

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



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Wednesday May 3, 2017
Open Session 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: R. Pontbriand stated that the original agenda has been amended to include an item #3 “Vote to authorize BAN Issue and Refunded Bond Issue” under his report.

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

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

•	2017-04-25	17-21	Payroll	\$318,836.83
•	2017-04-28	17-21B	Payroll	\$683.38
•	2017-05-02	17-20	Account Payable	\$404,134.07

Announcements: G. Luca made the following announcements:

- Town Meeting is Monday May 8, 2017 at 7:00 PM at the Ayer Shirley Regional High School
- “Friends of Ayer Dog Park” is hosting a Meet and Greet on May 7th from 10a to 12p at Pirone Park.

Public Input: Mr. Don Osmer, 1 Mulberry Circle spoke about the persistent bad odors coming from the Nasoya plant on Westford Road. R. Pontbriand stated that the Board of Health has issued corrective orders and that the DPW Superintendent will be meeting with company representatives to discuss the ongoing issues.

Town Clerk, Treasurer, and Collector Susan Copeland: *Appointment of Assistant Tax Collector* – Ms. Susan Copeland introduced Ms. Christina Roberts, her recommended candidate for the position of Assistant Tax Collector. Ms. Roberts is currently a collections clerk in the Town of Lunenburg.

Motion: A was made by C. Hillman and seconded by J. Livingston to appoint Ms. Christina Roberts to the position of Assistant Tax Collector effective May 22, 2017 pending successful CORI check with the rate of \$21.94/hour in accordance with the AFSCME 93 Town Hall Clerical Union Contract. **Motion passed 3-0.**

DPW Superintendent Mark Wetzel: *Approval of Town Counsel Consent Re: Groton Inter-Municipal Agreement* – R. Pontbriand and M. Wetzel presented a memo from Town Counsel relative to the Inter-Municipal Agreement between the Towns of Ayer and Groton for a sewer connection. Both towns are represented by KP Law, therefore both Towns are being asked to sign a Multiple Representation Disclosure.

Motion: A motion was made by J. Livingston and seconded by C. Hillman to authorize the multiple representation disclosure from KP Law. **Motion passed 3-0.**

Town of Groton Sewer Connection Inter-Municipal Agreement – M. Wetzel explained that the Town of Groton received a MassWorks grant to install a sewer from the Four Corners area connecting to the Ayer sewer System on Westford Road at Nemco Way. Both Towns have been working to come to an agreement on the IMA, pursuant to the Memorandum of Understanding signed by both Ayer and Groton in 2015. M. Wetzel then detailed the terms of the agreement, already approved by the Town of Groton, pending Town Counsel approval.

C. Hillman asked when the construction will start. M. Wetzel reported that a pre-construction meeting is scheduled for May 8, 2017.

Motion: A motion was made by C. Hillman and seconded by J. Livingston to execute the Inter-municipal Agreement pending Town Counsel review and approval. **Motion passed 3-0.**

Proposed PAYT Trash Bag Fees – M. Wetzel presented his recommendations for the FY' 18 Transfer Station Fees. He is requesting a .50 increase on Pay As You Throw bags and an increase of \$10 on the Annual Permits and Senior Citizen Permit making them \$90 and \$60 respectively.

J. Livingston asked when the last time the permit rates were increased. M. Wetzel said they were last raised in FY' 13.

Motion: A motion was made by J. Livingston and seconded by C. Hillman to approve the rates as recommended by the DPW Superintendent (PAYT bags increase of .50 and increasing the Annual and Senior Citizen rates to \$90 and \$60 respectively) for FY' 18. **Motion passed 3-0.**

Wastewater Reserve Fund Transfer – M. Wetzel stated that based on a budget projection through the end of the year, the Wastewater Enterprise fund looks tight and he is requesting a RFT in the amount of \$20,000. He explained that the DPW has had some unexpected costs over the past year (replacing pumps, replacing large check valve at the Main Station, and boiler and electrical repairs throughout the system).

Motion: A motion was made by J. Livingston and seconded by C. Hillman to approve the RFT in the Wastewater Enterprise account 61447 in the amount of \$20,000 with signature by the Chair. **Motion passed 3-0.**

Ayer YouthWorks Program – W. Wetzel and Mr. Mark Hillier from Central Ave. Compassionate Care spoke about the newly created Ayer YouthWorks Program funded by Central Ave. Compassionate Care. Mr. John Hillier is financing the program with a \$26,000 donation. The Ayer YouthWorks program is to serve as a young person's first job experience and exposure to the world of work and job responsibilities. Teens will work on supervised public works related jobs throughout the town for a 2-4 week period during the summer.

Motion: A motion was made by C. Hillman and seconded by J. Livingston to accept the donation of \$26,000 from Central Ave. Compassionate Care and to approve the Ayer YouthWorks Program. **Motion passed 3-0.**

C. Hillman informed M. Wetzel that the solar speed limit sign on Sandy Pond Road is not working. M. Wetzel stated that he will submit a work order.

Town Administrator's Report: *Administrative Update* – R. Pontbriand stated that the administration is finalizing the budget and making final preparations for Town Meeting. He also thanked those employees and volunteers who participated in the Annual Cleanup day. Mr. Pontbriand also reported that the Town received an AA+ bond rating from Standard and Poors; he thanked all those involved in keeping the Town's finances strong.

Appointments – R. Pontbriand is seeking the reappointment of Veteran's Agent Mike Detillion to a term to expire on March 31, 2018.

Motion: A motion was made by C. Hillman and seconded by J. Livingston to reappoint Mr. Mike Detillion at the Town of Ayer Veteran's Agent for a one year term to expire March 31, 2018. Motion passed 3-0.

Vote to authorize BAN Issue and Refunded Bond Issue – L. Gabree and S. Copeland presented the Bond Anticipation Note for refinancing of a 2002 bond issues. This refunded bond issue will save the Town \$480,000 over the life of the bond. She stated that the Town was able to obtain very favorable interest rates.

Motion: A motion was made by J. Livingston and seconded by C. Hillman stating the following: I, the Clerk of the Board of Selectmen of the Town of Ayer, Massachusetts (the "Town"), certify that at a meeting of the board held May 2, 2017, of which meeting all members of the board were duly notified and at which a quorum was present, the following votes were unanimously passed, all of which appear upon the official record of the board in my custody:

Voted that in order to reduce interest costs, the Treasurer is authorized to issue refunding bonds, at one time or from time to time, pursuant to Chapter 44, Section 21A of the General Laws, or pursuant to any other enabling authority, to refund all of the Town's (i) \$6,305,000 General Obligation Municipal Purpose Loan of 2002 Bonds dated April 1, 2002 maturing on April 1 in the years 2018 through 2021 (inclusive), and (ii) \$13,802,000 General Obligation Municipal Purpose Loan of 2004 Bonds dated June 15, 2004 maturing on June 15 in the years 2018 through 2024 (inclusive) (collectively, the "Refunded Bonds") and that the proceeds of any refunding bonds issued pursuant to this vote shall be used to pay the principal and interest on the Refunded Bonds and costs of issuance of the refunding bonds.

Voted that the sale of the \$4,810,000 General Obligation Refunding Bonds of the Town dated May 11, 2017 (the "Bonds"), to Raymond James & Associates, Inc. at the price of \$5,206,488.41 and accrued interest is hereby approved and confirmed. The Bonds shall be payable on April 1 of the years and in the principal amounts and bear interest at the respective rates, as follows:

<u>Year</u>	<u>Amount</u>	<u>Interest Rate</u>	<u>Year</u>	<u>Amount</u>	<u>Interest Rate</u>
2018	\$900,000	4.00%	2022	\$595,000	4.00%
2019	885,000	4.00	2023	370,000	4.00
2020	865,000	4.00	2024	355,000	4.00
2021	840,000	4.00			4.00

Further Voted: to approve the sale of a \$2,524,000 1.50 percent General Obligation Bond Anticipation Note of the Town dated May 11, 2017, and payable November 17, 2017 (the "Note"), to Eastern Bank at par and accrued interest plus a premium of \$3,938.28.

Further Voted: that in connection with the marketing and sale of the Bonds, the preparation and distribution of a Notice of Sale and Preliminary Official Statement dated April 21, 2017, and a final Official Statement dated April 27, 2017 (the "Official Statement"), each in such form as may be approved by the Town Treasurer, be and hereby are ratified, confirmed, approved and adopted.

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 April 21, 2017, and a final Official Statement dated April 27, 2017, each in such form as may be approved by the Town Treasurer, be and hereby are ratified, confirmed, approved and adopted.

Further Voted: to authorize the execution and delivery of a Refunding Escrow Agreement to be dated May 11, 2017, between the Town and U.S. Bank National Association, as Escrow Agent.

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

Further Voted: that we authorize and direct the Treasurer to establish post issuance federal tax compliance procedures in such form as the Treasurer and bond counsel deem sufficient, or if such procedures are currently in place, to review and update said procedures, in order to monitor and maintain the tax-exempt status of the Bonds and 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.

I further certify that the votes were taken at a meeting open to the public, that no vote was taken by secret ballot, that a notice stating the place, date, time and agenda for the meeting (which agenda included the adoption of the above votes) was filed with the Town Clerk and a copy thereof posted in a manner conspicuously visible to the public at all hours in or on the municipal building that the office of the Town Clerk is located or, if applicable, in accordance with an alternative method of notice prescribed or approved by the Attorney General as set forth in 940 CMR 29.03(2)(b), at least 48 hours, not including Saturdays, Sundays and legal holidays, prior to the time of the meeting and remained so posted at the time of the meeting, that no deliberations or decision in connection with the sale of the Bonds or the Notes were taken in executive session, all in accordance with G.L. c.30A, §§18-25, as amended. **Motion passed 3-0.**

New Business/Selectmen's Questions: C. Hillman stated that he would like a quarterly update on all Town Meeting warrant articles because he is constantly asked by those in the community. R. Pontbriand stated that it could be done in the future.

Approval of Meeting Minutes:

Motion: A motion was made by J. Livingston and seconded by C. Hillman to approve the meeting minutes of April 18, 2017. **Motion passed 3-0.**

Reorganization of the Board of Selectmen: G. Luca nominated C. Hillman as Chair; J. Livingston as Vice-Chair and himself as Clerk. All members accepted the nominations.

Motion: A motion was made by G. Luca and seconded by J. Livingston to reorganize the Board of Selectmen. **Motion Passed 3-0.**

Executive Session Pursuant to G.L. c.30A, sec.21(a): A motion was made at 8:32 PM by G. Luca and seconded by J. Livingston to enter into Executive Session pursuant to MGL c.30A, sec. 21(a) Exemption #2 (Non-Union Personnel) Council on Aging Executive Director Contract and to adjourn from Executive Session. G. Luca further stated that to discuss these in open session would be detrimental to the Town's negotiating strategy. **By Roll Call Vote:** G. Luca, aye; C. Hillman, aye; J. Livingston, aye. **Motion passed by Roll Call Vote 3-0.**

Minutes Recorded and Submitted by Carly M. Antonellis

Date Minutes Approved by BOS: _____

May 16, 2017

Signature Indicating Approval: _____

