

Town of Ayer  
Board of Selectmen  
Ayer Town Hall – 1<sup>st</sup> Floor Meeting Room  
Ayer, MA 01432



**Tuesday August 16, 2016**  
**Meeting Minutes**

*Broadcast and Recorded by APAC*

Present: Gary J. Luca, Chair; Christopher R. Hillman, Vice-Chair (*Arrived at 7:00 PM*); Jannice L. Livingston, Clerk

Robert A. Pontbriand, Town Administrator  
Carly M. Antonellis, Assistant to the Town Administrator

**Call To Order:** G. Luca called the meeting to order at 6:00 PM.

**Executive Session:** A motion was made by J. Livingston and seconded by G. Luca to enter into Executive Session pursuant to MGL c.30A, sec.21A Exemption #1 (DPW Personnel Matter) and to reconvene in Open Session at 7:00 PM. J. Livingston further stated that to discuss this matter in Open Session would be detrimental to the Town's negotiating strategy. **By Roll Call Vote:** G. Luca, aye; J. Livingston, aye. **Motion passed 2-0.**

**Reconvene in Open Session:** G. Luca reconvened the BOS in Open Session at 7:00 PM.

**Review and Approve Agenda:**

**Motion:** A motion was made by J. Livingston and seconded by C. Hillman to approve the agenda. **Motion passed 3-0.**

**Pledge of Allegiance:** BOS members and meeting attendees stood and recited the Pledge of Allegiance.

**Announcements:** G. Luca wished Mr. Ernie Blasetti a Happy 100<sup>th</sup> Birthday.

**Public Input:** None

**Superintendent Mark Wetzel, Department of Public Works:** M. Wetzel began by recognizing Town Engineer Dan Van Schalkwyk on recently being named a "Roads Scholar" by the Bay State Roads Program.

*Appointment of Water/Wastewater Meter Reader/Laborer* – M. Wetzel introduced Mr. Tim Lahtinen as his recommended candidate for the position of Water/Wastewater Meter Reader/Laborer. Mr. Lahtinen has worked in the DPW Office as Office Assistant since February of 2012. He is recommending that Mr. Lahtinen be appointed at Step 3.

G. Luca stated that he is always happy to see a promotion from within.

**Motion:** A motion was made by C. Hillman and seconded by J. Livingston to appoint Mr. Tim Lahtinen to the position of Water/Wastewater Meter Reader/Laborer at Step 3 effective August 18, 2016. **Motion passed 3-0.**

*East Main Street Contract Change Order* – M. Wetzel explained that the changed order is for additional paving on East Main Street and replacement of water mains on Fletcher Street, Prospect Street and Oak Street. These funds are being added to the contract due to additional available grant funding. The change order is in the amount of \$303,723.30.

**Motion:** A motion was made by J. Livingston and seconded by C. Hillman to approve Change Order #2 for the East Main Street Contract Change Order in the amount of \$303,723.30 with signature by the Chair.

**Motion passed 3-0.**

*West Main Street Wastewater Pumping Station Change Order* – M. Wetzel presented a Change Order for the West Main Street Wastewater Pumping Station stemming from a change in location request by the affected property owner (Calco, LLC.). The amount of the Change Order is \$19, 642.

**Motion:** A motion was made by C. Hillman and seconded by J. Livingston to approve the Change Order for the West Main Street Wastewater Pumping Station in the amount of \$19, 642 with signature by the Chair.

**Motion passed 3-0.**

*Wastewater Treatment Engineering Agreement* – M. Wetzel presented the Wastewater Treatment Engineering Agreement. The agreement is with CDM –Smith in the amount of \$200,000 for additional engineering, modelling and NPDES permitting at the Ayer Wastewater Treatment Plan.

**Motion:** A motion was made by J. Livingston and seconded by C. Hillman to approve the Wastewater Treatment Engineering Agreement between the Town of Ayer and CDM-Smith in the amount of \$200,000 with signature by the Chair. **Motion passed 3-0.**

*Status of Ayer Waste Supply and Recommendation for Additional Restrictions* – M. Wetzel gave a Power Point presentation about the need to conserve additional water given the recent drought conditions. He stated further that if the Town does not implement stricter mandatory water restriction, there will be long term consequences and the potential of a water supply emergency. He is recommending that the BOS, as the Water Commissioner, implement a restriction of 5f Outdoor Water Use Ban. A 5f restriction bans all outdoor water use with the following exceptions: watering with hand hose or watering can.

