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



Tuesday, May 22, 2012
Selectmen's Meeting on Town of Ayer Website www.ayer.ma.us

James M. Fay, Chairman	X	Christopher R. Hillman, Member	X
Frank F. Maxant, Vice-Chair	X	Gary J. Luca, Member	X
Pauline Conley, Clerk	X	Robert Pontbriand, Town Administrator	X
Janet S. Lewis, Secretary	X		

7:05p.m . Chairman Fay called the meeting to order.

Chairman Fay opened the meeting by advising to his making a few changes to the Selectmen's Meeting in order to be more efficient and improve performance alluding to sentiments expressed at the recent Annual Town Meeting. Chairman Fay stating his primary goal will be time management from public input to Agenda Items being held to relevant discussion. Announcement will be deferred to Town Crier. Public Input will be held to five minute block/s, taken under advisement and reported on later if needed. Public Information i.e. correspondence will be kept in a general file to include general laws for Board's review prior to meeting. Chairman Fay requesting everyone's support during this transition. Chairman Fay on a final note challenged the new Clerk to getting old Executive Session Minutes cleared up, approved and released. Town Administrator and Selectman Conley to work together on this. Selectman Conley reminded Board to minutes being made available four (4) days from meeting pursuant to Selectmen's Policy. Chairman Fay called for a motion to approve the Agenda. Selectman Luca moved the Board vote to approve the Agenda, 2nd by Selectman Maxant ,VOTE: unanimous, so moved.

Agenda Item #1. Public Input -Mary Spinner, re: community project requesting the Board's support for the Veterans by building a home for our veterans at the Town owned property located at 76 Central Avenue. Mr. Spinner advising to property being a vacant parcel cluttered with fallen trees. Ms. Spinner spoke to Fund Raising activities to fund clean- up/construction and contacting Senator Brown's Office re funding opportunities available. The Board took this under advisement and will get back to her.

Agenda Item #2. Minutes-Selectman Conley advising to her taking no action. Selectman Maxant requested the Board approve the minutes of 2-28-12. Town Administrator requesting these minutes be set back re validation of Agenda Item #3 Town Government Study Com. recommendations. Selectman Maxant moved the Board vote to approve the minutes of 3-7-11, 2nd by Selectman Luca, Vote 4-0, Selectman Maxant moved the Board vote to approve the minutes of 3-12-12, 2nd by Selectman Luca VOTE: 4-0, Selectman Maxant moved the Board vote to approve the minutes of 3-13-12, 2nd by Selectman Luca, VOTE: 4-0, Selectman Maxant moved the Board vote to approve the Minutes of 3-27-12, 2nd by Selectman Luca, VOTE- 4-0, so moved.

Selectman Conley expecting to get draft of minutes within four days of meeting electronically.

Agenda Item #3. Public Hearing-All Alcohol Package Store Application Transfer & Change of location-Ayer Gulf 20-30-Park Street-Santoshi Corp.-Chairman Fay opened the Hearing by requesting the legal notice be read into the record. Selectman Conley read the legal notice into the record that ran in the Nashoba Publications the weeks of May 4 and 11th, 2012. Present for the discussion Dashrathbhai M. Patel

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5-22-12

of Ayer, MA and Atty. Joseph Devlin of Demakis Law Offices, Lynn, MA. Mr. Devlin opened by advising the Board to Mr. Patel a resident/businessman of the Town of Ayer for twelve years operating Pauline's Variety Store on E. Main Street and the Ayer Gulf Station/Mart on Park Street for the past three years. Mr. Devlin advising to this transaction being a Transfer of License from C.R.Pierce and a Change of Location from 30 Main Street to 20-30 Park Street. Mr. Devlin gave the Board a brief background of Mr. Patel being a good businessman, having a family and looking for additional revenues as well as to satisfy customers demands. Chairman Fay opened the floor for discussion and requesting if there were any abutters present wishing to speak for or against the application. Selectman Conley requesting a signature page be sent around for people attending the Public Hearing this evening to be incorporated with the documentation presented, approximately 24 people in attendance. Selectman Luca stated his concerns re the Town having enough competition and did not think the Town needed another liquor store it being a struggle for current liquor establishments. Selectman Conley stating she had similar issues as Selectman Luca and advising to her driving around looking for another gas station that sells liquor, and not finding one in a 25 mile radius, and having great reservations for an All Alcohol License in a Gas Station. Selectman Conley stating the Town has three package stores presently. Selectman Maxant stating his conviction that gasoline and alcohol do not mix and also echoing Selectman Luca's concerns. Selectman Hillman stated he also is opposed to selling liquor at gas stations feeling it would bring a lot of problems. Chairman Fay spoke to competition in a nine mile square area taking away business from other retailers stating he could not support and opened the floor for discussion. Resident Maureen Parlon spoke to problems with underage purchasing of cigarettes being a big problem in town let alone the possibility of purchasing alcohol. Chairman Fay called for a motion. Selectman Luca moved the Board vote not to approve the transfer of the license and relocation 2nd by Selectman Maxant, VOTE: unanimous, so moved.

7:45p.m. Selectman Luca moved to close the Public Hearing 2nd by Selectman Maxant, VOTE: unanimous, so moved.

Agenda Item #4. Personnel Board re Reclassification Policy & Finalization of Personal Policy Manual

The Board met with Kathleen O'Connor-Chairman, Lisa White and John Kilcommins members of the Personnel Board. Mr. Pontbriand opened the discussion by advising the Board to one unresolved issue re the Personnel Policy-the reclassification issue and advised the Board to having received an electronic communication earlier today from Town Counsel re the 2003 version of the Policies and Procedures Manual. Mr. Pontbriand advising to Town Counsel stating his review of the 2003 policy as recommended by the Personnel Board is currently in effect which was voted on by the Board of Selectmen in 4-23-03 remains in force and effect. Mr. Pontbriand reviewed with the Board to Town Meeting adopting a Personnel Bylaw on 5-13-96 which describes the procedures by which personnel policies are adopted by the Town. Town Counsel advised to Public Hearings being conducted re adoption of the manual and was presented to the Board of Selectmen on 2-17-03 further minutes of 4-29-03 reflect adopting the 2003 version of the personnel policies. Mr. Pontbriand advised on that basis it is Town Counsel's opinion that the 2003 version of the Personnel Manual was adopted in conformity with the Bylaw and voted by the Selectmen. Chairman Fay stated the 2003 Policy is valid and the Board must abide by it. Ms O'Connor stated never were they informed the 2003 Policy was approved as policy. Selectman Conley advised the Board to being on the Personnel Board in 2003 when the re-classification language was adopted and attached with the policy in the Selectmen's Office stating further to operating under this policy and reclassified several employees under the 2003 policy. Selectman Maxant agreeing with Selectman Conley stating nothing the Board has done made the 2003 policy invalid. Chairman Fay stating the Board's vote this evening would throw out the 2003 policy and be valid by our vote. Questioning Ms. O'Connor if the current Personnel Board looked at the 2003 policy, Ms. O'Connor stating they had. Selectman Luca questioned Town Counsel's recommendation questioning if the issue was asked in correct context. Ms. White stating in her five (5) years on the Board and

5-22-12

reclassifications she has been involved with, the 2003 policy was not used. Chairman Fay called for a vote to approve the current revised and finalized Personnel Policy as presented by the Personnel Board. Selectman Luca aye, Selectman Hillman aye, Selectman Maxant no, Selectman Conley no, Chairman Fay aye, 3-2 motion passes. Chairman Fay thanked the Personnel Board for all their work and requested the Town Administrator get the Policy out to all departments. Chairman Fay also putting out a request for volunteers advising to the Personnel Board having two (2) openings, interested candidates to contact Mr. Pontbriand.

Agenda Item #5. Town Administrator's Report-

1. Administrative Update-see report dated 5-2-12 to 5-21-12-Mr. Pontbriand reported on his matrix of project task list/s requesting the Board to contact him if they have questions or concerns re same.

2. Automated Climate Controls-Ayer Town Hall-Mr. Pontbriand presented the contract successfully procured for the Town Hall advising the Board to the successful bidder BCM Controls of Woburn, MA (Company that did the Wastewater Treatment Plant System Upgrade). Mr. Pontbriand presented the contract in the amount of \$57,675.00 funding from the Green Communities Grant. Selectman Luca moved the Board vote to approve the Contract to BCM Controls of Woburn MA in the amount not to exceed \$57,675.00, 2nd by Selectman Maxant VOTE: unanimous, so moved. Selectman Conley requesting Certificate of Insurance Mr. Pontbriand advising to it being on file and will make it available.

Agenda item #6. Economic Development Report-The Board met with Susan Provencher, Business Manager.

1. Ayer Housing Rehab Program-Request for Lien Forgiveness- Present for the discussion Jean McKenna. Case # 03-257E. Ms. Provencher gave the Board a brief background re CDBG house funded in Fy-03 for \$30,175.00 and completed in Fy-04 also funded with Gap Filler in the amount of \$3,150.00 and through (GTLO) in the amount of \$18,400.00 along with homeowner funding of \$33,688.00 advising to all the work done involved de-leading the property. Ms. Provencher advising to the owner/s now preparing to sell the house. When the property is sold they must repay the State \$19,978 (\$18,400 for project and remainder close out cost re the GTLO loan) Ms. Provencher advising to the owners owing the Town \$24,438 advising to CDBG and Gap Filler funds are to be repaid to the Town if the property is sold before the 15-year period but more than five (5) years has gone by the amount to be repaid will go down 1/120th/per month. Ms Provencher advising to the homeowner requesting a full or partial waiver of repayment of Town's lien in the amount of \$24,438.00 advising to the home owners spending much more on rehabilitating the property. Selectman Maxant stating his concerns re funding forgiveness takes money away from somewhere else Ms. Provencher advising from Program Income, less money available to run office. Selectman Conley moved the Board waive entire repayment of \$24,438.00, 2nd by Selectman Luca stating he does not wish to set precedent agreeing with Selectman Conley stating each case is weighted on its own merit. Selectman Maxant stating this has never been done before. VOTE: Selectman Conley aye, Selectman Luca aye, Selectman Hillman aye, Selectman Maxant no, Chairman Fay aye, 4-1 motion passes.

