

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



**Tuesday November 15, 2016**  
**Meeting Minutes**

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.

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

**Review and Approve Agenda:** C. Hillman asked that his two items under "Selectmen's Questions/New Business" be moved as follows: 1. Marijuaua Zoning to be moved under Chief Murray's Report and 2. Walking Path at Pirone Park to be moved under the Economic Development Director's report.

**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: Wished all veterans a Happy Veteran's Day; The Winter Parking Ban is now in effect; The 15th Annual Holiday Concert Music and Sing Along featuring the Nashoba Valley Concert Band will be held at the Town Hall at 2:00 PM on December 10, 2016; The 17<sup>th</sup> Annual Tuba Christmas Concert will be held on Sunday December 11, 2016 at 2:00 PM at the Town Hall; the West Main Street and Shirley Street Public Input 11/22/16 at 7:00 PM; Thanked the Town Clerk's Office for a successful Election Day; Police Dept. seeking applications for full time police officer

**Public Input:** None

**Chief William A. Murray, Ayer Police Department:** Chief Murray was in attendance with his recommended candidate for the positions of Patrol Officer.

*Appointment of Patrol Officer*— Chief Murray introduced Mr. David Lansing who is currently employed with the Tufts University Police. Mr. Lansing interviewed well and there were no concerns stemming from his background investigation. Chief Murray is recommending appointment at Step 2, pending passing of a physical and psychological exam with a start date of December 8, 2016.

**Motion:** A motion was made by J. Livingston and seconded by C. Hillman to appoint Mr. David Lansing to Step 2 Patrol Officer pending the passing of a physical and psychologic exam with a start date of December 8, 2016.  
**Motion passed 3-0.**

*Appointment of Prisoner Watch Personnel*— Chief Murray requested the appointment of Ms. Linda Taylor of Shirley to a per diem position of Prisoner Watch Personnel.

**Motion:** A motion was made by C. Hillman and seconded by J. Livingston to appoint Ms. Linda Taylor to a per diem position of Prisoner Watch Personnel. **Motion passed 3-0.**

*Truck Exclusion – Columbia Street* – Chief Murray reported that he has been in contact with Mass Department of Transportation (Mass DOT) District 3 about excluding trucks (2.5 tons or more) from using Columbia Street. He is currently in the process of submitting traffic counts to Mass DOT and will report back at the next BOS meeting.

*Marijuana Zoning (Selectman Hillman)* – C. Hillman stated that with the passage of Question 4, he wants the Town to start having the discussion about zoning for commercial dispensaries. R. Pontbriand suggested that the BOS send the Planning Board a formal communication; R. Pontbriand will draft a letter.

**Mr. Alan Manoian, Director of Community and Economic Development:** *Approval of Amendment of the CDBG Program Guidelines* – Ms. Alicia Hersey, CDBG Program Manager stated she is recommending two amendments to the current program guidelines. She explained that the Town, through the CDBG program, has always paid for lead inspections. This was inadvertently left out of the 2015 guidelines; therefore, she is recommending an amendment for inclusion. She is also recommending an amendment to section E4 of the 2015 guidelines, which would not allow for the lead abatement work of scraping and painting to be placed as a lien for low to moderate income families.

**Motion:** A motion was made by J. Livingston and seconded by C. Hillman to approve the amendments as recommended by A. Hersey. **Motion passed 3-0.**

*Holiday Stroll and Tree Lighting* – A. Manoian gave an update on the planned first annual Holiday Tree Lighting and Candle Light Stroll being planned for December 10, 2016 at 5:00 PM.

*Main Street MBTA Fence Project Update* – A. Manoian presented the BOS with two different options for fencing to replace the dilapidated chain link fence across from Town Hall. A. Manoian reported that if the Town were to procure the fencing, the MBTA would perform the installation. A. Manoian will be preparing the request as part of the FY'18 Capital Planning process.

*Former Fire Station RFP Update* – A. Manoian reported that the Town had received 1 response for the Former Fire Station RFP. He will be reviewing the proposal and will report back to the BOS.

*Walking Path at Pirone Park (Selectman Hillman)* – C. Hillman asked A. Manoian to look into the possibility of CPC funds to create a walking path at Pirone Park. R. Pontbriand stated that he believed the Parks Commission would be submitting it as part of their FY'18 capital planning requests.

**Discussion on Future Use of Advocates, Inc./USO Building:** R. Pontbriand gave a brief overview, stating that the Town has acquired the building as part of the May 9, 2016 eminent domain takings. He was just informed over the past several weeks that MART will pay for the demolition of the project as part of the Train Access Improvement project. He reported that Economic and Community Development Director A. Manoian recently held a two day design charrette to get input on what the space would look like in conjunction with the project.

R. Pontbriand asked that the BOS make two votes: the first to authorize the relocation of the two commercial tenants and the second to authorize the demolition of the Advocates, Inc./USO building.

**Motion:** A motion was made by C. Hillman and seconded by J. Livingston to authorize relocation of the two commercial tenants in the Advocates, Inc./USO Building. **Motion passed 3-0.**

**Motion:** A motion was made by C. Hillman and seconded by J. Livingston to authorize the demolition of the Advocates, Inc./USO Building by MART. **Motion passed 3-0.**

**Town Administrator's Report:** *Administrative Update* – R. Pontbriand congratulated the Town Clerk's Office for their hard work associated with early voting and the Presidential Election. R. Pontbriand stated that the focus of the Administration will be the FY' 18 budget.

*Appointments* - R. Pontbriand is requesting appointment of the following individuals to the Memorial Garden Committee: Ruth Rhonemous and Carol Bousquet.

**Motion:** A motion was made by J. Livingston and seconded by C. Hillman to appoint Ms. Ruth Rhonemus and Ms. Carol Bousquet to two unexpired one year terms, expiring June 30, 2017, on the Memorial Garden Committee.

**Motion passed 3-0.**

*Application for 1-Day Outdoor Beer and Wine License (11/23/16), Carlin's* – R. Pontbriand presented a request from Carlin's Restaurant for a one day beer and wine license for November 23, 2016 from 9:00 PM – 1:00 AM for an outdoor live music event under a tent on the property.

**Motion:** A motion was made by J. Livingston and seconded by C. Hillman to approve the one day beer and wine license for Carlin's Restaurant for November 23, 2016 from 9:00 PM – 1:00 AM. **Motion passed 3-0.**

*Special Granting Permit Authority Discussion for Aquifer Protection District Discussion* – R. Pontbriand stated he received a request from the Planning Board stemming from their current proposed rewrite of the Zoning Bylaw. Currently the Special Permit Granting Authority (SPGA) for the Aquifer Protection District is the Board of Health. MGL c.40A §1A defines the SPGA as the Board of Selectmen, Board of Appeals, Planning Board or Zoning Administrators. R. Pontbriand asked what Board they would like to see the SPGA for the Aquifer Protection District fall under. BOS members recommended the Planning Board.

*Appointment of Public Records Officer* – R. Pontbriand reported that as a result of the new Public Records Law that goes into effect on January 1, 2017, each municipality is required to have one designated Public Records Officer. He is requesting that the position of Town Administrator be made the designated Public Records Officer.

**Motion:** A motion was made by J. Livingston and seconded by C. Hillman to appoint the Town Administrator as the Public Records Officer. **Motion passed 3-0.**

**New Business/Selectmen's Questions** – C. Hillman stated that he had referred an odor complaint about Nasoya to the Town Administrator's Office. R. Pontbriand stated that the Nashoba Boards of Health and the Department of Environmental Protection had been notified.

### **Approval of Meeting Minutes:**

**Motion:** A motion was made by J. Livingston and seconded by C. Hillman to approve the meeting minutes of November 1, 2016. **Motion passed 3-0.**

**Ms. Lisa Gabree, Town Accountant/Finance Director:** *General Obligation Bond Anticipation Notes* - L. Gabree and Treasurer Susan Copeland were in attendance seeking the approval of sale of \$2,128,161 in General Obligation Bond Anticipation notes for borrowing associated with several large project Public Works projects and the purchase of a new ambulance.

**Motion:** A motion was made by J. Livingston and seconded by C. Hillman to approve the sale of the \$2,128,161 1.50 percent General Obligation Bond Anticipation Notes (the "Notes") of the Town dated November 18, 2016 and payable on November 17, 2017, to Eastern Bank at par and accrued interest, if any, plus a premium of \$10,950.81 and;

Further Voted: that in connection with the marketing and sale of the Notes, the preparation and distribution of a Notice of Sale and Preliminary Official Statement dated November 2, 2016, and a final Official Statement dated November 9, 2016, each in such form as may be approved by the Town Treasurer, be and hereby are ratified, confirmed approved and adopted.

Further Voted: the Town Treasurer and the Board of Selectmen be, and hereby are, authorized to execute and deliver a significant events disclosure undertaking in compliance with SEC Rule 15c2-12 in such form as may be approved by bond counsel to the Town, which undertaking shall be incorporated by reference in the Notes for the benefit of the holders of the Notes from time to time.

Further Voted: we authorize and direct the Town Treasurer to review the Town's post-issuance federal tax compliance procedures and to make such changes, if any, as the Treasurer and bond counsel deem necessary to monitor and maintain the tax exempt status of the Notes.

Further Voted: that each member of the Board of Selectmen, the Town Clerk and the Town Treasurer be and hereby are, authorized to take any and all such actions, and execute and deliver such certificates, receipts or other documents as may be determined by them, or any of them, to be necessary or convenient to carry into effect the provisions of the foregoing votes. **Motion passed 3-0.**

*FY' 18 Budget Snapshot* – L. Gabrec and R. Pontbriand presented a preliminary “budget snap shot” looking at the general trends of the budget going into FY 2018. Of particular concern were the amount of “free cash” already expended for FY 2017 at the recent Special Fall Town Meeting as well as other budget drivers such as potential double digit health insurance increases; the potential negative budgetary impact if additional personnel positions and/or personnel hours are added to the FY 2018 budget; and the need for the Town to closely follow its capital budget policies with a very close vetting of all FY 2018 capital requests from departments. The presentation was a cautionary in nature as the FY 2018 budget process begins and moves forward.

**Executive Session Pursuant to MGL Chapter 30A, Section 21A:** A motion was made at 8:58 PM by J. Livingston and seconded by C. Hillman to enter into Executive Session for the review and approval of Executive Session Minutes. **By Roll Call Vote:** G. Luca, aye; C. Hillman, aye; J. Livingston, aye. **Motion passed by Roll Call 3-0.**

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

Date Minutes Approved by BOS: 6 DEC 16

Signature Indicating Approval: Jannice Lee Livingston