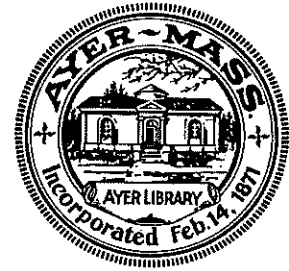


Town of Ayer  
Board of Selectmen  
Ayer Town Hall – 1<sup>st</sup> Floor Meeting Room  
Ayer, MA 01432



Tuesday February 7, 2017  
Open Session Meeting Minutes

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

Robert A. Pontbriand, Town Administrator

Carly M. Antonellis, Assistant to the Town Administrator

**Call to Order:** G. Luca called the meeting to order at 7:07 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 J. Livingston and seconded by C. Hillman to approve the agenda. **Motion passed 3-0.**

**Announcements:** G. Luca made the following announcements:

- 3<sup>rd</sup> and 4<sup>th</sup> Quarter Tax Bills have been mailed as of December 30, 2016. 3<sup>rd</sup> Quarter Taxes are due Wednesday, February 1<sup>st</sup>. 4<sup>th</sup> Quarter Taxes are due Monday, May 1<sup>st</sup>.
- Dog Tags for 2017 are available. Dog Tags are for all canines over the age of 6 months. They must be current on their vaccinations with proof.
- The 2017 Census was mailed on Monday, January 9<sup>th</sup>, 2017. Please complete and return to the Town Clerk's office within 10 days of receipt.

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

- 2017-01-24      17-13    Accounts Payable      \$511,729.17
- 2017-01-31      17-15    Payroll                      \$337,773.71

**Public Input:** J. Fay asked to be recognized for the Memorial Garden Committee. He is asking for support to work with the Town Administrator to submit a Town Meeting Warrant Article for funding for a piece of granite for a Memorial Garden plaque. BOS members had no objections.

**Public Hearing – Pole Petition – National Grid (#22508879) – Pheasant Circle:** R. Pontbriand informed the BOS that due to the inclement weather, National Grid would not be sending a representative but recommended the BOS go forward with the Public Hearing. He reported that none of the Town Departments had any objections with the request. At 7:12 PM, J. Livingston read the public hearing notice that was sent to abutter's pursuant to M.G.L c. 166 §22. G. Luca opened the public hearing and asked if there were any abutter objections/questions to the request. There were none.

**Motion:** A motion was made by C. Hillman and seconded by J. Livingston to approve National Grid Pole Petition #22508879 for Pheasant Circle. **Motion passed 3-0.**

**Motion:** A motion was made by G. Luca and seconded by J. Livingston to close the Public Hearing at 7:14 PM. **Motion passed 3-0.**

**Public Hearing – Application for Transfer of §12 All Alcohol License 9 Main Street (Transfer to 9 Main Ayer, Inc. from New England Flatbread & Ale Company, Inc.):** At 7:15 PM J. Livingston read the Public Hearing noticed as advertised in the *Lowell Sun*. G. Luca opened the Public Hearing. Mr. Ken Huang, new owner of property located at 9 Main Street is seeking the transfer of the New England Flatbread & Ale Company All-Alcohol License to his new restaurant that will open later in 2017. G. Luca opened the public hearing and asked if there were any abutter objections/questions to the request. There were none. Additionally there were no comments/concerns from any of the Town Departments.

**Motion:** A motion was made by C. Hillman and seconded by J. Livingston to approve the transfer of §12 All Alcohol License located at 9 Main Street to 9 Main Ayer, Inc. from New England Flatbread & Ale Company, Inc. **Motion passed 3-0.**

**Motion:** A motion was made by J. Livingston and seconded by C. Hillman to close the Public Hearing at 7:19 PM. **Motion passed 3-0.**

**Ms. Alicia Hersey, Program Mgr., Office of Community Development - Lien Subordination Request Case #04-285E & 05-285:** A. Hersey was in attendance requesting approval of Lien Subordination Request Case #04-285E & 05-285 for property located at 9 Grosvenor Street. She explained that the borrower is seeking to obtain a new mortgage for a lower interest rate.

**Motion:** A motion was made by J. Livingston and seconded by C. Hillman to approve of Lien Subordination Request Case #04-285E & 05-285 for property located at 9 Grosvenor Street with signature by the Chair. **Motion passed 3-0.**

**Chief William A. Murray, Ayer Police Department - Appointment of Part Time Dispatcher:** Chief Murray was in attendance with his recommended candidate for the position of part-time dispatcher. He is recommending that Ms. Kyla Mahoney from Pepperell be appointed to the position. She has Dispatch experience in the Town of Shirley. He is asking for the appointment to be effective immediately.

**Motion:** A motion was made by C. Hillman and seconded by J. Livingston to appoint Ms. Kyla Mahoney to the position of part-time dispatcher effective immediately. **Motion passed 3-0.**

**Presentation by MART - Ayer Commuter Rail Parking Project Update:** Bruno Fisher, Deputy Administrator of MART was in attendance to make a presentation on several DRAFT schematics for the Ayer Commuter Rail Parking Project. R. Pontbriand also reminded everyone that Weston & Sampson, MART and the Town will be hosting a Public Design Workshop on February 22, 2017 at 6:00 PM at the Ayer Town Hall.

B. Fisher made a presentation with 3 DRAFT concepts: #1 Terrace with Park Street Parking and expanded Rail Trail Lot Parking; #2 expanded Rail Trail Lot Parking only; #3 Terrace only. The Town, via the BOS, after the Public Design Workshop on February 22, 2017, should vote to approve a concept plan sometime in March. As soon as a concept is approved the plan can go to the preliminary design phase.

C. Hillman asked that handicap parking spaces be explored on the Depot Square side of the project.

After the presentation, R. Pontbriand asked B. Fisher how the terrace concept evolved. B. Fisher stated that without the acquisition of all three Park Street properties, the terrace had to be considered to maximize the amount of parking spaces.

Mr. Alan Manoian, Director of Economic and Community Development stated that from an economic development prospective, he prefers the terrace concept. From an urban space design prospective, multiple surface lots are not appealing. He stated that the terrace concept triggers market confidence.

Mr. Patrick Diamond, 35 Quail Run expressed his frustration because the public has not yet seen the grant. B. Fisher explained that this grant was an originally slated for Littleton and was transferred to the Town of Ayer many years ago. Mr. Diamond wants the architect/engineer to study the effects of increased traffic, both vehicular and foot.

Ms. Jane Morriss, Pleasant Street Ayer stated that she wanted to make sure there was a clear path/walkway from the lot to the Commuter Rail station. R. Pontbriand and B. Fisher stated that it was mandatory per the Federal Transit Authority.

Mr. Dennis Curran, Pleasant Street asked what the elevation was. MART stated around 8'-10' conceptually and there will be more information once the concept goes to the engineering phase.

Ms. Ellen Fitzpatrick, Autumn Ridge Drive stated that she was glad that the Town had got to this point and asked if the Town could "build -up" on the terrace concept in the future. B. Fisher reported no, that the infrastructure needed for the base of building more than just the terrace is cost prohibitive.

Attorney Tom Gibbons, Park Street said he was surprised that the garage concept was back and was concerned with security relating to a structure as opposed to a surface parking lot.

Mr. Harry Zane, 32 Wright Road, stated that he felt it was not a terrace and that it should be called a deck.

Attorney Connie Sullivan, 79 East Main Street asked that the Town take into consideration leasing commercial space in Depot Square if there were to be a bathroom facility constructed and that the Town should make use of the economic space.

R. Pontbriand stated that the Advocates Building has been approved for demolition by the BOS. R. Pontbriand further reported that in order for the Department of Conservation and Recreation (DCR) to transfer the existing Rail Trail Lot to the Town, bathrooms must be part of the design. DCR does not have any preference on which side of the project the bathrooms are installed.

Ms. Kathleen O'Connor, Amandrey Way asked that the project cost calculations are brought to the Public Workshop on February 22, 2017.

**Town Administrator's Report:** R. Pontbriand gave a brief administrative update stating that the main focus of the Administration is the FY' 18 budget process. He also noted that the FY '18 Capital Budget process is coming to a conclusion.

*Appointments* – R. Pontbriand is recommending that Ms. Jess Gugino be appointed to the Zoning Board of Appeals to fill an unexpired 3 year term that expires on June 30, 2017.

