

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



Broadcast and Recorded by APAC

Tuesday February 20, 2018
Open Session Meeting Minutes

Present: Christopher R. Hillman, Chair; Jannice L. Livingston, Vice – Chair; Gary J. Luca, Clerk (*Via Telephone Remote Participation*)

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

Call to Order: C. Hillman called the meeting to order at 6:03 PM. C. Hillman announced that all votes would be taken by Roll Call because Selectman Luca would be participating remotely via telephone.

Executive Session pursuant to G.L. c. 30A, sec. 21(a): A motion was made by C. Hillman and seconded by J. Livingston to enter into Executive Session pursuant to G.L. c. 30A, sec. 21 (a) Exemption #3 (Litigation Strategy) to discuss *Worthen Dale v. Town of Ayer* and to reconvene in Open Session at 7:00 PM. C. Hillman 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 by Roll Call Vote 3-0.**

J. Livingston leaves the meeting due to illness.

Reconvene in Open Session: The BOS reconvened in Open Session at 7:02 PM.

Review and Approve Agenda:

Motion: A motion was made by G. Luca and seconded by C. Hillman to approve the agenda. **By Roll Call:** C. Hillman, aye; G. Luca, aye. **Motion passed by Roll Call Vote 2-0.**

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

Review of Warrants: C. Hillman stated that J. Livingston signed the following warrant on behalf of the BOS:

• 2018-02-06	Accounts Payable 18-14	\$1,341,090.98
• 2018-01-13	Payroll Warrant 18-15	\$302,834.82

Public Input: R. Rhonemus, 8 Oak Street asked for a point of order. She questioned whether the BOS could conduct business under the remote participation policy without a physical quorum of the BOS present, because J. Livingston had left. R. Pontbriand stated he would review the policy, but in the meantime, the BOS should continue with Public Input, because no BOS deliberations would be taking place.

Mr. Scott Park and Mr. Elvin Moquette from Nasoya Foods were asked to be present at the meeting because of more odor issues at the Nasoya plant off of Westford Road. The Nasoya representatives asked to make a presentation and C. Hillman told them that they could not and that he wanted answers as to why the odor issues were happening again. Nasoya Representatives said that they were working to address the issue.

Mr. Don Osmer, 1 Mulbury Circle said that he is asking the same question, "What changed?" He said that the odor issues had drastically reduced and now it was happening again.

R. Pontbriand informed C. Hillman that per the Remote Participation Policy, a physical quorum of the BOS must be present.

C. Hillman asked for a 10 minute recess. The BOS recessed.

J. Livingston rejoins BOS Meeting at 7:50 PM

The BOS reconvened at 7:51 PM.

Chief William A. Murray, Ayer Police Department: *Appointment of Full Time Dispatcher* - Chief Murray introduced Mr. Max Goodwin, his recommended candidate for the position full time dispatcher. Mr. Goodwin is a 2009 graduate of Ayer High School and is a Navy Veteran. Chief Murray is asking for the appointment to be effective March 1, 2018 at Step 1 contingent upon successfully passing a background investigation, drug testing and field training.

Motion: A motion was made by G. Luca and seconded by J. Livingston to appoint Mr. Max Goodwin to the position of Full Time Dispatcher effective March 1, 2018 at Step 1 contingent upon successfully passing a background investigation, drug testing and field training. **By Roll Call:** C. Hillman, aye; J. Livingston, aye; G. Luca, aye. **Motion passed by Roll Call Vote 3-0.**

Ms. Cindy Knox, I.T. Director: *Updated Written Information Security Program (WISP)* – C. Knox was in attendance to present the annual review of the Written Information Security Program.

Motion: A motion was made by J. Livingston and seconded by G. Luca to approve the updated WISP policy. **By Roll Call:** C. Hillman, aye; J. Livingston, aye; G. Luca, aye. **Motion passed by Roll Call Vote 3-0.**

Mr. Alan Manoian, Director of Community and Economic Development and Ms. Alicia Hersey, Program

Manager: *FY18 Ayer Housing Rehabilitation Program Guidelines*– A. Manoian and A. Hersey were in attendance regarding the upcoming FY' 18 Community Development Block Grant application. A. Hersey is asking that the BOS approve the FY '18 Housing Rehabilitation Program Guidelines.

Motion: A motion was made by J. Livingston and seconded by G. Luca to certify the FY '18 Housing Rehabilitation Program Guidelines, as presented. **By Roll Call:** C. Hillman, aye; J. Livingston, aye; G. Luca, aye. **Motion passed by Roll Call Vote 3-0.**

Community Development Strategy – A. Manoian asked the BOS to approve the FY'18 Community Development Strategy for 2018-2022 to file with DHCD.

