

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



Tuesday November 1, 2016  
Open Session Meeting Minutes

Present: Gary J. Luca, Chair; Christopher R. Hillman, Vice-Chair (Entered at 6:33 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.

**Motion:** A motion was made by J. Livingston and seconded by G. Luca to enter into Executive Session pursuant to MGL Chapter 30A, Section 21A Exemption #3 (Litigation Strategy) Properties Enforcement: *Town of Ayer v. Velardi*; *Town of Ayer v. Ernisse*; 190 West Main Street; 64 Westford Road and Exemption #3 (Litigation Strategy) *U.S. v. B&M Railroad v. Town of Ayer*. J. Livingston further stated that to discuss these items in Open Session would be detrimental to the Town's negotiating strategy. By Roll Call Vote: G. Luca, aye; J. Livingston, aye. **Motion passed by roll call 2-0.**

**Reconvene in Open Session:** The Board of Selectmen reconvened in Open Session at 7:25 PM.

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

**Review and Approve Agenda:** R. Pontbriand asked that item #3 under his report "Approval of Council on Aging MART Contract" be removed.

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

**Announcements:** G. Luca made the following announcements:

- The Presidential Election is being held on Tuesday November 8, 2016 from 7:00 AM – 8:00 PM on the 2nd floor of Ayer Town Hall.
- Early Voting is available during regular business hours until Friday November 4, 2016 at 1:00 PM
- 2nd Quarter Taxes are due today November 1, 2016.
- G. Luca also wished Ms. Lisa White, Administrative Assistant at the Ayer Fire Department best wishes. Ms. White recently announced she'll be relocating to Texas. Ms. White was a Town employee for the past 16 years.

**Public Input - None**

**Application for Common Victualler's License - Lamp and Dragon, 41 Main Street** – Ms. Hannah Rudd was in attendance seeking a Common Victualler's License for her already established business, The Lamp and Dragon, located at 41 Main Street. She is looking to add a café to the comic book and game store. Ms. Rudd has submitted proof of her Serv Safe Certification.

**Motion:** A motion was made by J. Livingston and seconded by C. Hillman to approve the Common Victullaer's License for Lamp and Dragon, 41 Main Street. **Motion passed 3-0.**

**Ms. Alicia Hersey, Director, Office of Community Development** - *Contract Execution Advocates Inc. - Behavioral Health Treatment Court Collaborative* – Ms. Alicia Hersey and Ms. Hillary Curtis, Director of Advocates Inc. were in attendance seeking approval of the 2016-2017 Behavioral Health Treatment Court Collaborative grant. Ms. Hersey stated this was the third year of a four year grant.

G. Luca asked about the opioid epidemic in the area. H. Curtis stated that there were a lot of people struggling and Advocates, Inc. is looking to increase education by community outreach.

**Motion:** A motion was made by J. Livingston and seconded by C. Hillman to approve the 2016-2017 BHTCC contract with Advocates, Inc. in the amount of \$341,312 for the period of September 30, 2016 – September 29, 2017. **Motion passed 3-0.**

**Public Hearing - Application for § 12 (On Premise All Alcohol) License** - *The Revival Pub, 25 Main Street* – J. Livingston opened the Public Hearing at 7:31 PM by reading the Public Hearing notice as advertised in the Nashoba Valley Voice on October 14, 2016.

Mr. Keith Leighton was in attendance seeking approval of an All Alcohol License for 25 Main Street for a new establishment, The Revival Pub. He stated that the establishment will be small and serve craft beer. He also stated that the occupancy will be about 28 people. He plans to open in the early spring of 2017.

There were no abutters in attendance.

**Motion:** A motion was made by J. Livingston and seconded by C. Hillman to approve the Section 12 All-Alcohol License for the Revival Pub, 25 Main Street. **Motion passed 3-0.**

**Motion:** A motion was made by J. Livingston and seconded by C. Hillman to close the Public Hearing at 7:40 PM. **Motion passed 3-0.**

**Superintendent Mark Wetzel, Department of Public Works:** M. Wetzel was in attendance for the following various items:

*Main Street* – M. Wetzel stated that he is in the process of putting together budget figures for new sidewalk infrastructure on Main Street.

*Update on Pan Am Diesel Fuel Spill Clean-Up* – M. Wetzel presented a slide of the recent diesel fuel spill. He reported that both Pan AM and Department of Environmental Protection personnel were immediately on site to assess damage. The spill was caused by a piece of the track coming loose which caused a puncture in the diesel fuel tank causing an approximate 2,500 gallon leak. M. Wetzel stated that he does not believe that the Town's drinking water will be affected, but he is closely monitoring the situation.

*Recommendation of Reduced Sewer Connection Fee for Existing Residents* – M. Wetzel is recommending a temporary reduction in the sewer connection fee for existing residents with Town sewer abutting their property. He is proposing the temporary reduction be in effect until July 1, 2017 at a rate of \$2,000 per household, as opposed to \$4,800.

**Motion:** A motion was made by C. Hillman and seconded by J. Livingston to approve the temporary reduction in the sewer connection fee to \$2,000 for existing residents with Town sewer abutting their property until July 1, 2017. **Motion passed 3-0.**

*Pleasant Street Reconstruction Project Contract Change Order* – M. Wetzel presented project Change Order #2 in the amount of \$31,541.95 for the installation of temporary bypass and final connections for fire services on Main Street as part of the Pleasant Street Reconstruction project.

**Motion:** A motion was made by C. Hillman and seconded by J. Livingston to approve Change Order #2 in the amount of \$31,541.95 to Ricciardi Brothers, Inc. for the Pleasant Street Reconstruction Project. **Motion passed 3-0.**

*Pre-Engineered Garage at Grove Pond Water Treatment Plant Agreement* – M. Wetzel presented an agreement between the Town and Dankris Builders Corp. for construction of a pre-engineered garage at the Grove Pond Water Treatment Plant in the amount of \$308,986.

**Motion:** A motion was made by J. Livingston and seconded by C. Hillman to approve the agreement between the Town and Dankris Builders Corp. in the amount of \$308,986 for the pre-engineered garage at Grove Pond Water Treatment Plan Agreement. **Motion passed 3-0.**

*West Main Street Wastewater Pumping Station Contract Change Order* – M. Wetzel presented Change Order #2 for Scherbon Consolidated Inc. for the construction of the West Main Street Wastewater Pumping Station Replacement. The change order is for \$8,993 related to changes in connections to the existing sewer on West Main Street.

**Motion:** A motion was made by C. Hillman and seconded by J. Livingston to approve Change Order #2 in the amount of \$8,993 to Scherbon Consolidated Inc. for the West Main Street Wastewater Pumping Station project with signature by the Chair. **Motion passed 3-0.**

**Nashua Wild and Scenic River Study Status Report:** R. Pontbriand and Mr. Al Futterman from the Nashua River Watershed Association made a presentation a status report on the Wild and Scenic Rivers Nashua River Study Committee. The study will determine if a portion of the Nashua River can be designated federally as a Wild and Scenic River. A Wild and Scenic Designation adds federal protection to ensure that any future federally-funded or permitted water resource project would not adversely impact the River. Both R. Pontbriand and A. Futterman will be presenting the status report to the Boards of Selectmen in Dunstable, Groton, Harvard, Lancaster, Pepperell, Shirley and Townsend.

**Town Administrator's Report:** R. Pontbriand gave a brief administrative update focusing on the Fall Town Meeting of October 24, 2016, Capital Planning Process and the FY' 18 budget.

*Authorization for Full-Time Conservation Agent Hours* – Following the passage of Article 3 on the Fall Special Town Meeting Warrant of October 24, 2016, R. Pontbriand is requesting authorization to proceed with extending the Conservation Agent's hours from part-time to full-time benefitted status.

**Motion:** A motion was made by J. Livingston and seconded by C. Hillman to authorize the extension of the Conservation Agent's hours from part-time to full-time benefitted status effective November 2, 2016. **Motion passed 3-0.**

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

*Signs at the Rotary (Selectman Luca)* - R. Pontbriand reported that after a request from G. Luca, he had been in contact with Chief Murray about an overabundance of signs recently being placed at the Rotary (Carlton Circle). R. Pontbriand reported that because the Rotary is under Mass Highway's jurisdiction, he has asked Chief Murray to set up a meeting with Mass Highway to discuss the issue and look for possible solutions. Chief Murray will report back at the next BOS meeting.

C. Hillman echoed G. Luca's concern about the signs. J. Livingston stated that the Town has to find a balance because the signs at times are of value to the residents by displaying information.

G. Luca then stated that the recently reengineered intersection with traffic lights at Willow Rd and Rt. 2A looks good and that he is sure it is helping with traffic concerns.

*Status of Advocates Building (Selectman Luca)* - G. Luca stated that the intent of the taking of the Advocates building was to make access for public space and was concerned with the upcoming event being hosted by the Office of Economic and Community Development. G. Luca would like to see the building razed for the benefit of the Rail Trail Commuter Lot Access Project.

C. Hillman echoed G. Luca's concerns. R. Pontbriand stated that the Office of Economic and Community Development was holding a visioning exercise and that demolition was part of the potential solutions on what to do with the building. He advised that as of late last week MART has indicated they will pay for the demolition of the building, if the Town chooses to go in that direction. He also stated that the vote on whether to raze the building rests with the BOS.

*Update on Various Projects/Items (Selectman Hillman)* - C. Hillman thanked the R. Pontbriand for answering an email with a variety of topic matters including the Main Street fence, the downtown traffic study, MBTA/Pan AM easement on Main Street and LED lighting upgrades at the Town Hall.

**Approval of Meeting Minutes:**

**Motion:** A motion was made by J. Livingston and seconded by C. Hillman to approve the meeting minutes of October 18, 2016. **Motion passed 3-0.**

**Adjournment:**

**Motion:** A motion was made by J. Livingston and seconded by C. Hillman to adjourn at 9:02 PM. **Motion passed 3-0.**

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

**Date Minutes Approved by BOS:** 15 NOV 16

**Signature Indicating Approval:** Jennie Lee Livingston