

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



**Tuesday April 19, 2016**

**Meeting Minutes**

*Broadcast and Recorded by APAC*

Present: Jannice L. Livingston, Chair; Gary J. Luca, Vice-Chair;  
Robert A. Pontbriand, Town Administrator  
Carly M. Antonellis, Assistant to the Town Administrator

Absent: Christopher R. Hillman, Clerk

**Call to Order:** J. Livingston called the meeting to order at 7:01 PM.

**Review and Approve Agenda:** R. Pontbriand stated for the record that the agenda was posted and then revised to include the appointment of the Community and Economic Development Director.

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

**Announcements:** J. Livingston made the following announcements:

- The Annual Town Election will be held on Monday April 25, 2016 from 7:00 AM – 8:00 PM at the Town Hall.
- The Annual Town Meeting will be held on Monday May 9, 2016 at 7:00 PM in the Ayer Shirley Regional High School Auditorium.
- The Town Wide Clean Up is being held on Saturday, April 30 and Sunday May 1, between 9am-1pm.
- Tickets are now on sale for Ayer Shirley Regional High School Drama Club's spring musical, "Rodgers & Hammerstein's CINDERELLA," being performed April 29 at 7:00 PM and April 30 at 2:00 PM and 7:00 PM.

**Public Input:** None

**Appointment of Nashoba Valley Technical High School Committee Member:** Town Moderator Tom Horgan and Ayer Shirley Regional School Committee members Pat Kelly and Michelle Granger were in attendance for the appointments. R. Pontbriand stated that according to correspondence received by Nashoba Valley Tech Superintendent Denise Pigeon, both School Committee members Ted Januskiewicz and Christine Logan (alternate) terms' expired on March 31, 2016.

The Moderator asked for nominations.

**Motion:** A motion was made by P. Kelly and seconded by M. Granger to nominate Mr. Ted Januskiewicz for reappointment to a three year term on the Nashoba Valley Technical School District Committee to expire March 31, 2019.

*G. Luca recuses himself*

**Motion passed 3-0.**

**Motion:** A motion was made by P. Kelly and seconded by M. Granger to nominate Ms. Christine Logan to a three year term as the alternate member for the Nashoba Valley Technical School District Committee to expire March 31, 2019. **Motion passed 4-0.**

**Reserve Fund Transfer Request:** Ms. Lisa Gabree, Town Accountant was in attendance to request a reserve fund transfer in the amount of \$1,428.00 in account 01136 Financial System Computer Support to cover training costs.

**Motion:** A motion was made by G. Luca and seconded by J. Livingston to approve the Reserve Fund Transfer in the amount of \$1,428.00 in account 01136. **Motion passed 2-0.**

**Police Chief William A. Murray, Ayer Police Department:** Chief Murray was in attendance to request the appointment of Mr. Casey Scott as Patrol Officer. Chief Murray explained that the opening of the position is imminent due to an injured on duty case resolving. He further explained that Mr. Scott has been a Dispatcher, Reserve Officer, and has graduated from the Police Academy.

**Motion:** A motion was made by G. Luca and seconded by J. Livingston to appoint Mr. Casey Scott as Patrol Officer effective the day after the Town receives clearance from PERAC for the active injured on duty case. **Motion passed 2-0.**

**Memorial Garden Committee Update:** Chairman Jim Fay was in attendance to give the BOS a status update on the Memorial Garden. They are looking for the names of additional veterans to place on a new plaque. He further explained that when the committee receives 25 names, with approved honorable discharge papers, the Committee will erect a new plaque.

Mary Spinner, 18 Myrick Street then asked about the status of the former fire station. She would like it to be assessed for Town Hall storage.

**Review and Approval of Annual Town Meeting Warrant and FY'17 Budget:** Town Accountant Lisa Gabree and R. Pontbriand gave a presentation on the FY'17 budget. R. Pontbriand then went through the FY'17 budget and May 9, 2016 Annual Town Meeting warrant. He asked BOS members to ask for a "pass" on items they wanted more information on or had questions with.

Town Moderator asked for a hold on Warrant Article 2. He thought the number of reports currently on the warrant was too high. After general discussion, it was agreed that those wishing to make reports may do so before the presentation of the relevant warrant article(s).

**Motion:** A motion was made by J. Livingston and seconded by G. Luca to remove Article 2 from the warrant. **Motion passed 2-0.**

J. Livingston asked for a hold on the last two articles relative to eminent domain. R. Pontbriand gave an update on the current status of the Depot Square Eminent Domain issue referencing his memo in the BOS packet. He stated that appraisals are currently under way.

