

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



Tuesday April 18, 2017  
Open Session Meeting Minutes

**Present:** Gary J. Luca, Chair; Christopher R. Hillman, Vice – Chair (*Entered at 6:25 PM*); 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 6:00 PM.

**Executive Session Pursuant to G.L. c. 30A, sec. 21(a):** A motion was made by G. Luca and seconded by J. Livingston to enter into Executive Session pursuant to MGL c.30A, sec. 21(a) Exemption #1 (Charges or Complaints against public employee) Dispatcher and Exemption #3 (Collective Bargaining) Town Hall Clerical AFSCME 93 Memorandum of Agreement. G. Luca further stated that to discuss these in open session would be detrimental to the Town's negotiating strategy and to reconvene in Open Session at the conclusion of Executive Session. **By Roll Call Vote:** G. Luca, aye; J. Livingston, aye. **Motion passed by Roll Call Vote 2-0.**

**Reconvene in Open Session:** The BOS reconvened in Open Session at 7:00 PM.

**Review and Approve Agenda:** R. Pontbriand asked to add an item #3 "Change Order for the East Main Street Water Main Project" under the DPW Superintendent's report. C. Hillman asked to add a discussion under "New Business" about high school students covering BOS meetings for reporting purposes.

**Motion:** A motion was made by J. Livingston and seconded by G. Luca 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.

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

•	2017-03-28	17-19	Payroll	\$311,042.04
•	2017-04-07	17-18	Accounts Payable	\$235,530.34
•	2017-04-11	17-20	Payroll	\$307,109.95
•	2017-04-18	17-19	Account Payable	\$1,473,263.90

**Announcements:** BOS Members made the following announcements:

- The Town Election is being held on Monday April 24, 2017
- The Special Olympics are being held on April 28, 2017 at Fitchburg State University

**Public Input:** Mr. Ken Diskin, 180 Washington Street appeared before the BOS under Public Input formally requesting that the BOS formally request that the Planning Board conduct a comprehensive review of SOLAR I, a private solar project currently underway. The intent of the request is to ensure that the Town has covered all of its bases and that all of the details have been correctly covered. Given all of the recent issues with these projects, the BOS felt that the request was a legitimate one and in everyone's best interest.

**Motion:** A motion was made by C. Hillman and seconded by J. Livingston to authorize a communication from the Board of Selectmen to the Planning Board for comprehensive review of Solar I. **Motion passed 3-0.**

**Depot Square Tenant Relocation Status:** Mr. Michael McParland, President, Auxilium, Inc. appeared before the BOS to give an update of the relocation of the tenants at Depot Square building taken by the Town by eminent domain in the spring of 2016. Mr. Kyle Ross has filed for a fixed payment in lieu of actual and reasonable moving and related expenses and actual and reasonable reestablishment expenses. Under the law, he is entitled to a \$40,000 payment based on his income. R. Pontbriand stated that there is no appropriation to pay this expense and is requesting authorization to make the payment out of the UDAG account. Mr. McParland also reported that he and The Advocates have been conducting an extensive relocation search effort. Advocates, Inc. have found a location at Devens, but it won't be available until August 1, 2017.

C. Hillman expressed concern about the timing of the scheduled demolition of the building.

**Motion:** A motion was made by J. Livingston and seconded by G. Luca to authorize the payment of \$40,000 for relocation benefits for Mr. Kyle Ross, Ross Fitness from the UDAG account. **Motion passed 2-1.**

**Mr. Mark Wetzel, Superintendent, DPW:** *Water Use Restriction Regulations* – M. Wetzel stated that based on the current drought conditions, he is recommending that the BOS remove the outdoor water use ban and institute the following actions, in accordance with the Town's Water Use Restriction Regulation:

- Odd/Even Day Outdoor Watering: Outdoor watering by water users with odd numbered addresses is restricted to odd number days. Outdoor watering by users with even numbered addresses is restricted to even numbered days, excluding the watering of vegetables and perishable plants.
- Outdoor Water Hours: No nonessential outside water use between the hours of 9 a.m. and 5 p.m. from May 1st through September 30th. Nonessential outdoor water uses include:
  - irrigation of lawns via sprinklers or automatic irrigation system
  - washing of vehicles, except in a commercial car wash or as necessary for operator safety
  - washing of exterior building surfaces, parking lots, driveways or sidewalks, except as necessary to apply surface treatments such as paint, preservatives, stucco, pavement or cement.

**Motion:** A motion was made by J. Livingston and seconded by C. Hillman to approve the Water Use Restrictions as recommended by the DPW Superintendent. **Motion passed 3-0.**

*MassDOT Chapter 90 Contract* – M. Wetzel stated that the Town's ten (10) year contract with MassDOT is due for renewal at the end of June. He presented the Commonwealth's standard contract form and recommended approval with signature by the Chair.

**Motion:** A motion was made by J. Livingston and seconded by C. Hillman to approve the Chapter 90 contract between the Town of Ayer and MassDOT with signature by the Chair. **Motion passed 3-0.**

*Change Order for East Main Street Water Main Project* - M. Wetzel presented Change Order #4 in the amount of \$78,200 for work done on Fletcher Street as part of the East Main Street Water Main Project.

**Motion:** A motion was made by J. Livingston and seconded by C. Hillman to approve Change Order #4 in the amount of \$78,200 to Cedrone Corporation for the East Main Street Water Main Project with signature by the Chair. **Motion passed 3-0.**

**Final Approval of FY' 18 Budget and ATM Warrant -** R. Pontbriand and Town Accountant/Finance Manager Ms. Lisa Gabree gave a presentation on the FY'18 budget and presented the DRAFT May 8, 2017 Special and Annual Town Meeting warrants.

R. Pontbriand made a presentation on his inclusion for funding for a Town Planner in the FY'18 budget. He stated that it has become increasingly clear that there are too many important land use issues currently before the Town. He gave the following as examples: the update of the Zoning bylaw, updating two different versions of subdivision regulations, implementation of GIS, Master Plan, grant applications, the promulgation of solar regulations and medical and recreational marijuana regulations. He stressed that the Town needs a professional to be dedicated to looking at the Town as a whole and assist in implementing strategic planning. The proposed position will not be in the AFSCME 93 Clerical Union.

**Motion:** A motion was made by J. Livingston and seconded by C. Hillman to approve the Annual Town Meeting Warrant for the May 8, 2017 Special and Annual Town Meeting Warrants. **Motion passed 3-0.**

**Motion:** A motion was made by J. Livingston and seconded by C. Hillman to close the Annual Town Meeting Warrant for the May 8, 2017 Special and Annual Town Meeting Warrant. **Motion passed 3-0.**

**Town Administrator's Report:** *Flexible Spending Account Renewal* – R. Pontbriand and Benefits and Payroll Manager Kevin Johnston presented the BOS with renewal information for the Town's Flexible Spending Account (FSA). This year the Town will offer a Dependent Care Account (DCA) with a \$5,000 Maximum Limit, in addition to the Health Savings Account (HSA).

**Motion:** A motion was made by C. Hillman and seconded by J. Livingston to approve the renewal of the Town of Ayer's Flexible Spending Account for FY 2018 with both the Health Care and Dependent Care Accounts. **Motion passed 3-0.**

*Reauthorization of UDAG Appraisal Funding* – R. Pontbriand explained that the owner of approximately 4.5 acres of undeveloped land known as the Emily's Way subdivision has approached the Town with an offer to sell the land to the Town for \$225,000. R. Pontbriand stated that he has sent the proposal to Department Heads and Town Boards and Committees and reported there was interest in purchasing the property. He is requesting authorization to repurpose \$1,700 from an unspent UDAG appropriation (Ch. 61 Nashua Street Extension Land Appraisal) to conduct an appraisal.

**Motion:** A motion was made by C. Hillman and seconded by J. Livingston to reauthorize \$1,700 of unspent UDAG funding for the purposes of conducting an appraisal on Emily's Way. **Motion passed 3-0.**

**New Business/Selectmen's Questions:** *Town Meeting Date Change Survey (Selectman Livingston)* – J. Livingston would like to conduct a poll to ask Town residents their preference on the best day of the week to hold Town Meeting, on either a Monday night or Saturday morning. R. Pontbriand stated that the Town will conduct a survey online and will have copies available at Town Hall as well.

C. Hillman stated that he has spoken with the Superintendent of Schools about the possibility of having students interested in journalism cover the BOS meetings because the newspaper hasn't covered BOS meetings in several months.

G. Luca asked if there was interest in reorganizing the BOS at this time. R. Pontbriand stated that the BOS usually waits until after the Annual Election to reorganize.

**Approval of Meeting Minutes:**

**Motion:** A motion was made by J. Livingston and seconded by C. Hillman to approve the meeting minutes of April 4, 2017. **Motion passed 3-0.**

**Adjournment:**

**Motion:** A motion was made by J. Livingston and seconded by C. Hillman to adjourn at 9:32 PM. **Motion passed 3-0.**

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

**Date Minutes Approved by BOS:** 3 MAY 17

**Signature Indicating Approval:** Jamie Lee Livingston