BOS members asked what had changed from the last update. A. Manoian said that this plan focuses more on multi modal transportation.

Motion: A motion was made by J. Livingston and seconded by G. Luca to approve the Community Development Strategy for 2018-2022. **By Roll Call:** C. Hillman, aye; J. Livingston, aye; G. Luca, aye. **Motion passed by Roll Call Vote 3-0.**

Certification of FY 18 CDBG Grant Application – A. Hersey asked that BOS to approve, with signature by the Chairman, the FY'18 Grant Certification documents.

Motion: A motion was made by C. Hillman and seconded by J. Livingston to approve the FY'18 Grant Certification documents. **By Roll Call:** C. Hillman, aye; J. Livingston, aye; G. Luca, aye. **Motion passed by Roll Call Vote 3-0.**

Superintendent Mark Wetzel, Ayer DPW: *Letter of Support – East Main Street Reconstruction* – M. Wetzel was in attendance asking the BOS for support on the East Main Street Reconstruction Project on the TIP list.

Motion: A motion was made by G. Luca and seconded by J. Livingston to approve the letter of support to Montachusett Regional Planning Commission as presented for the East Main Street Reconstruction Project. **By Roll Call:** C. Hillman, aye; J. Livingston, aye; G. Luca, aye. **Motion passed by Roll Call Vote 3-0.**

Inflow and Infiltration Investigation Phase 2B – M. Wetzel presented the Professional Services Agreement for Phase 2B Inflow and Infiltration Sewer Investigations. The overall project was approved by last year's Annual Town Meeting.

Motion: A motion was made by G. Luca and seconded by J. Livingston to approve the Professional Services Agreement between the Town of Ayer and Arcadis U.S., Inc. in the amount of \$230,000 for Infiltration /Inflow (I/I) Analysis – Phase 2B with signature by the Chair. **By Roll Call:** C. Hillman, aye; J. Livingston, aye; G. Luca, aye. **Motion passed by Roll Call Vote 3-0.**

Discussion Items – Water Rules and Regulations - This item was tabled until the next BOS meeting.

Chapter 90 Funding (Selectman Luca) – G. Luca asked M. Wetzel about supplementing Chapter 90 money. M. Wetzel said that \$150,000 was included in the FY' 19 capital requests and believes that figure is manageable.

Town Administrator's Report: *Administrative Update* –R. Pontbriand stated that he had two "action items".

Approval of the March 19, 2018 Special Town Meeting Warrant – R. Pontbriand reported that the Planning Board voted to approve the language for the Town Meeting Warrant for the March 19, 2018 Special Town Meeting regarding the Zoning Bylaw update and the Solar Overlay District. He is seeking BOS approval of the warrant.

Motion: A motion was made by J. Livingston and seconded by G. Luca to approve the Special Town Meeting Warrant for Monday March 19, 2018. **By Roll Call:** C. Hillman, aye; J. Livingston, aye; G. Luca, aye. **Motion passed by Roll Call Vote 3-0.**

Reserve Fund Transfer – Town Counsel Legal Services – R. Pontbriand presented a Reserve Fund Transfer request in the amount of \$70,000 for the Legal Services Line Item. The primary unforeseen legal matters that have depleted the budget are the lawsuit of *Worthen Dale V. Town of Ayer*; relocation costs regarding the Advocates Buildings; costs associated with the Ayer Solar II Project and costs associated with the preparation of the Zoning Bylaw Update and Special Town Meeting.

Motion: A motion was made by G. Luca and seconded by J. Livingston to approve the Reserve Fund Transfer in the amount of \$70,000 for the legal services line item with signature by the Chair. **By Roll Call:** C. Hillman, aye; J. Livingston, aye; G. Luca, aye. **Motion passed by Roll Call Vote 3-0.**

New Business/Selectmen's Questions: *Free Cash Discussion (Selectman Luca)* – G. Luca wanted to discuss options for utilizing the FY' 17 certified free cash stating that he'd like to give something back to the tax payer.

Approval of Meeting Minutes:

Motion: A motion was made by J. Livingston and seconded by C. Hillman to approve the meeting minutes from February 6, 2018. **By Roll Call:** C. Hillman, aye; J. Livingston, aye; G. Luca, aye. **Motion passed by Roll Call Vote 3-0.**

Adjournment:

Motion: A motion was made by J. Livingston and seconded by C. Hillman to adjourn at 8:30 PM. **By Roll Call:** C. Hillman, aye; J. Livingston, aye; G. Luca, aye. **Motion passed by Roll Call Vote 3-0.**

Minutes Recorded and Submitted by Carly M. Antonellis

Date Minutes Approved by BOS: 3/20/18

Signature Indicating Approval: 