

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



*Broadcast and Recorded by APAC*

**Tuesday November 7, 2017**  
**Open Session Meeting Minutes**

**Present:** Christopher R. Hillman, Chair; Jannice L. Livingston, Vice – Chair

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

**Not Present:** Gary J. Luca, Clerk

**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.

**Announcements:** C. Hillman announced the following:

- There will be an Election Tuesday November 28, 2017 from 7:00 AM – 8:00 PM to consider the adoption of a recreational marijuana general and zoning bylaw. More information can be found on the homepage on Town of Ayer's website [www.ayer.ma.us](http://www.ayer.ma.us)
- The winter parking ban will be in effect from November 15, 2017 – April 15, 2018. On street parking is prohibited between midnight and 6:00 AM and during active snowstorms.

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

- |              |                  |       |              |
|--------------|------------------|-------|--------------|
| • 2017-17-03 | Accounts Payable | 18-07 | \$325,549.06 |
| • 2017-10-25 | Payroll          | 18-08 | \$303,349.64 |
| • 2017-10-31 | Accounts Payable | 18-08 | \$473,646.62 |

**Review and Approve Agenda:** R. Pontbriand asked to amend the agenda removing item #1 (Contract with Triumph Modular for DPW Operations Center) under the DPW Superintendent's report.

**Motion:** A motion was made by C. Hillman and seconded by J. Livingston to approve the agenda, as amended. **Motion passed 2-0.**

**Public Input:** R. Rhonemus, 8 Oak Street, member of the Historical Commission, asked the BOS for an update on the Pleasant Street School Historic Restriction. R. Pontbriand will get a status update from Town Counsel.

**Chief William A. Murray, Ayer Police Department:** *Appointment of Sergeant* – Chief Murray introduced Officer Eric Pearson, his recommended candidate for the position of Sergeant. Officer Pearson has worked for the Town since 2011. He was chosen from a field of 5 candidates. Chief Murray is requesting the appointment be effective immediately with a one year probationary period.

**Motion:** A motion was made by J. Livingston and seconded by C. Hillman to appoint Officer Eric J. Pearson to the position of Sergeant effective immediately with a one year probationary period. **Motion passed 2-0.**

*Cameras in the Downtown (Selectman Hillman)* – C. Hillman took his inquiry out of order to ask the Chief his thoughts about putting cameras in the Downtown at busy intersections and/or on streetlight poles. Chief Murray said he is interested in the idea, but his initial research indicates there is a significant cost and requirement to store data.

**Joint Appointment of Planning Board Member:** J. Fay called the Planning Board to order at 7:13 PM. The BOS and Planning Board are filling the Planning Board seat vacated by Jenn Gibbons. R. Pontbriand stated that each applicant will be asked to join the table to introduce themselves and explain their interest in serving on the Planning Board.

Mr. Ken Diskin, 180 Washington Street stated he has been a resident of Ayer for the past 17 years and that he has recently had the opportunity to be involved with the Planning Board as an abutter to a project. He is recently retired and has the time and knowledge to serve on the Planning Board.

Mr. Jonathan Kranz, 46 Washington Street stated that he and his family are relatively new to Town and he is interested in serving the Town.

Mr. Shawn Merrit had sent a letter of interest but did not attend the joint meeting.

Mr. Richard Zolla, 5 Patricia Drive stated that it was time for him to be more involved in the community and he would like to do more community service.

BOS members and Planning Board members were pleased with the interest of those willing to serve on the Planning Board and urged all candidates to look at other volunteer opportunities within Town government.

**Motion:** A motion was made by J. Fay and seconded by G. Tillotson to appoint Mr. Ken Diskin to the Planning Board with the term to expire at the next Town election in April of 2018. **Motion passed 5-0.** (Planning Board members voting Jim Fay, Geoff Tillotson, Sue Kennedy).

**Motion:** A motion was made by J. Fay and seconded by G. Tillotson to adjourn the Planning Board at 7:35 PM. **Motion passed 3-0.**

**DPW Superintendent Mark Wetzel:** M. Wetzel thanked the Ayer Recycling Committee for a very successful “Recycle your Reusables” event held on October 21, 2017.

*Grove Pond Well Field* - M. Wetzel stated that there was recently a meeting with the Environmental Protection Agency, the Massachusetts Department of Environmental Protections and the Army of Corp. of Engineers, and Town officials to discuss recent findings from testing at Grove Pond Wells, which provides approximately 60% of the Town’s water supply. The testing results were positive for unregulated contaminants PFOA and PFAS in September of 2016. Because the Town of Ayer’s water is mixed prior to treatment and distribution, the water supply is below the healthy advisory limit. Test results will continue to be monitored by federal, state and local officials.

*Update of LED Streetlight Conversion* – M. Wetzel gave a presentation on the status of the conversion of the streetlights to LED’s. The DPW have received bids for and are in the process of product selection.

**Discussion of Town’s Management Letter:** Mr. Jim Giusti, from Giusti, Hingston & Company C.P.A. was in attendance for the discussion about the Town’s Audit Management letter. J. Giusti and R. Ponthriand went over the items contained in the letter: uniform guidance; I-9 forms; cash reconciliation and implementation of new GASB pronouncements. J. Giusti also presented a two year contract extension for

consideration by the Town's Management Team. R. Pontbriand stated that he'll review with the Town Accountant.

