

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



Tuesday September 6, 2016
Meeting Minutes

Broadcast and Recorded by APAC

Present: Gary J. Luca, Chair; Christopher R. Hillman, Vice-Chair; 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 7:00 PM.

Review and Approve Agenda: R. Pontbriand stated that the 7:15 PM Economic Development Agenda Item had been removed from the agenda. G. Luca asked BOS members if there was an objection with taking MassDevelopment out of order.

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

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

Public Input: Mr. Jim Fay, 1 Victor Drive, gave the BOS an update on the 4th of July Committee. He also stated that the Planning Board, 4th of July Committee and the Memorial Garden Committee were all seeking members to serve in vacant seats.

Ms. Lisa Gabree, Town Accountant: L. Gabree was in attendance to request a Reserve Fund Transfer in the amount of \$7,474.40 in the Audit Services Account. These funds are needed for the Special Cash Audit that was done with the election of the new Treasurer.

Motion: A motion was made by C. Hillman and seconded by J. Livingston to approve the Reserve Fund Transfer request in the amount of \$7,474.40 to account 01135-53020 (Audit Services). **Motion passed 3-0.**

Chief William A. Murray, Ayer Police Department: Chief Murray introduced Ms. Erin McNulty, his recommended candidate for the position of Full-Time Dispatcher. Ms. McNulty educational background is in sociology and criminal justice and she is a resident of the Town of Ayer.

Motion: A motion was made by C. Hillman and seconded by J. Livingston to appoint Ms. Erin McNulty as Full-Time Dispatcher effective immediately pending successful background checks. **Motion passed 3-0.**

Appointment of Special Police Officer - Chief Murray is also requesting that Devens Department of Defense Officer Nicholas Trinque be appointed as a Special Police Officer for the purposes of filling details.

Motion: A motion was made by J. Livingston and seconded by C. Hillman to appoint Officer Nicholas Trinque as a Special Police Officer in the Town of Ayer effective immediately. **Motion passed 3-0.**

Presentation by MassDevelopment: Mr. Thatcher Kezer and Mr. Ed Starzek from MassDevelopment were in attendance to make a presentation regarding a proposed zoning amendment for Devens in preparation for the Super Town Meeting on October 24, 2016 prior to the Fall Special Town Meeting. T. Kezer and E. Starzek gave a brief history on the amendment, which had passed at previous Super Town Meetings in the Towns of Ayer and Shirley but failed in the Town of Harvard. The goal of the amendment is to rezone 32.7 acres of land in the vicinity of Beech and Plum Streets for Innovation and Technology Business uses.

Request for Additional All Alcohol License: Mr. Mike Szelest, owner of the Shop 'n Save located at 22 Fitchburg Road was following-up on his March 28, 2016 request for a home rule petition to the Legislature for an additional all alcohol liquor license. Mr. Szelest feels that expanding from beer and wine to all alcohol will be beneficial for his business.

G. Luca stated that he supports businesses in Town, but the Town is already over quota on the all alcohol licenses and the BOS has turned down other applicants in the past.

J. Livingston stated that she had no problem putting the vote forward to Town Meeting to vote.

C. Hillman said he also didn't have a problem putting the request forward to Town Meeting.

Motion: A motion was made by J. Livingston and seconded by C. Hillman to add to the Fall Town Meeting Warrant an article for authority to grant an additional all-alcohol liquor license via Home Rule Petition.

Motion passed 2-1.

Town Engineer Dan Van Schalkwyk, Department of Public Works: D. Van Schalkwyk was in attendance to request approval of a Change Order for the Pleasant Street Reconstruction Project. The Change Order is needed to perform a spot repair on a five foot portion of the sewer main.

Motion: A motion was made by C. Hillman and seconded by J. Livingston to approve Change Order #1 in the amount of \$5,500 to Ricciardi Brothers for the Pleasant Street Reconstruction Project with signature by the Chair. **Motion passed 3-0.**

Request for Sewer Abatement for 7 Wachusett Avenue East – D. Van Schalkwyk stated that Ms. Annie Reed, 7 Wachusett Avenue East has requested abatement in the amount of \$377.09 due to a leak in a pipe in a crawl space that happened last winter. DPW has investigated and is recommending the abatement.

Motion: A motion was made by J. Livingston and seconded by C. Hillman to approve the sewer abatement in the amount of \$377.09 for 7 Wachusett Avenue East. **Motion passed 3-0.**

Town Administrator's Report: R. Pontbriand gave a brief Administrative Update that included the following items: Building Department online permitting has gone live, the IT Director and the Town Treasurer are working on the ability to take tax payments via credit card payment in the Town Hall, the Executive Bi-Board will be meeting to discuss the preliminary FY'18 budget, the Capital Planning committee will be convening later in the Fall to discuss FY'18 capital requests, the Water and Sewer Rate Review Committee will be meeting on September 19, 2016, and the OPEB Board of Trustees is scheduled to meet in the Fall. R. Pontbriand also gave an update on the Commuter Rail Surface Lot/Access Improvement Project that was given in his weekly update to the ATSAC Committee and placed on the Town's website/social media.