**Motion:** A motion was made by J. Livingston and seconded by C. Hillman to appoint Ms. Jess Gugino to an unexpired three year term on the Zoning Board of Appeals, expiring on June 30, 2017. **Motion passed 3-0.**

*Opening of Annual Town Meeting Warrant* – R. Pontbriand is requesting that the BOS open the Annual Town Meeting Warrant. The Town Meeting will take place on May 8, 2017 at 7:00 PM at the Ayer Shirley Regional High School. The Annual Town Meeting Warrant will close at 12:00 PM on April 14, 2017 for both warrant articles and citizen's petitions.

**Motion:** A motion was made by J. Livingston and seconded by C. Hillman to open the Annual Town Meeting Warrant until 12:00 PM on Friday April 14, 2017 for both warrant articles and citizen's petitions.

**Motion passed 3-0.**

*Reclassification of DPW Business Manager* – R. Pontbriand is recommending that the DPW Business Manager be reclassified to a Grade 10 from a Grade 9. He stated that the recommendation is the result of an exhaustive process to correct deficiencies in the HRS Study's classification of the position. The current position holder has appealed the Personnel Board's decision of a Grade 9 pursuant to Section 12 of the Town's Personnel Procedures Manual. The Appeals Board consisted of the Police Chief, Fire Chief, Economic & Community Development Director, Town Clerk and the Assessing Administrator. They are recommending a Grade 10.

J. Livingston stated that this had come before the Board previously and she recommended at that time to reclassify the position as a Grade 10 and so she felt comfortable approving the request.

G. Luca asked if the employee was seeking a reclassification because the position is currently stepped out on the grid.

R. Pontbriand stated that the current position holder had the right to appeal under the manual. He stated that the Appellate board reviewed the job description and other items submitted by the current position holder.

C. Hillman stated that he felt he needed additional information.

G. Luca asked to have both the Office Manager and the Business Manager job descriptions to review for the next meeting.

J. Livingston stated that she would relook at old minutes and old video footage to see what was discussed when it came before the BOS previously.

R. Pontbriand and the BOS decided to table the matter until the February 21, 2017 meeting.

*One Day Beer and Wine License – Saint Mary's Parish* – R. Ponthriand stated that the Town had received a request from Saint Mary's Parish to have a One Day beer and wine only license from 5:30 PM – 9:30 PM on March 18, 2017 for their St. Patrick's Day Dinner.

**Motion:** A motion was made by C. Hillman and seconded by J. Livingston to approve the One Day Beer and Wine License for Saint Mary's Parish from 5:30 PM to 9:30 PM on March 18, 2017. **Motion passed 3-0.**

*Seasonal Population Estimate for Alcohol Beverages Control Commission* – R. Pontbriand asked to Board to approve the seasonal population estimate for the Alcoholic Beverages Control Commission. The population will not increase during the spring/summer months, which happens mostly on Cape Cod and other tourist locations.

**Motion:** A motion was made by J. Livingston and seconded by C. Hillman to approve the Seasonal Population Estimate of a zero increase for the purposes of the Alcoholic Beverages Control Commission. **Motion passed 3-0.**

**New Business/Selectmen's Questions:** G. Luca stated that he and R. Pontbriand attended the Nashoba Tech Legislative Breakfast and was concerned because Ayer Shirley has the lowest enrollment of any of the sending communities.

*Snow Removal Bylaw/Sidewalk Shoveling (Selectman Luca)* – G. Luca was concerned about phone calls he received from several residents about the police notifying them to clear their sidewalk pursuant to the Town Bylaw.

G. Luca stated that he hadn't heard of the Police Department doing this in recent years. Chief Murray stated that they wanted to educate homeowners on their responsibilities and stated further that no violations were issued. Chief Murray expressed that it would be easier if BOS members have complaints/concerns to address those to R. Pontbriand so he can report back to R. Pontbriand directly, following his chain of command. Chief Murray then urged all town residents and employees to say something if they see something they are concerned with and that all complaints/calls are confidential.

*Abandoned Building Bylaw (Selectman Hillman)* – C. Hillman stated he will defer this discussion and wanted to meet with the Building Commissioner to get more information.

**Approval of Meeting Minutes:**

**Motion:** A motion was made by J. Livingston and seconded by C. Hillman to approve the meeting minutes of January 17, 2017. **Motion passed 3-0.**

**Adjournment:** A motion was made by J. Livingston and seconded by G. Luca to adjourn at 9:55 PM. **Motion passed 3-0.**

Minutes Recorded and Submitted by Carly M. Antonellis

Date Minutes Approved by BOS: 21 FEB 17

Signature Indicating Approval: 