**Nasoya Odor Issue Update:** Mr. Ross Gatta, CEO, Daniel Jung and Elvin Moquette were all in attendance to meet with the BOS. Mr. Gatta thanked the BOS for inviting him to attend and stated that the periodic odor issues are unacceptable to the company and he apologized. He reported that Nasoya has signed a consent order with the Massachusetts Department of Environmental Protection and was issued a \$27,000 fine. He also reported that they have brought on a 3<sup>rd</sup> party odor verification company to verify odors when they are received.

C. Hillman stated that when the media got involved the issue got better. R. Gatta said that the company didn't take the issue any less seriously when the media wasn't involved.

J. Livingston expressed her concern with the upcoming winter months stating that because people's windows will be closed she hopes that the company will continue to make the odor issue a priority.

Mr. Don Osmer, 1 Mulberry Circle, stated that the neighborhood continues to suffer. Mr. Osmer stated that he sick of apologies and no changes.

E. Moquette gave a presentation of the timelines associated with the plant improvements.

**Treasurer Susan Copeland and Fin. Mgr./Town Accountant Lisa Gabree:** *Vote/Authorization of Municipal Bonds (BANs)*

**Motion:** A motion was made by J. Livingston and seconded by C. Hillman Clerk of the Board of Selectmen of the Town of Ayer, Massachusetts (the "Town"), certify that at a meeting of the board held November 7, 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 the maximum useful life of the departmental equipment listed below to be financed with the proceeds of the borrowings authorized by the votes of the Town identified is hereby determined pursuant to G.L. c.44, §7(1) to be as follows:

<u>Authorization</u>	<u>Purpose</u>	<u>Amount</u>	<u>Maximum Useful Life</u>
May 9, 2016 (Article 20)	Fire Dept. Ladder Truck #1	\$248,000	10 years
October 24, 2016 (Article 5)	PD radio coverage improvements	\$222,000	10 years

**Further Voted:** that the sale of the \$3,420,000 General Obligation Municipal Purpose Loan of 2017 Bonds of the Town dated November 17, 2017 (the "Bonds"), to UBS Financial Services Inc. at the price of \$3,666,294.35 and accrued interest, if any, is hereby approved and confirmed. The Bonds shall be payable on November 15 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	\$490,000	4.00%	2028	\$100,000	2.00%
2019	410,000	4.00	2029	95,000	2.25

<u>Year</u>	<u>Amount</u>	<u>Interest Rate</u>	<u>Year</u>	<u>Amount</u>	<u>Interest Rate</u>
2021	365,000	4.00	2031	65,000	3.00
2022	220,000	4.00	2032	65,000	3.00
2023	195,000	4.00	2033	60,000	3.00
2024	185,000	4.00	2034	60,000	3.00
2025	185,000	4.00	2035	60,000	3.00
2026	150,000	4.00	2036	55,000	3.00
2027	125,000	4.00	2037	50,000	3.00

Further Voted: to approve the sale of a \$1,245,351 1.30 percent General Obligation Bond Anticipation Note of the Town dated November 17, 2017, and payable March 30, 2018 (the "Note"), to Eastern Bank at par and accrued interest, if any, plus a premium of \$119.62.

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 October 24, 2017 and a final Official Statement dated November 1, 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 October 24, 2017 and a final Official Statement dated November 1, 2017, each in such form as may be approved by the Town Treasurer, be and hereby are ratified, confirmed, approved and adopted.

Further Voted: that the Bonds shall be subject to redemption, at the option of the Town, upon such terms and conditions as are set forth in the Official Statement.

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 2-0.**

**Town Administrator's Report:** *Administrative Update* - R. Pontbriand stated that the FY '19 Capital Planning and Water and Sewer Rate processes were underway. He also announced the Veteran's Day ceremony happening on November 11, 2017 at 11:00 AM in the Memorial Garden.

*Warrant Signing Authority Delegation* – R. Pontbriand is recommending that another BOS member be named as the warrant signing authority, as G. Luca will be unavailable.

**Motion:** A motion was made by J. Livingston and seconded by C. Hillman to assign J. Livingston the warrant signing authority delegation pursuant to the Massachusetts Municipal Modernization Act. **Motion passed 2-0.**

**New Business/Selectmen's Questions:** *Advocates Building Demolition Update (Selectman Hillman)* – R. Pontbriand reported that the demolition will be completed by the end of the year according to MART.

**Approval of Meeting Minutes:**

**Motion:** A motion was made by J. Livingston and seconded by C. Hillman to approve the meeting minutes of October 11, 2017; October 17, 2017; October 23, 2017; October 24, 2017. **Motion passed 2-0.**

**Executive Session:**

**Motion:** A motion was made by J. Livingston and seconded by C. Hillman to enter into Executive Session at 9:50 PM pursuant to G. L. c. 30A, sec. 21(a) Exemption #3 (Litigation Strategy) to discuss enforcement litigation regarding the property and commercial business Bikeworx located 211 West Main Street and to adjourn at the conclusion of Executive Session. J. Livingston 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. Motion passed 2-0, by Roll Call Vote.**

Minutes Recorded and Submitted by Carly M. Antonellis

Date Minutes Approved by BOS:

21 NOV 17

Signature Indicating Approval:

