

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



Broadcast and Recorded by APAC

Tuesday October 3, 2017
Open Session Meeting Minutes

Present: Christopher R. Hillman, Chair; Jannice L. Livingston, Vice – Chair; Gary J. Luca, Clerk

Robert A. Pontbriand, Town Administrator
Carly M. Antonellis, Assistant to the Town Administrator

Call to Order: C. Hillman called the meeting to order at 7:00 PM.

Moment of Silence: C. Hillman asked for a moment of silence for the victims of the Las Vegas shooting tragedy.

Review and Approve Agenda:

Motion: A motion was made by G. Luca and seconded by J. Livingston to approve the agenda.

Motion passed 3-0.

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

Announcements: None

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

- 2017-9-19 Accounts Payable 18-05 \$2,059,166.72
- 2017-09-26 Payroll 18-06 \$295,837.12

Public Input: None

Nasoya Odor Issue Update: Mr. Elvin Moquette and Mr. Daniel Jung updated the BOS on the progress made at Nasoya since the last BOS meeting. R. Pontbriand stated that the Town has provided a list of abutters to Nasoya so the company could directly communicate with their neighbors.

C. Hillman expressed his continued concern because the odor issue was evident again this evening. He also stated that it has smelled several times since the last BOS meeting. C. Hillman further stated that he wants to revoke Nasoya's license to do business in Town.

Mr. Moquette stated that Nasoya has been conducting air quality test and have been continually

checking samples. He reported that Nasoya, Town officials and the Dept. of Environmental Protection are meeting in the next week to go over results of the testing.

J. Livingston stated that she appreciated Mr. Moquette and Mr. Jung both coming to the meeting. She then asked if the DEP has been to the Nasoya plant since the last meeting. Mr. Moquette said no, but they have been in regular contact both via phone and email.

DPW Superintendent Mark Wetzel: *Request for Sewer Connection Fee Adjustment* – M. Wetzel stated that Crabtree Development Corp., the developer for Pingry Hill, recently applied for a water and sewer server connection for the final phase (phase 4) of their project. In between phases of the project, the BOS voted to increase the connection fees and they are requesting a reduced sewer connection fee. Rick Roper from Crabtree Development stated that the Town had given them a reduced rate for the water and he thought both rates were in tandem.

G. Luca stated that he understood the request because the costs went up before the completion of the project.

Motion: A motion was made by G. Luca and seconded by J. Livingston to reduce the rate for sewer connections for Phase 4 to \$2,000/connection and to reimburse for the overpayment made for the first connection. **Motion passed 3-0.**

Sandy Pond Rd/Wright Rd Water Main Contract Change Order – M. Wetzel is requesting a contract Change Order in the amount of \$44,810.64 to install 3 insertion valves on Sandy Pond Road. M. Wetzel stated there is sufficient funding in the project budget for the change order.

Motion: A motion was made by G. Luca and seconded by J. Livingston to approve Change Order #1 in the amount of \$44,810.64 between the Town and J D'Amico & Sons with signature by the chair. **Motion passed 3-0.**

DPW Administration Building Funding – M. Wetzel made a presentation stating the Town Meeting had approved \$900,000 for a modular DPW Administration Building and the project was put out to bid pursuant to GL c.149, sec. 44E for Modular Construction. 3 bids came in ranging from \$1,100,526 to \$133,447. M. Wetzel explained that under MGL, the Town is unable to negotiate the bid until after the award. He stated that there was money available from other projects and he would be submitting a Special Town Meeting Warrant article to transfer funding from other available projects.

Ms. Alicia Hersey, Program Manager, Community and Ec. Development: *CDFI 1 FY'15 – CDBG Final Quarterly Report* – A. Hersey stated that her office has prepared the final quarterly report for the CDBG FY'15 grant and is requesting the BOS approve the final quarterly report of the CDF1 FY '15 grant with signature by the Chair.

Motion: A motion was made by G. Luca and seconded by J. Livingston to approve the final quarterly report of the CDF1 FY '15 grant with signature by the Chair. **Motion passed 3-0.**

Town Administrator's Report: *Administrative Update* – R. Pontbriand thanked Ms. Cindy Knox, IT Director for live tweeting and Facebooking the meeting. R. Pontbriand also reported to the BOS that the Town's longtime facilities director retired effective October 2, 2017 and that the new Conservation Agent, Ms. Jo-Anne Crystoff had recently began working for the Town. R.

Pontbriand stated that the annual tax classification hearing will be held at the November 21, 2017 BOS meeting. Also upcoming is a Public Information Forum at 6:00 PM on Tuesday October 10, 2017 regarding the proposed Government reorganization articles.

Appointments – Per Police Chief Murray’s recommendation, R. Pontbriand is requesting that Dunstable Officer Steven Bulger be appointed as a Special Police Officer for the Town of Ayer.