R. Pontbriand then asked the BOS about whether to include both warrant articles pertaining to eminent domain. One article is for the taking of the access corridor; the other is for the taking of the access corridor and the Advocates building.

G. Luca stated that he was concerned with muddying the water and felt that the access corridor would be sufficient. He also stated that he didn't feel comfortable making the decision without Selectman Hillman being present.

J. Livingston felt that both articles should be included on the Annual Town Meeting Warrant and felt it important to let the voters decide at Town Meeting.

**Motion:** A motion was made by G. Luca and seconded by J. Livingston to close the May 9, 2016 Annual Town Meeting Warrant. **Motion passed 2-0.**

**Motion:** A motion was made by G. Luca and seconded by J. Livingston to approve the May 9, 2016 Annual Town Meeting Warrant with the changes as voted and to approve the FY'17 budget as presented. **Motion passed 2-0.**

**Town Administrator's Report:** R. Pontbriand then introduced Mr. Alan Manoian. Mr. Manoian is the Economic and Community Development Director Search Committee's recommended candidate. Mr. Manoian then spoke with the BOS about his employment history and what attracted him to Ayer.

**Motion:** A motion was made by G. Luca to appoint Mr. Alan Manoian to the position of Community and Economic Development Director at Grade 12, Step 3 effective May 2, 2016. **Motion passed 2-0.**

*Request for Additional All Alcohol License (Ayer Shop 'n Save)* – R. Pontbriand read a request dated March 28, 2016 from Mr. Miroslaw Szelest, the owner and manager of the Ayer Shop 'n Save located on Fitchburg Road. Mr. Szelest and Mr. Paul DiGeronimo, the property owner, were in attendance to request an additional all alcohol license. R. Pontbriand explained that because the Town is already at its quota, the request, if approved by the BOS, would need to go before Town Meeting for consideration.

G. Luca stated that though he is pro-business, he didn't feel comfortable voting for it because they have denied other business in the past. He stated further that he felt that it should be deferred for consideration until the fall.

J. Livingston and G. Luca stated that they felt more comfortable with the full BOS present to make a decision. J. Livingston stated that the Board will defer the request until the fall of 2016.

*FY '11 CDBG – Housing Rehabilitation Program Final Report* – R. Pontbriand presented a memo from Alicia Hersey, Program Manager for the Community Development Office. Ms. Hersey is requesting that the BOS approve the FY'11 CDBG Housing Rehabilitation Program Final Report.

**Motion:** A motion was made by G. Luca and seconded by J. Livingston to approve the CDBG FY'11 Close Out documents for the FY'11 CDBG Housing Rehabilitation program with signature by the chair. **Motion passed 2-0.**

*Review and Approval of Written Information Security Plan (WISP)* – R. Pontbriand presented a draft Written Information Security Plan as drafted by Cindy Knox, IT Director. He explained that that putting the WISP in place was a recommendation from the Town's last audit.

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

*Depot Square Eminent Domain Update* – The BOS already discussed this item under the Warrant discussion.

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

*Medical Marijuana Host Agreement Discussion (Selectman Hillman)* – The BOS deferred this item because C. Hillman was not in attendance.

**Approval Meeting Minutes:**

**Motion:** A motion was made by G. Luca and seconded by J. Livingston to approve the meeting minutes of April 5, 2016. **Motion passed 2-0.**

**Executive Session:** A motion was made by G. Luca and seconded by J. Livingston at 8:43 PM to enter into Executive Session pursuant to MGL c.30A, section 21A Exemption #2 (Non-Union Contract Negotiations) DPW Superintendent Personal Services Contract Amendment; Town Engineer Personal Services Contract Amendment; Exemption #3 (Collective Bargaining) DPW Contract MOA; Exemption #2 (Non –Union Contract Negotiations) Town Administrator Personal Services Contract and to adjourn from Executive Session. G. Luca further stated that to discuss these items in Open Session would be detrimental to the Town's negotiating strategy. **By Roll Call: J. Livingston, aye; G. Luca, aye. Motion passed by Roll Call 2-0.**

Minutes Recorded and Submitted by Carly M. Antonellis

Date Minutes Approved by BOS: May 3, 2016

Christopher R. Hillman, Clerk: Christopher R. Hillman