2. Sale of Spaulding Building-25 Main Street- Present for discussion Calvin Moore.-Selectman Hillman requesting to be recused from discussion due to brother-in-law involved in sale and left the table due to conflict of interest. Ms. Provencher advising to DHCD requesting something in writing stating the Town approves the sale of 25 Main Street as long as the rental restriction on the building stays in place. Ms Provencher advising once DHCD received written notice they would proceed with their approval. Selectman Luca moved the Board approve sending a letter to DHCD stating the Town's approval of the sale of the Spaulding Building, 25 Main Street, with the condition that the rental registration that is on the building stay in place, 2nd by Selectman Conley requesting the letter be prepared for the Board's review and advised to letter to be drawn up by DHCD, VOTE: unanimous, so moved.

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3. Drug Court Grant Submission-Ms Provencher updated the Board to the Town's completing the third year grant from SAMHSA that assists with support of the running of the Drug Court in Ayer and Concord. Ms. Provencher advised the Board to meeting with Advocates, Judge Brook's rep, and she or David on 5-24-12. The Town received and distributes the funding and has partnered with the Court House for the past three years on the SAMHSA Grant and previously with the a Department of Justice Grant. Selectman Conley moved the Board approve the Office of Community Development working with Advocates to obtain and process a Drug Court Grant, 2nd by Selectman Luca, VOTE: unanimous, so moved.

Agenda Item #7. New Business/Selectmen's Questions-

1. Selectman Hillman: Selectman Hillman recommended the Board adopt "Adopt a Road Program" advising the Board to his being approached by several landscapers offering their assistance cleaning up the rotaries in Town, as well as the "Old School House" area presently covered with trees and if cleaned up would offer a place for children to play . Selectman Hillman advised the Board to Supt. Wetzel supporting this clean-up by the businesses. Selectman Conley praising this effort stating the Adopt a Road being very popular a few years ago and a wonderful idea to bring back, start small see where it goes. Selectman Luca also agreeing it being a great idea and offered his assistance. Selectman Hillman to keep the Board apprised.

2. Selectman Luca-Appointment Process for Nashoba Valley Tech Regional School Committee Member-

Selectman Luca advised the Board to the Town of Ayer being accepted last week by the member communities making up NVRTS. Selectman Luca stating the next step in the process is to appoint representative to represent the Town of Ayer. Mr. Pontbriand requesting interested candidates submit letter of interest/resume to Board of Selectmen. Mr. Pontbriand recommending the 2nd meeting in June to have all members meet and interview candidates. (Regional School Committee Members, Moderator, and Board of Selectman). Selectman Luca requesting to get advertisement out as soon as possible, deadline for applications 6-15-12 by 5:00p.m. The Board voted to authorize a letter to be submitted to Supt. Mock re requesting number of students attending Minuteman and advise if program offered/not offered at NVTRS and who approves, have Supt. Mock advise.

3. Selectman Luca-Submission of Reclassification of Assistant Treasurer to Personnel Board-

Selectman Luca requested the Board request the Asst. Treasurer be invited in to meet with the Board re her reclassification request submitted to the Board 3-4 months ago. Mr. Pontbriand updated the Board to the employee making this request and the Board denied. Selectman Luca requesting to revisit this issue at the next Selectmen's Meeting and invite Ms. Doig in to meet with the Board.

4. Selectman Conley-SHAVE program start-up. Mr. Pontbriand advising to program being in place by 7-1-12.

Tax Title Workshop to be conducted in July 2012 and being an afternoon meeting.

JBoS-Selectman Maxant advising the Board to next JBoS Meeting Thursday May 26, 2012 @ 7:30p. m. with one (1) issue Agenda-Changing 498. Chairman requesting the entire JBoS presence. Selectman Maxant requesting the Board's availability: Selectman Luca stating he is not available 6-14-12, Selectman Fay stating he is done with JBoS. Selectman Maxant to report Board's sentiment of Ayer Board to JBoS Schedule for next Selectmen's meeting 6-5-12.

Selectman Hillman- taking this opportunity to thank the Bresnahan Family for hosting the 5 mile run and 2 mile walk on Saturday, May 19,2012, the event raised a lot of money for the schools and goes to show great the Town of Ayer is, and advising to record turnout.

8:40p. m. Selectman Luca moved to adjourn the meeting, 2nd by Selectman Conley, VOTE: unanimous, so moved.

8;40-p.m. Open Session concluded.

5-22-12

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Date: _____

Pauline Conley, Clerk, Ayer Board of Selectmen

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5-22-12

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