

**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 October 1, 2019  
Open Session Meeting Minutes**

**RECEIVED**

**OCT 16 2019**

TOWN OF AYER

*Robert A. Pontbriand*

**BOS Present:** Scott A. Houde, Chair; Jannice L. Livingston, Vice-Chair

**Also Present:** Robert A. Pontbriand, Town Manager  
Carly M. Antonellis, Assistant Town Manager

**Call to Order:** S. Houde called the meeting to order at 6:00 PM.

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

**Approval of Agenda:**

**Motion:** A motion was made by S. Houde and seconded by J. Livingston to approve the agenda. **Motion passed 2-0.**

**Announcements:** S. Houde announced that the Ayer Police Department will be hosting "Coffee with a Cop" tomorrow Wednesday October 2, 2019 from 10:30 AM – to 12:00 PM at the Ayer Public Library.

**Public Input:** None

**Public Hearing – Pole Petition – National Grid & Verizon - No. 23932888 – Groton Harvard Road/Washington**

**Street:** J. Livingston opened the public hearing by reading the public hearing notice. National Grid and Verizon are petitioning to install a JO Pole on Groton Harvard Road beginning at a point approximately 0 feet southeast of the centerline of the intersection of Washington Street and Groton Harvard Road. This is related to the Transfer Station solar array. Mr. Harvey Morales was in attendance on behalf of National Grid. There were no questions or abutter input.

**Motion:** A motion was made by J. Livingston and seconded by S. Houde to approve the pole petition for National Grid and Verizon No. 23932888. **Motion passed 2-0.**

**Motion:** A motion was made by J. Livingston and seconded by S. Houde to close the Public Hearing at 6:05 PM. **Motion passed 2-0.**

**Public Hearing – Notice of Layout of Streets – Nashua Street Extension:** S. Houde opened the public hearing at 6:05 PM by reading the Public Hearing Notice stating that the BOS gave their intent to layout Nashua Street Extension on September 3, 2019. The Planning Board has also reviewed the request and has referred the matter back to the BOS for consideration at the Fall Special Town Meeting on October 28, 2019. M. Wetzel stated that they have inspected the street and is recommending approval.

**Motion:** A motion was made by S. Houde and seconded by J. Livingston to approve the layout of Nashua Street Extension and to place on the October 28, 2019 Fall Special Town Meeting Warrant. **Motion passed 2-0.**

**Motion:** A motion was made by S. Houde and seconded by J. Livingston to close the public hearing at 6:07 PM. **Motion passed 2-0.**

**Public Hearing – Notice of Layout of Streets – Norwood Avenue within Elizabeth Estates:** J. Livingston opened the public hearing at 6:08 PM by reading the Public Hearing Notice stating that the BOS gave their intent to layout Norwood

Avenue within Elizabeth Estates on September 3, 2019. The Planning Board has also reviewed the request and has referred the matter back to the BOS for consideration at the Fall Special Town Meeting on October 28, 2019. M. Wetzel stated that they have inspected the street and there are several punch list items remaining. M. Wetzel said the road has been maintained by the developer since 2012. M. Wetzel stated that if the punch list items are not resolved before Town Meeting, he will recommend that the article be withdrawn.

A resident at 39 Norwood Avenue stated that he is petitioning against it because the road was recently damaged by a crane due to construction. M. Wetzel stated that the condition of the road didn't appear in bad condition, having been used as a public way for eight years. He is recommending approval.

S. Houde asked M. Wetzel to inspect Norwood Ave., prior to the Town Meeting and recommend withdrawal at Town Meeting, if the punch list items were not completed.

**Motion:** A motion was made by J. Livingston and seconded by S. Houde to approve the layout of Norwood Avenue within Elizabeth Estates pending DPW review. **Motion passed 2-0.**

**Motion:** A motion was made by S. Houde and seconded by J. Livingston to close the public hearing at 6:19 PM. **Motion passed 2-0.**

A resident from Nashua Street Extension stated that the developer had not finished her driveway at Lot 1. M. Wetzel informed the resident that the issue is between her and the builder.

**Public Hearing – Notice of Layout of Streets – Hay Meadow Lane, Holly Ridge Road, Appleblossom Drive:** S. Houde opened the public hearing at 6:19 PM by reading the Public Hearing Notice stating that the BOS gave their intent to layout Haymeadow Lane, Holly Ridge Road and Appleblossom Drive on September 3, 2019. The Planning Board has also reviewed the request and has referred the matter back to the BOS for consideration at the Fall Special Town Meeting on October 28, 2019. M. Wetzel stated that this was part of Pingry Hill Phase 5. There is a sinkhole on Haymeadow Drive and some berm that needs to be replaced on Holly Ridge Road. M. Wetzel said he will monitor the progress of the improvements and if they are not completed, he'll recommend withdrawal at the Town Meeting.

Mr. John Duci, 171 Haymeadow Lane had a question for the DPW relating to the condition of the street.

**Motion:** A motion was made by S. Houde and seconded by J. Livingston to approve the layout of Haymeadow Lane, Holly Ridge Road and Appleblossom Drive. **Motion passed 2-0.**

**Motion:** A motion was made by J. Livingston and seconded by S. Houde to close the Public Hearing at 6:27 PM. **Motion passed 2-0.**

**Public Hearing – Notice of Layout of Streets – Hickory Way & Hemlock Drive:** J. Livingston opened the public hearing at 6:27 PM by reading the Public Hearing Notice stating that the BOS gave their intent to layout Hickory Way and Hemlock Drive on September 3, 2019. The Planning Board has also reviewed the request and has referred the matter back to the BOS for consideration at the Fall Special Town Meeting on October 28, 2019. M. Wetzel stated that there were a few items to be completed by the developer on the punch list.

**Motion:** A motion was made by S. Houde and seconded by J. Livingston to approve the layout of Hickory Way and Hemlock Drive. **Motion passed 2-0.**

**Motion:** A motion was made by J. Livingston and seconded by S. Houde to close the Public Hearing at 6:30 PM. **Motion passed 2-0.**

**Conservation Commission – Wetland Bylaw Overview:** The BOS was joined by Conservation Commission members George Bacon and Jess Gugino who gave a brief overview of the proposed wetland bylaw for consideration at the Fall Town Meeting. J. Gugino stated that about 13% of the Town is water and that the Town is fast approaching build out. The current bylaw relating to wetlands is "woefully" out of date. Though the Conservation Commission enforces the state's wetland protection act, the purpose of updating the local wetlands bylaw is to provide more oversight over local concerns.

The new bylaw will increase protection for vernal pools; expand abutter notification from 100' to 300'; add a "minor activities" category for homeowners and increase coordination with other Town Board and Commissions. The new bylaw will not impact existing conditions or structures or allow the Conservation Commission to enter your property without prior notification and consent.

BOS members thanked the Conservation Commission for the presentation.

**Review and Approval of 10/28/19 Fall Special Town Meeting Warrant:** R. Pontbriand presented the DRAFT Fall Special Town Meeting Warrant and suggested that he'll go over each article and if there were questions or anyone would like to further discuss articles to say "Pass". R. Pontbriand stated that he will be meeting with the Finance Committee on 10/9/19 to go over the Warrant.

On Warrant Article 3, R. Pontbriand explained that the Parks Commission recently voted to endorse the article which will authorize an additional \$250,000 for the Parks Commission Building at Pirone Park. S. Houde asked what the original appropriation for the Parks Building was. R. Pontbriand reported that the original appropriation was \$600,000.

Relating to Articles 14 and 15, R. Pontbriand asked the BOS what the preferred implementation date was, either effective immediately or effective July 1, 2020. BOS members agreed to make the implementation date effective July 1, 2020, as to not affect the FY'21 budget process.

J. Livingston stated that the Bylaw I relating to Articles 14 and 15 is messed up. She was concerned with a consistency issue relating to what Bylaw I reads versus what the Town has done for years, which is to have the Town Election on the 4<sup>th</sup> Monday in April and the Annual Town Meeting on the 2<sup>nd</sup> Monday in May.

Selectman Houde asked if Article 15 does not pass would Town Meeting be on the 4th Monday in April because of the wording in sentence 1. J. Livingston then stated that ironically, we would still have met the objective of moving town meeting to April, just not to the Saturday. He then asked if Article 15 would be subject to amendments on Town Meeting Floor; R. Pontbriand stated that assuming the Town Moderator allowed it, it would be subject to an amendment.

**Motion:** A motion was made by S. Houde and seconded by J. Livingston to approve the Fall Special Town Meeting Warrant as presented. **Motion passed 2-0.**

**Town Manager's Report:** *Administrative Update/Review of Warrant(s)* - R. Pontbriand provided an administrative update of the various activities, initiatives, and projects of the Administration since the BOS last met. He also referenced the Meeting Packet for a list of Payroll and Accounts Payable Warrants that have been signed since the last meeting. R. Pontbriand reported that the new chiller system for Town Hall will be installed in October. R. Pontbriand also reported that he met with Dr. Malone to discuss the outcome of the field vote in Shirley.

*Appointments – Cultural Council* – R. Pontbriand is requesting that the BOS appoint Mr. Peter O'Clair to the Ayer Cultural Council for a three-year term expiring June 30, 2022.

**Motion:** A motion was made by S. Houde and seconded by J. Livingston to appoint Mr. Peter O'Clair to the Ayer Cultural Council for a three-year term expiring June 30, 2022. **Motion passed 2-0.**

*Rescheduling of December 3, 2019 BOS Meeting* – R. Pontbriand stated that with the calling of a Special Election by the BOS to take place on Tuesday, December 3, 2019, the December 3, 2019 BOS meeting needs to be rescheduled. S. Houde will look at his calendar between now and the next meeting, so that a meeting date can be selected.

*Recertification of Acceptance of Child Legacy Account* – R. Pontbriand was joined by Treasurer/Tax Collector Ms. Barbara Tierney regarding trust documents that were found in her office from 1998 for a Child Legacy Account. In 1998, the BOS approved the acceptance of the account pending Town Counsel review, but it appears the trust documents were never sent to Town Counsel. Town Counsel has since reviewed, and it is respectfully recommending that the BOS vote to recertify the acceptance of the Child Legacy Account.

**Motion:** A motion was made by S. Houde and seconded by J. Livingston to recertify the acceptance of the Child Legacy Account. **Motion passed 2-0.**

*Reduction in Number of Seats on Disability Commission* – R. Pontbriand stated that the Town has struggled to reach a quorum of appointed members on the Ayer Disability Commission. Currently there are only two members. The current composition of the Commission is nine (9) appointed members by the BOS. R. Pontbriand is requesting that the BOS vote to set the membership of the Ayer Disability Commission at five (5) appointed members by the BOS.

**Motion:** A motion was made by J. Livingston and seconded by S. Houde to reduce the number of members on the Disabilities Commission from nine members to five members. **Motion passed 2-0.**

*One Day Beer and Wine License – St. Mary's Parish* – R. Pontbriand presented a request from St. Mary's Parish for a One Day Beer and Wine License for their Oktoberfest Supper on Saturday October 19, 2019 from 4:30 PM to 9:30 PM.

**Motion:** A motion was made by J. Livingston and seconded by S. Houde to approve the One Day Beer and Wine License as requested. **Motion passed 2-0.**

**New Business/Selectmen's Questions:** *Shirley Vote on the ASRSD Fields Discussion (Selectman Houde)* – R. Pontbriand reported that the High School Field Debt Exclusion failed in Shirley by 12 votes over the weekend. He has met with Dr. Malone to discuss next steps. He is under the impression that a Shirley resident is asking for a recount of the votes. R. Pontbriand reported that the School Committee was meeting tonight to discuss the vote outcome. The ADA compliance issues remain, and the School Committee will be discussing how to address those. S. Houde stated that the conditions at the field and track were deplorable and that he is hopeful the School Committee will come up with a resolution.

*Coordination of Regional Leadership Meeting with Shirley and ASRSD (Selectman Houde)* – S. Houde stated that former ASRSD School Committee Member Dan Gleason recently brought up the idea of having regional leadership meetings, which were commonplace during regionalization. The goal of the meetings was to open communications between the two towns and the school district. S. Houde stated that Ayer has a desire to invest in education and believes it important to understand what the Town of Shirley and the School District's long-term plans are. S. Houde asked R. Pontbriand to organize a meeting between the two towns and the School District to first discuss the next steps on the field project, then to coordinate capital plans. He'd really like to see an increase in communication.

**Approval of Meeting Minutes:**

**Motion:** A motion was made by S. Houde and seconded by J. Livingston to approve the meeting minutes from September 18, 2019. **Motion passed 2-0.**

**Executive Session Pursuant to MGL 30A, sec. 21A:** At 7:31 PM, J. Livingston made a motion, seconded by S. Houde to enter into executive session pursuant to MGL c. 30A, Sec. 21A Exemption #2 Non Union Personnel Contact Negotiations for the Deputy Police Chief, Assistant Town Manager, IT Director and to adjourn at the conclusion of the Executive Session. J. Livingston further stated that to discuss these items in Open Session, would be detrimental to the town's negotiating strategy. **By Roll Call:** S. Houde, aye; J. Livingston, aye. **Motion passed by Roll Call Vote 2-0.**

Minutes Recorded and Submitted by Carly M. Antonellis, Assistant Town Manager

Date Minutes Approved by BOS: 15 OCT 19

Signature Indicating Approval: 