G. Luca asked M. Wetzel if he had an approximate idea about the number of irrigation systems in Town. M. Wetzel stated that there about 3,100 water users in Town and about 300 irrigation systems that he is aware of.

C. Hillman asked if the Water Ban would affect residents with private wells. M. Wetzel stated that it is not part of his recommendation.

**Motion:** A motion was made by C. Hillman and seconded by J. Livingston to adopt the DPW Superintendent's recommendation of implementing a 5f Outdoor Water Use Ban effective immediately.

**Motion passed 3-0.**

**Public Hearing, MGL c. 61 sec. 8, Nashua Street Extension:** At 7:35 PM, J. Livingston opened the Public Hearing by reading the public hearing notice. R. Pontbriand gave a brief overview of the letter received by the Town on May 24, 2016 by Cowfield Realty Trust II notifying the Town of their intent to convert Chapter 61 land to residential use, specifically Assessor's Map 13 Parcel 10. R. Pontbriand stated that the Town conducted an appraisal that came in at \$535,000.

G. Luca asked if the any members of the public had input.

Ms. Barbara Mack, 105 Pleasant Street, stated that in the future she would be happy to help the Town in grant writing for open space land acquisition.

Ms. Beth Sudemeyer, 16 Nashua Street gave a Power Point Presentation about the benefits of the Town purchasing the parcel and maintaining it as open space. She stated the land has prime agricultural soil and has several Environmental Justice designations. She also shared a concept about using the land, as well as other additional properties, to connect the Rail Trail to the schools on Washington Street for a safe walk route to school. She stated that there is another Chapter 61 property on Pleasant Street that is in the pipeline for conversion and that land would also be beneficial for the Town to purchase to maintain as open space.

Mr. Frank Maxant, 14 Williams Street inquired whether or not the property owner would be interested in selling the development rights.

Ms. Bonnie Tillotson, 15 Oakridge Drive asked whether or not you could transfer the right of first refusal to a non-profit. C. Hillman stated that he did not feel comfortable giving up the Town's rights to some other entity.

B. Sudemeyer stated that the Town of Ayer is rapidly approaching build-out and it is prudent to take this seriously.

Calvin Moore, property owner, thanked Ms. Sudemeyer for all the hard work that went into the presentation and then asked the BOS to make a decision as soon as possible.

R. Pontbriand stated that unfortunately, the Town has been in a reactive position and the appraised price to acquire the land is considerable. He has since convened a Chapter 61 working group to prioritize the purchasing of Chapter 61 land.

Mr. Dan Gleason, 24 Howard Street suggested that the Town put it on a Town Meeting warrant to let the voters decide.

**Motion:** A motion was made by C. Hillman and seconded by J. Livingston to waive the Town's right of first refusal and not pursue the acquisition of the property. **Motion passed 3-0.**

**Motion:** A motion was made by C. Hillman and seconded by J. Livingston to close the public hearing at 8:30 PM. **Motion passed 3-0.**

**West Main Street/Shirley Street Culvert Engineering Update:** M. Wetzel and representatives from Hoyle Tanner and Associates, Inc. and Word Tech Engineering gave an update on the status of the engineering for the West Main Street Culvert and Shirley Street Bridge. The presentation highlighted project goals/objectives; existing conditions; design consideration; alternative analysis; funding and next steps. M. Wetzel stated that recently signed bridge funding legislation and the complete streets program may mitigate local cost to the project. The anticipated schedule is for a public input meeting in September 2016; Draft Preliminary Design Report by October 2016; BOS Meeting in November 2016 and a final design report back to the Town by late November 2016.

**Town Administrator's Report:**

R. Pontbriand is recommending the following appointments:

- Mr. Ross Gatta from Nasoya Foods to the Water and Sewer Rate Review Committee

**Motion:** A motion was made by C. Hillman and seconded by J. Livingston to appoint Mr. Ross Gatta to the Water and Sewer Rate Review Committee for a one year term to expire June 30, 2017. **Motion passed 3-0.**

- Ms. Julie Murray to the Community Preservation Committee

**Motion:** A motion was made by C. Hillman and seconded by J. Livingston to appoint Ms. Julie Murray to the Community Preservation Committee for an unexpired three year term to expire June 30, 2018. **Motion passed 3-0.**

- Chief Murray, Ayer Police Department asked for the following list of Department of Defense Police Officers be appointed as Special Police Officers: Lt. Kelly White; Sgt. Rusty Simoneau; Off. Tobey Langley; Off. Nathan Buckley; Off. Nicholas Trinqu; Off. Adam Kalil; Off. Luciano Biancaniello; Off. Aaron Blinn; Off. Richard Russ.

**Motion:** A motion was made by C. Hillman and seconded by J. Livingston to appoint the abovementioned list as Special Police Officers. **Motion passed 3-0.**

*Approval of Ladder 1 Rehab Contract* – On behalf of Chief Pedrazzi, Ayer Fire Department, R. Pontbriand is requesting the BOS to approve the contract for rehabilitation of Ladder 1 in the amount of \$247,980 to Greenwood Emergency Vehicles.

**Motion:** A motion was made by C. Hillman and seconded by J. Livingston to appoint approve the contract between the Town of Ayer and Greenwood Emergency Vehicles in the amount of \$247,980 for the purpose of rehabilitation for Ladder 1. **Motion passed 3-0.**

*Page-Hilltop Day of Kindness Temporary Partial Main Street Closing* – R. Pontbriand explained that he had received a request from Page-Hilltop Elementary School requesting that the BOS approve a temporary, partial closing of Main Street between Washington and Columbia Streets on Sunday November 13, 2016 from approximately 12:45 PM to 1:30 PM for the purposes of student and teachers to participate in World Kindness Day. Board members had no objections.

*Amendment #2 Veteran Services at MassDevelopment* – R. Pontbriand is requesting that the BOS authorize Amendment #2 of the Veteran's Services Contract between the Town of Ayer and MassDevelopment, which enables the Town of Ayer's Veteran Service Officer to provide services for veterans living in Devens.

**Motion:** A motion was made by J. Livingston and seconded by C. Hillman to extend the contract for an additional year until August 31, 2017. **Motion passed 3-0.**

#### **New Business/Selectmen's Questions:**

*MPO Rule Making Changes and Letter of Support (Selectman Luca)* – G. Luca reported that he recently attended an MPO meeting and that the Federal Highway Administration and the Federal Transit Administration are looking to consolidate the number of MPO regions across the country. The Montachusett Planning Organization is opposing the proposed change and is asking each local BOS to send a letter of opposition.

**Motion:** A motion was made by C. Hillman and seconded by J. Livingston to authorize the Town Administrator to write and send a letter of opposition from the Town of Ayer. **Motion passed 3-0.**

#### **Approval Meeting Minutes:**

**Motion:** A motion was made by J. Livingston and seconded by C. Hillman to approve the meeting minutes of July 12, 2016. **Motion passed 3-0.**

**Executive Session:** A motion was made by J. Livingston and seconded by C. Hillman to enter into Executive Session pursuant to MGL c.30A, sec.21A Exemption #3 (Litigation Strategy) *Gintner v. Town of Ayer*; Exemption #3 (Litigation Strategy) *Worthendale v. Town of Ayer*; Exemption #3 (Collective Bargaining) Police Superiors Contract Negotiations update and to adjourn from Executive Session. J. Livingston further

stated that to discuss these matters in Open Session would be detrimental to the Town's negotiating strategy.  
**By Roll Call Vote:** G. Luca, aye; C. Hillman, aye; J. Livingston, aye. **Motion passed 3-0.**

**Minutes Recorded and Submitted by Carly M. Antonellis**

**Date Minutes Approved by BOS:** 6 SEP 16

**Signature Indicating Approval:** Jennie Re Livingston