

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



Tuesday September 20, 2016
Meeting Minutes

Broadcast and Recorded by APAC

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: R. Pontbriand stated that the DPW Superintendent would like to add item #2 under his report to include a drought update and that item #1 under the Police Department report was being deferred to a future meeting. C. Hillman stated that he would like to discuss properties enforcement under New Business.

Motion: A motion was made by C. Hillman and seconded by G. Luca to approve the agenda, as amended.

Motion passed 2-0.

Announcements: G. Luca made the following announcements:

- The 8th annual "Recycle Your Reusables" event will be held on Saturday, October 15 at the Ayer Shirley Middle School from 9:00 AM – 2:00 PM
- The Page-Hilltop Elementary School will be participating in a Flash Mob dance in Downtown Ayer to celebrate World Kindness Day on November 13, 2016
- October is Breast Cancer Awareness Month

Public Input: Brian Lewis, 145 Snakehill Road and Chris Valentine, 141 Snakehill Road expressed their concern with the recent increase in the tie-in fee for sewer connections. They stated that it was too expensive for individual homeowners, when a developer has an option to pass along the cost to the buyer.

DPW Superintendent M. Wetzel stated that the cost is not just for the connection, it is for the cost of treatment of the water once it is in the Town system.

G. Luca asked M. Wetzel to look into the issue further to see how many people are affected. M. Wetzel will report back.

Chairman Scott Houde, Finance Committee: S. Houde was in attendance asking residents to consider serving on the Finance Committee. He also asked residents to considering serving on other various Boards and Committees.

Mr. Mark Wetzel, Superintendent Department of Public Works: M. Wetzel introduced Mr. Jared Aponte his recommended candidate for the position of DPW Department Assistant. M. Wetzel stated that the Town received over 150 applications for the position and conducted 5 interviews. Mr. Aponte has valuable municipal experience and is a graduate of the Ayer –Shirley Regional High School.

Motion: A motion was made by G. Luca and seconded by C. Hillman to appoint Mr. Jared Aponte as DPW Department Assistant pending pre-employment physical and six (6) month probationary period. **Motion passed 2-0.**

Drought Update – M. Wetzel gave a brief update on the current drought. The DPW has issued 89 written warnings; 12 first offense fines and 2 second offense fines. M. Wetzel stated that the water ban is likely to stay in effect until next year, given the lack of rain.

Mr. Alan Manoian, Director of Economic Development: A. Manoian was in attendance seeking approval of \$19,000 from the Town's IDFA account for a portion of the FY'17 Economic Development Budget.

Motion: A motion was made by C. Hillman and seconded by G. Luca to approve request for \$19,000 from IDFA account for FY' 17 Economic Development Budget. **Motion passed 2-0.**

Public Hearing – Pole Petition – Verizon (#1A1Q9VY) – Nashua Street Extension: G. Luca opened the public hearing at 7:45 PM by reading the public hearing notice sent to qualifying abutters. Mr. Bill Wallace was in attendance on behalf of Verizon. Mr. Wallace stated that the new pole is to accommodate a new development on Nashua Street Extension.

Motion: A motion was made by C. Hillman and seconded by G. Luca to approve the pole petition request (Verizon #1A1Q9VY). **Motion passed 2-0.**

Motion: A motion was made by C. Hillman and seconded by G. Luca to close the Public Hearing at 7:47 PM. **Motion passed 2-0.**

Conservation Commission: Conservation Commission members were in attendance to discuss two requests: Increasing the Conservation Administrator position from Part-time to Full-time and Funding for FY' 2017 Aquatic weed treatments. Chairman Bill Daniels stated that the Conservation Commission is seeking full-time funding for the Conservation Administrator for several reasons. He stated that the part-time position is hard to fill because people are interested in fulltime work and benefits and there is a specific skill set needed by the Conservation Administrator. He continued that when the position was vacated in the past, it took over a year to fill because of the part-time status.

Motion: A motion was made by C. Hillman and seconded by G. Luca to support funding for a full-time Conservation Administrator and to place the item on the Special Fall Town Meeting Warrant. **Motion passed 2-0.**

Funding for 2017 Aquatic weed treatments - B. Daniels presented a brief summary of a cost estimates for aquatic weed treatments on Sandy Pond, Flannagan Pond, and Pine Meadow Pond done by Solitude Lake Management. He stated there is a very brief window to treat the ponds in the spring, therefore he is requesting that the item be taken up at the Fall Town Meeting, so the RFP process can be begin over the winter months and treatment can begin in the early spring. R. Poutbriand suggested adding a line item in the FY '2018 budget under the Conservation Commission for pond treatment. The Commission is requesting \$54,000 at the Special Fall Town Meeting.

Motion: A motion was made by C. Hillman and seconded by G. Luca to support \$54,000 for aquatic weed treatment and to place the item on the Special Fall Town Meeting Warrant. **Motion passed 2-0.**

Chief William A. Murray, Ayer Police Department: Lt. Brian Gill, Sgt. Mike Edmonds, Officer Rich Krasinskas and John Facella from Panther Pines Consulting were in attendance to discuss a long-time ongoing issue with regards to radio coverage with Police Department radios. Over the past several years there have been multiple instances of officers unable to communicate during various incidents. The overall goal of the improvement project is to increase system reliability. J. Facella gave an overview of the persistent issue and also gave funding options to resolve the problem. He is proposing that the project be split into two (2) phases. The first phase will cost \$222,066 and Phase II will cost \$166,793 and will go through the competitive bidding process.

G. Luca expressed concern about this going outside of the normal capital improvement process, but understands the need for protecting public safety personnel.

Motion: A motion was made by C. Hillman and seconded by G. Luca to support \$222,066 for radio improvement project and to place the item on the Special Fall Town Meeting Warrant. **Motion passed 2-0.**

Request for Additional All Alcohol License: Mr. Jeff Gendron and Mrs. Elizabeth Gendron were in attendance seeking an All Alcohol Retail License for their Package Store, The Vineyard, which currently holds a beer and wine license. He had been before the BOS in 2011 and denied for the same request, but because the Ayer Shop 'n Save had recently been before the BOS and got approval to place a request on the Special Fall Town Meeting Warrant, he too is looking for a warrant article. Mr. Gendron also presented the Board with a petition over 100 signatures supporting his request.

R. Pontbriand stated that since meeting last, he has reviewed the previously approved Ayer Shop 'n Save request with Town Counsel. The BOS must make a decision on whether the warrant article(s) should be more general in nature, meaning not specifying a particular business or the warrant article(s) should specify both Ayer Shop 'n Save and/or the Vineyard.

Both G. Luca and C. Hillman stated their opposition to having two additional all alcohol licenses, but felt comfortable putting forth a request to Town Meeting for one additional all alcohol license more general in nature not naming either business.

Mr. Calvin Moore, Mr. Paul Fillebrown and Ms. Peg Donahue all expressed support for Mr. Gendron receiving the additional license.

Motion: A motion was made by C. Hillman and seconded by G. Luca to place a warrant article on the Special Fall Town Meeting Warrant for one additional All – Alcohol License via the Home Rule Petition process, not specifying names or location of future use. **Motion passed 2-0.**

Town Administrator's Report: R. Pontbriand reported that the Notice of Intent to Convert for Riley Jane Farm, LLC was deemed sufficient by Town Counsel; therefore the 30 window for an appraisal began on September 1, 2016. He was doubtful that an appraisal could be completed within 10 days and that the property owner Mr. CJ Moore would have to agree to an extension on the appraisal timeline.

Ms. Beth Suedmeyer, Chair of the Open Space and Recreation Committee stated that a community agreement between the Town and the landowner could be beneficial for the eventual creation of a bike/walking path from the existing Nashua River Rail Trail to the Ayer Shirley Regional School complex as a safe walk to school route. B. Suedmeyer also stated that the Community Preservation Committee had funds available for due diligence and was interested in conducting an appraisal.

Mr. Jason Mayo from the Ayer Parks Department stated that this is a big opportunity for the Town and the BOS should support the endeavor.

C. Hillman stated that the BOS always supports Parks Department endeavors but that he was concerned about the timing and funding.

Property owner CJ Moore said he didn't see how there could be a connection made between the current rail trail and the school complex. He stated that he would not give an extension for the appraisal.

B. Suedmeyer stated she is trying to build better relationship with the landowner and reiterated that she is not interested in pursuing the entire parcel, but a portion of it for the creation of a trail. She also said that the land has prime agricultural soil and is home to wetland species. She stated that this would be a missed opportunity for the Town

Landowner CJ Moore again stated that he won't agree to an extension on the appraisal.

Mr. Calvin Moore stated that he will be resubmitting his notice to convert to residential use for Cowfield Realty Trust II/Pleasant Street Extension in the coming days. G. Luca stated that the BOS will reconvene, pursuant to the Open Meeting Law, at that time to discuss.

Motion: A motion was made by C. Hillman and seconded by G. Luca pursuant to M.G.L. c. 61 sec. 8 to waive the Town's Right of First Refusal for the Notice of Intent to Convert to Residential Use from Riley Jane Farm LLC./Pleasant Street (Map 13 Parcel 9 and Map 12 Parcel 106). **Motion passed 2-0.**

Reallocation of UDAG Funds – Planning Board to Parks Commission – R. Pontbriand asked the BOS to approve the reallocation of previously approved funds for the Planning Board for Administrative Support to the Parks and Recreation Commission, not to exceed \$1,660.60, which is the remaining balance in the original \$5,000 appropriation from the UDAG fund.

Motion: A motion was made by C. Hillman and seconded by G. Luca to approve the reallocation of funds, not to exceed \$1,660.60 for Park Department administrative support. **Motion passed 2-0.**

Police Station Roof Replacement Contract Approval – R. Pontbriand asked that the BOS approve the contract between the Town of Ayer and Almar LLC in the amount of \$117,748 for the Police Station Roof Replacement Project.

Motion: A motion was made by C. Hillman and seconded by G. Luca to approve the contract between the Town of Ayer and Almar LLC in the amount of \$117,748 for the Police Station Roof Replacement Project. **Motion passed 2-0.**

R. Pontbriand then stated that given the size and the scope of the project he was asking for authorization for the Facilities Director to receive up to 10 hours of pay per week for the duration of the project (4 weeks) to oversee the project. Both G. Luca and C. Hillman stated that they would not approve the request and that it is well within the duties of the Facilities Director.

New Business/Selectmen's Questions: C. Hillman stated that he would like a properties enforcement update at a future date.

Approval of Meeting Minutes: C. Antonellis stated that there was a small typo ("motion passed 3-0", inadvertently omitted) on the DRAFT minutes of September 6, 2016 submitted in the packet and it had been corrected on the final version.

Motion: A motion was made by C. Hillman and G. Luca seconded by to approve the meeting minutes of September 6, 2016, as amended. **Motion passed 2-0.**

Adjournment:

Motion: A motion was made by C. Hillman and seconded by G. Luca to adjourn at 10:04 PM. **Motion passed 2-0.**

Minutes Recorded and Submitted by Carly M. Antonellis

Date Minutes Approved by BOS: 4 OCT 16

Signature Indicating Approval: 