

Town of Ayer
Board of Selectmen
Ayer Town Hall – 1st Floor Meeting Room
Ayer, MA 01432



Tuesday October 18, 2016
Meeting Minutes

Broadcast and Recorded by APAC

Present: Gary J. Luca, Chair; Jannice L. Livingston, Clerk
Robert A. Pontbriand, Town Administrator

Absent: Christopher R. Hillman, Vice-Chair

Call to Order: G. Luca called the meeting to order at 7:00 PM.

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

Review and Approve Agenda:

Motion: A motion was made by J. Livingston and seconded by G. Luca to approve the agenda. **Motion passed 2-0.**

Announcements: R. Pontbriand announced that the Super Town Meeting will take place on Monday, October 23, 2016 at 7:00 PM in the Ayer Shirley High School Auditorium followed immediately by the Special Fall Town Meeting.

Public Input: Ms. Karen Strickland and Mr. Phil Strickland of Ayer Moving and Storage and Ms. Erin Tosi and Mr. Larry Tosi of Patriot Painting addressed the Board about their concerns last week regarding the removal of their Rotary Island Signs by Selectman Hillman. G. Luca apologized for the Board of Selectmen and stated that the Town appreciates their involvement with the Adopt and Island Program. All parties stated that they looked forward to moving forward.

Chief William A. Murray, Ayer Police Department: *Appointment of Patrol Officer* - Chief Murray presented Mr. Christopher D. Lowney as a candidate for appointment as a full-time police patrol officer for the Town of Ayer. Chief Murray presented Mr. Lowney's credentials and asked that the Board appoint him subject to a full medical and psychological clearance to a term effective November 1, 2016. Upon appointment, Mr. Lowney would attend the Police Academy starting on January 2, 2017.

Motion: A motion was made by J. Livingston and seconded by G. Luca to appoint Mr. Christopher D. Lowney as a police patrol officer effective November 1, 2016 at Step 1 subject to a full medical and psychological clearance. **Motion passed 2-0.**

Traffic Regulations - Chief Murray advised the Board that the Town's traffic regulations date back to 1939 and are in need of a full review and update. He stated that if the Board concurred he would proceed with the project and then come back to the Board with a completed draft proposal for Board approval. The Board of Selectmen concurred with Chief Murray and asked him to proceed.

Ms. Alicia Hersey, Program Manager, Office of Community Development: *Lien Subordination Request 05-291 & 06-315* - Ms. Alicia Hersey, Program Manager for the Office of Community Development appeared before the Board seeking the Board's approval of lien subordination requests 05-291 & 06-315 as presented in the Board Packet.

Motion: A motion was made by J. Livingston and seconded by G. Luca to approve the lien subordination requests 05-291 & 06-315 as presented. **Motion passed 2-0.**

MART Update – Commuter Rail Parking/Access Improvement Project: Mr. Bruno Fisher, Deputy Administrator for MART appeared before the Board regarding a project update for the Commuter Rail Surface Parking Lot and Access Improvement Project. Mr. Fisher advised the Board that Weston and Sampson has been hired as the design engineering consultant firm for the project. MART had the first internal meeting with the consultant this past week at which the Town and ATSAC were represented. MART and the consultant are working with the DCR and Executive Office of Environmental Affairs regarding the MEPA process for transfer of the rail trail lot. MART is working with the consultant and the Town regarding interim pedestrian access improvements for the winter to the platform which will include interim fencing, lighting, and some other minor improvements. MART is working on the private property acquisition on Park Street and has received one favorable response so far. MART and the consultant will be working over the next 8 weeks to prepare the conceptual schematics for the purposes of starting the public design process.

R. Pontbriand added that the Town through the Economic Development Office will be sponsoring a public workshop/charrette on November 4th and 5th regarding the best uses for the USO Building. The public is encouraged to attend and participate.

Patrick Hughes (resident and member of ATSAC) stated that he has concerns about the project and that there should be public input before the public design process.

Bruno Fisher stated that the consultant will be developing at least four general concepts to start that public process. At that point the public process will begin and the Town needs to decide what it wants and does not want. After the public process than the Board of Selectmen will vote to authorize the design and the final design process will commence.

G. Luca stated that this project is a surface parking lot with access improvements at Depot Square and that the Board will insure that this project takes into account the public design process, best practices, and is the optimal project for the Town.

J. Livingston stated that the Board has and will continue to be transparent with this project and the process and that the Board will not just approve a design that has not gone through a thorough public process and incorporates what is best for the Town.

Jim Fay (resident and Chair of the Planning Board) asked for clarification on the final design process.

Bruno Fisher explained that MART is the region's federal transit authority and because this is a federal transportation grant funded project, by law it is the project manager and works for the Town. The Board of Selectmen must make the final decision and vote on the final design process. This is after the public design process has occurred.

Jim Fay asked G. Luca if he still had any conflict of interest issues.

G. Luca stated that he has consulted with State Ethics and though his brother-in-law by marriage owns one of the private properties to be acquired; he does not have a conflict of interest in terms of the design process.

Bruno Fisher thanked the Board for the opportunity to meet.

Town Administrator's Report: R. Pontbriand advised the Board that per the Open Meeting Law, the Joint Meeting with the Planning Board could not occur until 8:00 PM and thus there were approximately 20 minutes until then so he would offer a report on various administrative matters.

Approval of Meeting Minutes: At the conclusion of the Town Administrator's Report there was still 5 minutes remaining until 8pm so the Board took up the approval of the October 4, 2016 meeting minutes.

Motion: A motion was made by J. Livingston and seconded by G. Luca to approve the meeting minutes of October 4, 2016. **Motion passed 2-0.**

Joint Meeting of the BOS and Planning Board to Appoint Planning Board Member: Jim Fay, Planning Board Chairman called to order the Ayer Planning Board at 8:00 PM consisting of Jennifer Gibbons, Mark Fermanian, and Mr. Fay.

R. Pontbriand explained that the Board of Selectmen and Planning Board would interview the candidate who has put forth her letter of intent and credentials for appointment to the Planning Board to fill a vacancy until the Town Elections in April 2017. A majority vote of all of the Selectmen and Planning Board Members present would constitute an appointment (there were 3 Planning Board Members and 2 Selectmen present).

Ms. Susan (Sue) Kennedy of Ayer presented herself to the Joint Meeting and stated that she moved to Ayer last April and wanted to get involved with the Town. She previously was involved with planning in Acton where she served on the East Acton Village Committee. She is also a member of the Ayer Fourth of July Committee, has been following the Master Plan Committee and serves on the Democratic State Committee.

Motion: A motion was made by M. Fermanian and seconded by J. Fay to appoint Ms. Susan (Sue) Kennedy to fill the existing vacancy on the Ayer Planning Board until the Town Election in April 2017. **Motion passed 5-0** (G. Luca and J. Livingston Yes for the BOS; and Jim Fay, Mark Fermanian and Jennifer Gibbons Yes for the Planning Board).

Motion: A motion was made by M. Fermanian and seconded by J. Gibbons to adjourn the Planning Board at 8:10 PM. **Motion passed 3-0.**

Adjournment:

Motion: A motion was made by J. Livingston and seconded by G. Luca to adjourn at 8:10 PM. **Motion passed 2-0.**

Minutes Recorded and Submitted by Robert A. Pontbriand, Town Administrator

Date Minutes Approved by BOS: 11 NOV 16

Signature Indicating Approval: 