the basement area of the building to include a handicap lift, and a covered outdoor patio area. Kitchen to be located on West St. side of the building. Selectman Fay stating his concerns re principal involved in application specifically Mr. Bradley's (partner) affidavit re criminal charges from 1986-2011. Atty. Markley addressed 25 year old record of proponent having only one conviction and extenuating circumstances re another offense involving the wrong person. Selectman Maxant echoing Selectmen Fay's concerns re granting a license to someone with no respect for the law. Selectman Conley for the record identified all partners on petition co-owners of property: Matthew & Sheila Field, Melissa Field and Keith Bradley. Sheila Field named as Manager of Record on License. Ms. Field stated she is TIP certified and all three partners will be TIP certified as well when restaurant opens. Sidetracked Pub will be seafood family style restaurant. Fire Chief Robert Pedrazzi stood and advised all to both he and Building Inspector Gabe Vellante must inspect and certify building first re safety violations being addressed. Selectman Maxant requesting hours of operation be placed on license. Resident Maureen Parlon spoke on behalf of family and wished them luck on venture. Chairman Luca spoke to encouraging new businesses to downtown and opportunity to enhance community after hearing basic concerns. Mr. Fields encouraging people to stop by and responded to concerns raised by Board re OUI's and family's intent to be fun-stress free environment and will discourage bad activity, wife employed as teacher in Littleton and sensitive to issues of the Board. Mr. Field advising to Subway remaining as a tenant on the site. Selectman Fay recommending the Board wait for the Fire Chief & Building Inspector to conduct inspections before license is submitted to ABCC. Selectman Conley moved the Board vote to approve the application for the Sidetracked Pub All Alcohol License to the ABCC pending final inspections of the Fire Chief & Building Inspector 2<sup>nd</sup> by Selectman McCreary, VOTE unanimous, so moved. Selectman Maxant requesting hours of operation be placed on the license. 12:00p.m. to 12:00a.m. seven (7) days a week. Selectman Maxant pointing out corrections in application to be made by Atty. Markley and resubmitted to Selectmen's Office.

**Agenda item #4. Report & Recommendation of the Insurance Advisory Committee (IAC)**

The Board met with Kelly Barhight, Chairman of the IAC, Lisa Gabree, Melissa Doig, Jeremy Januskiewicz and Town Counsel David Jenkins. Drew Kularski-Vice-Chairman absent. Ms Barhight presented the IAC recommendations. Ms. Barhight advised the Board to the IAC at their 1-18-12 meeting voted to recommend the Town remain with Minuteman Nashoba Health Care for the next year and requested the town retain at least 4.4% of savings in an Insurance Trust Account to be utilized for health care co-payments \$250.00 or more for active employees and retiree plan members. Ms. Barhight explaining this year would give the town buffer time re mitigation designating cost savings up to 25% with adoption of Section 32B into a specific fund.

**Agenda Item #5. DEC Report-Martin Poutry & Russ Smith-Ayer Representatives to the DEC & Peter Lowitt, Director-Land Use Administrator**

The Board welcomed Mr. Poutry, Mr. Smith and Mr. Lowitt to the meeting. Mr. Poutry stating the DEC Members were present this evening as part of the regular quarterly update requested by the Board last October. Mr. Poutry reviewed with the Board the Devens 2011 Annual Report Highlights presented to the Board for their 1-24-12 packets. Mr. Poutry & Mr. Lowitt reviewed projects completed or before the DEC presently. (see DEC Jan. 12, 2012 Report). Mr. Lowitt stated the Commission expects a flurry of development as 2012 commences, i.e. leased space, MJM -N.E. Studio to be acted upon in early 2012, Devens Solar's proposed MW project on the airfield, another industrial prospect looking to build on Jackson Rd. in addition to unified permitting, finalizing and adopting innovative housing regulations as well as continuing to support and expand the services of EcoStar and the Devens Eco-Efficiency Center. Mr. Smith in closing reminded the Board to alternant DEC vacancy on Commission and

urging the Board to advertise this vacancy to assist the Commission when members are unable to attend meetings.

**Agenda Item #6. Town Administrator's Report-**

• **Sewer Abatements-**

Gerry Wood-Pine Knoll -11 Groton School Rd.-Lot 20 water leak, Mr. Wood claiming water did not go into sewer requesting abatement of \$1,285.61 difference of previous billings for lot. The Board noted this being the 2<sup>nd</sup> time Mr. Wood has been before Board. Selectman Conley advising the Board to Board voting against abatement in 2011 and therefore must reconsider denial before re-discussing abatement. Selectman Maxant advising the Board to his encouraging Mr. Wood to come back before the Board when the Board waived the sewer portion of LaSita's Restaurant's bill a month ago. Selectman McCreary advising the Board to her being on the prevailing side and agreeing with Selectman Maxant to abate a portion of the Sewer bill for Mr. Wood. Supt. Nason read into the record the Water & Sewer Regulations and cautioned the Board not to set precedent. Selectman Conley clarifying discussion questioning if the Board wished to reconsider the vote. Selectman McCreary moved the Board vote to reconsider their vote re Gerald Wood's request for a sewer abatement, 2<sup>nd</sup> by Selectman Maxant, VOTE: Selectman Conley no, Selectman Fay no, Selectman Maxant aye, Selectman McCreary aye, Chairman Luca aye. 3-2 motion passes. Selectman McCreary moved the Board vote to abate \$648.00 of the sewer portion of Mr. Wood's Sewer bill, 2<sup>nd</sup> by Selectman Maxant, VOTE: Selectman Maxant aye, Selectman McCreary aye, Selectman Fay no, Selectman Conley no, Chairman Luca aye, 3-2 motion passes.

Groton-Ayer Realty Trust-no show-no action taken

Caza Manor-96 East Main St.-The Board met with Barry Graton. Mr. Graton updated the Board to Motel experiencing undetected water leak on property back in September 2010, stating the water bill doubled their normal usage requesting the Board forgive the sewer portion of the bill in the amount of \$1,815.00. Ms. Spinner advising the Board to their voting against this before and questioning Statute of Limitations. Selectman Conley abstaining stating she was not on Board at that time nor part of vote then. Selectman Maxant moved the Board vote to abate sewer portion of the bill in the amount of \$1,815.00, 2<sup>nd</sup> by Selectman McCreary VOTE: Selectman Fay no, Selectman Maxant aye, Selectman McCreary aye, Chairman Luca no VOTE: 2-2 motion fails.

David Bodurtha stated the Town has \$258K in outstanding Water & Sewer Liens questioning if Board will place liens on website/paper. Mr. Pontbriand advising to Liens on website effective 1-24-12 and hopeful payments will start to come in. Supt. Nason updated the board to looking into new software that will alert staff to break/leaks when they occur, and goal of the department is to get this automatic reader.

- S.J. Mullaney Engineering-Street Acceptance –Crabtree Development-the Board met with Steve Mullaney. Mr. Mullaney stated he was before the Board to petition the Board to place the street acceptance for Crabtree Development on the May 7, 2012 Spring Annual Town Meeting for Fox Run Drive, Quail Run, portions of Haymeadow Lane and Old Farm Way, phases 1A and 11A portions of Pingrey Hill Subdivision. Mr. Mullaney conducted an overhead presentation of the subdivision layout for the Board. Supt. Nason stated his concerns re accepting portions of road vs unaccepted, and Con-Com must sign off operation/maintenance of stormwater basins advising to Home Owners association responsible for basins. The Board questioned bond reduction/releases. Mr. Mullaney explained process under MGL advising to Board must vote to lay out the road/s and must refer back to Planning Board re their recommendation (Planning Board has 45 days) Supt. Nason stated his concerns re weather related time frames being met. Selectman Conley recommended Board kept process going requesting Mr. Mullaney submit back to the Board steps involved re process re road acceptance, no action taken by Board.

- Resignation of Supt. of Public Works-Dan Nason. Mr. Pontbriand presented the Board Supt. Nason's letter of resignation dated 1-17-12, Supt. Nason's last day of employment with the Town of Ayer 3-16-12, and recommended the Board accept and approve Mr. Nason's letter of resignation. Mr. Pontbriand took this opportunity to thank Mr. Nason for his professional invaluable assistance and wishing him the best of luck in his new position in Northborough. The Board echoing Mr. Pontbriand's remarks. Selectman Conley moved the Board vote to accept the resignation of Supt. Nason with regrets, 2<sup>nd</sup> by Selectman Fay. The Board again spoke to Mr. Nason's work with the town and thanked him for his service. DPW Highway Asst. Foreman Douglas Jaspersen stating the DPW is losing not only a great Superintendent but also a great teacher stating he has learned more under Supt. Nason's direction than any other Supt. before him.
- DPW Superintendent Search Process:-Mr. Pontbriand requested the Board authorize a search process for for a new Superintendent immediately; stating this is a critical time with the Fy-13 Budget underway and coupled with numerous projects in various stages of development and implementation throughout all divisions at the DPW. Mr. Pontbriand suggested the following:
  - Authorize the advertisement for the position using the job description used in 2008
  - Advertise the position for one (1) month commencing 1-27-12 thru 2-24-12 in the Lowell Sun, The MMA Website, Town Website, and local paper. Cost is incurred by DPW Admin budget. The Board requested Ad run through 2-24-12 no salary range to be placed in ad, and authorized the advertisement to run in the MMA, & Professional Organizations as well, Lowell Sun/Nashoba Pub. Request Supt. Nason review Advertisement and Job Description prior to release.
  - Board authorized a Superintendent of Public Works Search Committee consisting of seven (7) members by 2-7-12. Committee to interview candidates, final candidates by 4-1-12. Selectman Conley suggesting no Selectmen or Town Administrator be on Screening Committee suggesting Divisions in DPW select member to serve on Committee, IPP Business Rep., Town Accountant, and three (3) Ayer residents. Seek letters of interest from residents with strong engineering background. Supt. Nason suggesting a neighboring Superintendent serves on Committee.
  - Transition Plan-Mr. Pontbriand to assume DPW administrative work.

**Nashoba Valley Technical School District-**Mr. Pontbriand updated the Board to meeting on 1-7-12 meeting with Chairman Luca, and Nashoba Valley representative re Ayer's membership to district. Dr. Judith Klimkiewicz to be present for the Selectmen's 2-7-12 meeting re proposed Town Meeting Article for the Town of Ayer to join NVTSD and estimated buy-in which will be cheaper based upon number of students/years and cost of apportionment of Capital Costs to join district. Mr. Pontbriand advising the Board to the Agreement in the packet for the Board's review.

**Fy-13 Budget Update-**Mr. Pontbriand updated the Board to Fy-13 Budget well underway. Fin-Com holding meetings with Department Heads. Leadership Group meeting with School Department re Assessment. Mr. Pontbriand advising the Board to Fin-Com sending Tax Collector letter advising him to post back taxes on Town web-site. Mr. Pontbriand suggesting the Board meet with top ten delinquent Water/Sewer and Taxes offenders.

**Town Administrator's Goals & Objectives Final Approval-**Mr. Pontbriand updated the Board to the Board and Mr. Pontbriand mutually agreeing to the Goals & Objectives presented in the Board's 1-24-12 packet for the period of January 1, 2012 to July 1, 2012 and the evaluation of these goals and performance evaluation of Mr. Pontbriand will occur on July 1, 2012 using this document in conjunction with the Performance Management Plan. (see attached) Selectman Conley pointing out one component missing that being Committee record keeping -Committees to submit meeting minutes. Mr. Pontbriand also updating the Board to Matrix of activities for (project task list to be kept in binder in the Selectmen's office. Mr. Pontbriand advising to Ethics Training Certificates must be completed by all Town Employees by 2-3-12

• 1-24-12

and Certificates kept on file with the Town Clerk. Mr. Pontbriand advising to Selectman Conley and he will be conducting Open Meeting – Public records training for all Town employees, departments, committees and commissions.

Mr. Pontbriand updated the Board to Cindy Knox IT Director coordinating and centralizing supplies/equipment-centralized purchasing for all Town Hall Offices. Ms. Knox is also presently collecting . excess/unused, broken equipment i.e. computers, printers, etc. for auction.

Selectman Maxant updated the Board to MBTA cutting services expecting to cut back 53%. Ayer is 2<sup>nd</sup> largest stop on line and Board should be prepared to get involved if service cuts do occur in area. Selectman Maxant advising to MBTA accepting comments on line from commuters.

10:00p.m. Selectman Conley moved to adjourn, 2<sup>nd</sup> by Selectman McCreary VOTE: unanimous, so moved.

10:00p.m. Meeting adjourned.

Date: \_\_\_\_\_

Frank F. Maxant, Clerk