

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



Broadcast and Recorded by APAC

Tuesday October 17, 2017
Open Session Meeting Minutes

Present: Christopher R. Hillman, Chair; Gary J. Luca, Clerk
Robert A. Pontbriand, Town Administrator
Carly M. Antonellis, Assistant to the Town Administrator

Not Present: Jannice L. Livingston, Vice – Chair

Call to Order: C. Hillman 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:

Motion: A motion was made by G. Luca and seconded by C. Hillman to approve the agenda. **Motion passed 2-0.**

Announcements: C. Hillman announced the following:

- J. Livingston would not be in attendance because of a work commitment.
- The Ayer Special Fall Town Meeting will take place on Monday October 23, 2017 at 7:00 PM at the Ayer Shirley Regional High School.
- Ayer Shirley Regional High School and the Town of Ayer are pleased to announce that High School Journalism students will be covering Ayer Board of Selectmen meetings.

Public Input: None

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

- | | | | |
|--------------|------------------|-------|----------------|
| • 2017-10-03 | Accounts Payable | 18-06 | \$1,352,463.39 |
| • 2017-10-11 | Payroll | 18-07 | \$316,808.07 |

Ms. Alicia Hersey, Program Manager, Community and Ec. Development - AHR Subordination

Request/49 Main Street: A. Hersey explained that this subordination request had been previously approved by the BOS and she was submitting a new version with two small changes, as to form.

Motion: A motion was made by G. Luca and seconded by C. Hillman to approve the amended subordination agreement. **Motion approved 2-0.**

Nasoya Odor Issue Update: R. Pontbriand introduced Ms. Mary Jude Pigsley, Regional Director of the Massachusetts Dept. of Environmental Protection. Ms. Pigsley detailed DEP's involvement with Nasoya,

over the past 10 plus years, including a series of violations and Administrative Consent Orders. Ms. Pigsley said that though Nasoya has been responsive to the DEP, they continue to have odor problems. Nasoya will be adding an additional air scrubber in an attempt to alleviate the ongoing odor issues. The DEP and Nasoya have been discussing a new consent order which will include 3rd party response protocol to verify odors when they are reported. Ms. Pigsley also reported that training and retraining of company personnel seems to be an ongoing theme which Nasoya needs to make a top priority. The consent order will also include a training program component.

C. Hillman again expressed his concern with the ongoing odor problem and stated it wasn't a "20 minute thing" and sometimes it lasted for hours or even days.

Mr. Don Osmer, 1 Mullberry Circle asked why the DEP doesn't shut the company down.

Ms. Piglsey stated that DEP could issue an order to shut down, but that it is appealable. The company can still operate during the appeal process.

G. Luca stated that his expectation is that the 3rd party response protocol is included in the upcoming administrative consent order.

Mr. Don Osmer asked why the Town couldn't fine under MGL c.21a sec. 16. Ms. Pigsley stated that the law he was referencing allowed Town's to adopt regulations in order to fine.

Mr. Alan Peterson, 4 Mulberry Circle, stated that several years ago he went to the Nasoya plant and he saw an employee dumping white liquid into the storm water system. He stated that he reported the violation to DEP and it went unanswered.

Ms. Pigsley stated that she has sensed a high level of cooperation from Nasoya and she is encouraged that they are at least acknowledging the odor issue, which isn't always the case.

Mr. John Kilcommins, 16 Mulberry Circle asked if the either Nasoya or Vitasoy were awarded any TIF's in the past. R. Pontbriand stated no.

R. Pontbriand stated that he and Counsel have gone over all local options and he would like to discuss in Executive Session under Exemption #3.

State Representative Jennifer E. Benson stated that she is looking for a quick resolution and appreciated DEP's attendance, as well as the neighbors reporting the odor issues and that her office would be monitoring the situation as it progresses.

Mr. Don Osmer, 1 Mulberry Circle stated that he was seriously disappointed and that nothing ever happens to the company and they are allowed to continue to make money. He thinks that the company should be shut down.

Mr. Daniel Jung from Nasoya stated that the company is committed to fixing the issue.

Nasoya's Engineer Steve Piper stated that after exhaustive research they have determined that the height of the exhaust stacks are not the issue.

C. Hillman asked if the company had any alarms that notify them of the odor. Mr. Elvin Moquette from Nasoya stated that yes they did have internal alarms but they never correlate to the reported odor issues.

Town Administrator's Report: C. Antonellis gave the Town Administrator's report because R. Pontbriand had bronchitis and lost his voice.

Appointments – C. Antonellis stated that per recommendation of the Historic Commission, she is recommending that Ms. Casey Campetti be appointed to the Historic Commission to an unexpired three year term to expire on June 30, 2018.

Motion: A motion was made by G. Luca and seconded by C. Hillman to appoint Ms. Casey Campetti to an unexpired three year term on the Historic Commission to expire on June 30, 2018. **Motion passed 3-0.**

Declaration of Planning Board Vacancy – C. Antonellis stated that R. Pontbriand had received notification from Town Planner Mark Archambault that the Planning Board voted on October 5, 2017 to declare a vacancy on the Planning Board due to the resignation of Planning Board Member Jenn Gibbons. Pursuant G.L., c.44, sec. 11, the BOS should vote to declare a vacancy and initiate the joint appointment process.

Motion: A motion was made by G. Luca and seconded by C. Hillman to declare a Joint Meeting of the Ayer BOS and Ayer Planning Board for Tuesday, November 7, 2017 at 7pm (as part of the BOS meeting) for the purposes of making a joint appointment to fill the vacancy on the Planning Board until the Spring Election. **Motion passed 2-0.**

Request for Special Town Meeting for Zoning Bylaw Update – C. Antonellis stated that as previously discussed at the 10/3/17 BOS Meeting, it is recommended that the update to the Zoning Bylaw should be taken up at its own Special Town Meeting to be held on Monday March 19, 2018 at the Ayer Shirley Regional High School. This will allow for public outreach and education on the Zoning Bylaw update.

Motion: A motion was made by G. Luca and seconded by C. Hillman to call a Special Town Meeting on Monday March 19, 2017 for the Zoning Bylaw update. **Motion passed 2-0.**

New Business/Selectmen's Questions:

Approval of Meeting Minutes:

Motion: A motion was made by G. Luca and seconded by C. Hillman to approve the meeting minutes of October 3, 2017. **Motion passed 2-0.**

Adjournment:

Motion: A motion was made by G. Luca and seconded by C. Hillman to adjourn at 9:05 PM. **Motion passed 2-0.**

Minutes Recorded and Submitted by Carly M. Antonellis

Date Minutes Approved by BOS:

7 Nov 17

Signature Indicating Approval:

