

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



Tuesday January 17, 2017
Open Session Meeting Minutes

Present: Gary J. Luca, Chair; Christopher R. Hillman, Vice - Chair

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

Absent: Jannice L. Livingston, Clerk

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 C. Hillman and seconded by G. Luca to approve the agenda. **Motion passed 2-0.**

Review of Warrants: G. Luca stated that he signed the following warrants on behalf of the BOS:

- 2017-01-09 17-12 Accounts Payable \$1,164,110.02
- 2017-01-17 17-14 Payroll \$375,349.31

Announcements: G. Luca made the following announcements:

- 3rd and 4th Quarter Tax Bills have been mailed as of December 30, 2016. 3rd Quarter Taxes are due Wednesday, February 1st. 4th Quarter Taxes are due Monday, May 1st.
- Dog Tags for 2017 are available. Dog Tags are for all canines over the age of 6 months. They must be current on their vaccinations with proof.
- The 2017 Census was mailed on Monday, January 9th, 2017. Please complete and return to the Town Clerk's office within 10 days of receipt.

Public Input: Mr. Jim Fay, Chairman of the Memorial Garden Committee announced that the Committee has reached their goal of 25 new applicants, which starts the process of fundraising for a new plaque. He stated that he'll be doing public outreach and fundraising between now and Veteran's Day.

Superintendent Mark Wetzel, Department of Public Works: M. Wetzel was in attendance requesting the approval of the following items:

East Main Street Water Main Change Order #3 – Execution of Change Order: Change Order #3 is for Cedrone Construction in the amount of \$13,445.67 for additional paving related to the water main construction on East Main Street and East Street.

Motion: A motion was made by C. Hillman and seconded by G. Luca to approve Change Order #3 with Cedrone Construction in the amount of \$13,445.67 with signature by the Chair. **Motion passed 2-0.**

Recommendation for New Sidewalk Fitchburg Road: M. Wetzel stated that the Complete Streets Workgroup has identified the need for a sidewalk on Fitchburg Road (Route 2A) from Park Street to the Shop 'n Save due the significant number of pedestrians. M. Wetzel is seeking support from the BOS to work with MassDOT to complete this task because MassDOT will be paving that area within the next couple of years. G. Luca stated that he had the BOS support.

Ms. Alicia Hersey, Program Mgr., Office of Community Development: A. Hersey was in attendance requesting that the BOS consider using CDBG program income funds to support the Office of Community Development once the FY'15 grant funds run out. A. Hersey is requesting approval of \$40,576.45 in program income funds.

Motion: A motion was made by C. Hillman and seconded by G. Luca to approve the request for \$40,576.45 of program income funds to be used to support the Office of Community Development. **Motion passed 2-0.**

Town Administrator's Report: R. Pontbriand gave a brief administrative update stating that aside from the enforcement order on 66 Westford Road, the main focus of the Administration is the FY' 18 budget process. He also noted that the FY '18 Capital Budget process is underway and told BOS members that capital debt exclusions would likely be included on the April ballot. He also reported that he received correspondence from the Finance Committee Chairman that Ms. Marianne Zawacki would be resigning from the Committee and that there will be no Finance Committee quorum.

Update on MART Project – R. Pontbriand expressed his frustration with the delays on the project; specifically in the public design process and stated that the BOS will conceptual drawings to start public design process at their February 7, 2017 meeting. He stated that MART is working with National Grid to turn on lights near the Rail Trail Lot and they should be on within 2 weeks. R. Pontbriand stated that the fence at Depot Square has been erected. He then gave an update on the acquisition of the 3 Park Street parcels. The former Nu-Kar property is under agreement with MART; the owners of the remaining two parcels are not interested in selling their property because they believe the appraisal value was too low. R. Pontbriand explained that MART is bound by federal regulations and may only offer the appraised value for the land.

Connie Sullivan, 79 East Main Street asked if there was a large nexus between the appraised value and what the property owners were seeking in compensation. R. Pontbriand reported yes.

Harry Zane, 32 Wright Road asked if it was possible for the other properties to be purchased under the grant. R. Pontbriand will review and advise.

R. Pontbriand stated that the transfer of the DCR Rail Trail Lot was nearly complete. DCR has asked the Town to install a bathroom structure and they'll transfer the property directly to the Town.

R. Pontbriand stated that the tenants in the Advocates Building will be relocated by May 1st.

Several meeting attendees expressed frustration with the project timeline. R. Pontbriand that MART will be attending the next BOS meeting with conceptual/schematic drawings.

Classification of Building Commissioner Position – R. Pontbriand is recommending the appointment of Mr. Charles Shultz to the position of Building Commissioner effective immediately on a provisional basis subject to the completion of the Building Commissioner's State Examination within one year from the date of appointment at Grade 14 Step 1. The position is not in the Union.

Motion: A motion was made by C. Hillman and seconded by G. Luca to provisionally appoint Mr. Charles Shultz to the position of Building Commissioner effective January 18, 2017 at Grade 14 Step 1 pending successful completion of the Building Commissioner State Exam. **Motion passed 2-0.**

66 Westford Road Enforcement Update – R. Pontbriand stated that extermination effort at the property continues and that the rat population is contained to 66 Westford Road. He reported that the Town also submitted a status report, via Town Counsel, to the Court and anticipates another hearing within a couple of weeks.

R. Pontbriand further reported that DEP was on site per the Town's request and didn't see any immediate threats other than a drum of motor oil. Town Counsel is working with DEP to remediate the motor oil drum.

Paul Magno, 5 Rose Lane, asked if the Town was going to take down additional buildings. R. Pontbriand reported that is an issue for the court to decide.

R. Pontbriand reported that approximately 250,000 tons of waste has been removed from the property.

New Business/Selectmen's Questions: None

Approval of Meeting Minutes:

Motion: A motion was made by C. Hillman and seconded by G. Luca to approve the meeting minutes of December 20, 2016. **Motion passed 2-0.**

Motion: A motion was made by C. Hillman and seconded by G. Luca to approve the meeting minutes of January 3, 2017. **Motion passed 2-0.**

Executive Session Pursuant to MGL 30A, §21A Exemption #3 (Collective Bargaining):

Motion: A motion was made at 8:47 PM by G. Luca and seconded by C. Hillman to enter into Executive Session pursuant to MGL Chapter 30A, section 21A Exemption #3 (Collective Bargaining) Town Hall Clerical Union Contract Negotiations and to adjourn from Executive Session. G. Luca stated further that to discuss these matters in Open Session would be detrimental to the Town's negotiating strategy. **G. Luca, aye; C. Hillman, aye. Motion passed by Roll Call 2-0.**

Minutes Recorded and Submitted by Carly M. Antonellis

Date Minutes Approved by BOS: 7 FEB 17

Signature Indicating Approval: 