Appointments – R. Pontbriand stated that due to an administrative error the Business Representative (Ross Gatta) appointed to the Water and Sewer Rate Committee at the previous meeting was wrong. The correct representative to the committee is Niel Middleton from Nasoya.

Motion: A motion was made by C. Hillman and seconded by J. Livingston to rescind the prior appointment of Ross Gatta and appoint Mr. Niel Middleton for an unexpired term to the Water and Sewer Rate Review Committee effective immediately to expire June 30, 2017. **Motion passed 3-0.**

Opening of Special Fall Town Meeting Warrant – R. Pontbriand recommended that the BOS open the Special Fall Town Meeting Warrant in preparation for the Special Fall Town Meeting taking place on October 24, 2016 at the ASRHS Auditorium at 7:00 PM. The deadline for Citizen Petitions and warrant article submissions will be Friday September 30, 2016 by 12:00 PM.

Motion: A motion was made by J. Livingston and seconded by C. Hillman open the Town Meeting Warrant for the Special Fall Town Meeting on October 24, 2016 and to close the Town Meeting Warrant on Friday September 30, 2016 at 12:00 PM for both Citizen Petitions and Warrant Article Submissions. **Motion passed 3-0.**

Amendment #5 Devens Household Hazardous Waste Agreement - R. Pontbriand is recommending that the BOS vote to approve Amendment #5 of the Household Hazardous Waste Center Contract which will allow the Town of Pepperell to become a member of the center.

Motion: A motion was made by C. Hillman and seconded by J. Livingston to approve Amendment #5 to the Devens Household Hazardous Waste Agreement with signature by the Chair. **Motion passed 3-0.**

Ch. 61 Cowfield Realty Trust II, Assessor's Map 3, Parcel 2 (Rosewood Avenue) – R. Pontbriand stated that the Town had received notice from the property owner that he intends to take land protected by Chapter 61 out of protected status to develop a solar array. He further stated that he sent the information relative to the Ch. 61 Rosewood Avenue request to Department Heads and there was no interest in acquiring the property. He is recommending that the BOS waive their right of first refusal for Rosewood Avenue.

Motion: A motion was made by J. Livingston and seconded by C. Hillman to waive the Town's right of first refusal for Rosewood Avenue pursuant to MGL c. 61, section 8. **Motion passed 3-0.**

R. Pontbriand then advised the Board that the Town received two additional notices of intention to convert Ch.61 land to residential use for land located on Pleasant Street owned by Cowfield Realty Trust II and Riley Jane Farm, LLC., respectively. BOS members asked the Town Administrator to forward the letters of intent to Town Counsel and advise back at the September 20, 2016 BOS Meeting.

Conservation Commission Request - Complete Organization of Con Com Files – R. Pontbriand presented the BOS with a request from the Conservation Commission to allow Mr. Peter McLaughlin, former senior tax work off participant, to finish completion of the Conservation Agent's project of organization and data-basing of Con Com files. The funds would come out of the Wetlands Protection Fund and has been endorsed by the Conservation Commission.

Motion: A motion was made by C. Hillman and seconded by J. Livingston to approve the request from the Conservation Commission for Mr. Peter McLaughlin to continue work in the Conservation Agent's office for a maximum of 100 hours at \$12/h to be paid for from the Wetlands Protection Fund. **Motion passed 3-0.**

Notice of Contract Award: Police Station Roof Replacement Project – R. Pontbriand reported that Almar, LLC. of Medfield was the low, responsive and responsible bidder. The bid price was \$117,748. R. Pontbriand stated

the he and the Facilities Director will be meeting with Almar in the next week to draft the contract for approval by the BOS at a future meeting.

Motion: A motion was made by C. Hillman and seconded by J. Livingston to approve the notice of award of contract to Almar, LLC. in the amount of \$117,748. **Motion passed 3-0.**

New Business/Selectmen's Questions: C. Hillman asked that the Town Administration look into the church located on the Littleton line. There are hours of operation listed, but he doesn't believe there are services. He believes someone is using it as a residence and is not paying taxes.

Approval of Meeting Minutes:

Motion: A motion was made by J. Livingston and seconded by C. Hillman to approve the meeting minutes of August 16, 2016. **Motion passed 3-0.**

Adjournment:

Motion: A motion was made by J. Livingston and seconded by C. Hillman to adjourn at 8:27 PM. **Motion passed 3-0.**

Minutes Recorded and Submitted by Carly M. Antonellis

September 20, 2016

Date Minutes Approved by BOS: _____

Signature Indicating Approval: _____

Gary Linceo Chair