Motion: A motion was made by G. Luca and seconded by J. Livingston to appoint Dunstable Officer Steven Bulger as a Special Police Officer for the Town of Ayer. **Motion passed 3-0.**

Review and Approval of 2017 Special Town Meeting Warrant – R. Pontbriand recommended starting with Article 5 while they waited for Town Counsel to arrive for a discussion about articles 1-4, the government reorganization articles. R. Pontbriand went through the October 23, 2017 Special Fall Town Meeting warrant articles with the BOS. Town Clerk, Treasurer, Collector Susan Copeland also joined the BOS for the discussion.

Attorney Lauren Goldberg, Managing Partner at KP Law joined the BOS for a discussion about government reorganization.

S. Copeland explained that Articles 1 and 2 will make the current Elected Clerk/Collector and elected Treasurer two separate appointed positions combining the Treasurer/Collector and making the Town Clerk a standalone full time position. Both S. Copeland and R. Pontbriand stated that by making the positions appointed, the Town has the benefit of additional accountability and increased professionalization of the positions.

R. Pontbriand stated that Article 3, establishing a Town Manager form of government, is the result of over seven years of experience, recommendations, and is intended to codify the duties and responsibilities of the Town Manager (many which are the same as the Town Administrator). R. Pontbriand explained that the major changes are as follows:

- The Town Manager will be able to hire and fire Department Head level positions with the consultation and approval of the Board of Selectmen. The Town Manager will be able to hire and fire non-department head positions in consultation with the respective department head but will not require Board of Selectmen approval.
- The Town’s personnel system will be centralized under the Town Manager. The Town Manager will be responsible for the maintaining and administering the Town’s personnel policies; rules and regulations; personnel by-laws and collective bargaining agreements. This section would abolish the appointed volunteer Personnel Board and centralize the personnel system under the professional Town Manager in consultation with the Department Heads, Board of Selectmen, and Finance Committee. The Town’s existing personnel policies would remain in place at this time as would the Town’s classification and compensation system. Additionally, the majority of Town Employees are governed by existing collective bargaining agreements.
- The Town Manager will be authorized to fix the compensation of all appointed officers and employees within the limits established by the budget and Town Meeting. Additionally, compensation of all non-union employees will continue to be governed by the Town’s Classification/Compensation System and all union employees will be governed by their respective collective bargaining agreements. The Town Manager will consult with the Finance Committee and Board of Selectmen regarding all financial matters in terms of compensation and/or employee financial benefits.
- The Town Manager will have full jurisdiction over the rental and use of all Town facilities. Currently the Town Administrator has authority over Town Hall per the Board of Selectmen. The Town Manager

having full jurisdiction will delegate authority of the Fire Station to the Fire Chief, Police Station to the Police Chief, and DPW Facilities to the DPW Superintendent. Additionally, Parks Commission retains jurisdiction over Parks property.

- The Town Manager will have authorization to procure and execute all contracts under MGL Chapter 30B without Board of Selectmen approval. All contracts are still subject to the budget and Town Meeting Approval. Additionally all contracts remain governed by applicable MGL and are subject to review and verification of funds by the Town Accountant. The Town's Capital Planning process remains in place.
- The Town Manager will be authorized to sign the Payroll Warrant and Accounts Payables Warrant. Please note that both Warrants currently are and will remain public records and the Town Manager will issue a biweekly report on both Warrants at the BOS meetings.

R. Pontbriand also explained that the Town Manager may delegate authority to a qualified subordinate in the event of a temporary absence. He added that from a procedural matter, the Article if adopted by Town Meeting would then be submitted to the State Legislature for approval. Upon Legislative approval the Article will go into effect. All elected incumbents will be the first appointed to their respective positions.

Motion: A motion was made by J. Livingston and seconded by G. Luca to approve the 2017 Special Fall Town Meeting Warrant. **Motion passed 3-0.**

R. Pontbriand and BOS members thanked Attorney Goldberg for attending the meeting.

MBTA/Railroad Update – R. Pontbriand reported that the fence replacement project across from Town Hall is underway.

New Business/Selectmen's Questions: None

Approval of Meeting Minutes:

Motion: A motion was made by G. Luca and seconded by J. Livingston to approve the meeting minutes of September 19, 2017. **Motion passed 3-0.**

Executive Session:

Motion: A motion was made by G. Luca and seconded by C. Hillman to enter into Executive Session at 10:08 PM pursuant to G. L. c/ 30A, sec. 21(a) Exemption #1 (charges or Complaints Against Municipal Employee) for the acceptance of a resignation letter and to adjourn at the conclusion of Executive Session. G. Luca further stated that to discuss these matters in Open Session would be detrimental to the Town's negotiating strategy. **By Roll Call:** C. Hillman, aye; J. Livingston, aye; G. Luca, aye. **Motion passed 3-0, by Roll Call Vote.**

Minutes Recorded and Submitted by Carly M. Antonellis

Date Minutes Approved by BOS:

Oct. 17, 2017

Signature Indicating Approval:

