

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



Tuesday, September 2, 2014 – 7:00pm

MEETING MINUTES

Selectmen in Attendance: Christopher Hillman, Chair; Jannice Livingston, Vice-Chair; Gary Luca, Clerk

Also in Attendance: Robert A. Pontbriand, Town Administrator  
Carly M. Antonellis, Assistant to the Town Administrator

Call to Order: The Open Session Meeting was called to order at 7:00 PM by Chairman Hillman.

Review and Approve Agenda: R. Pontbriand amended the agenda by adding a Common Victualler application under the 7:15 PM agenda item (New England Flatbread & Ale Company, Inc.) R. Pontbriand also asked that the 7:55 PM agenda item (Online Payment Contract for Parks & Recreation Department) and the approval of the August 19, 2014 be tabled until the September 16, 2014 meeting.

MOTION: Motion made by G. Luca and seconded by J. Livingston to approve the agenda, as amended.  
Motion passes 3-0.

Public Input: Ms. Mary Spinner spoke on behalf of Ms. Ruth Rhomenus who was inquiring about the handbook the Town made several years prior for new town elected officials. Ms. Spinner also noted that the audio on the live video of the ZBA meetings was hard to hear. Ms. Spinner also inquired about the timeline for the new town hall windows. Lastly, she inquired about \$250,000 in an escrow account for the Willows Development.

Appointment to Zoning Board of Appeals: Ms. Christa Maxant was introduced to the Board. Ms. Maxant wrote a letter to the Town Administrator that expressed interest in serving on the Zoning Board of Appeals.

MOTION: Motion made by G. Luca and seconded by J. Livingston to appoint Ms. Christa Maxant to a three year term on the Zoning Board of Appeals, term expiring on June 30, 2017. Motion passes 3-0.

New England Flatbread & Ale Company - Common Victualler License Application:

C. Hillman made a note because Mr. Keith Leighton (Vice President) is his second cousin; he contacted Town Counsel and the State Ethics Commission. Both advised that he would not be in violation of State Ethics Law if he voted; therefore he did not need to recuse himself.

MOTION: Motion made by G. Luca and seconded by J. Livingston to grant New England Flatbread & Ale Company a Common Victualler License. (License 233-14) Motion passes 3-0.

Public Hearing – New England Flatbread & Ale Company:

MOTION: Motion made by G. Luca and seconded by J. Livingston at 7:15 PM to open the Public Hearing

regarding the petition by MarkKeith Corp. seeking an All Alcohol License for New England Flatbread & Ale Company located at 9 Main Street Ayer. **Motion passes 3-0.**

G. Luca read hearing notice that was published on 8/20/14. There were no questions or concerns from the audience. Mr. Keith Leighton and Mr. Mark DiCicco gave an overview of the proposed restaurant.

**MOTION:** Motion made by G. Luca and seconded by J. Livingston to approve request for an All Alcohol License. **Motion passes 3-0.**

**MOTION:** Motion made by G. Luca and seconded by J. Livingston to close the public hearing at 7:18 PM. **Motion passes 3-0.**

**Superintendent Mark Wetzel, DPW:** M. Wetzel announced that the contract for the Pleasant Street & Taft Street Water Main contract has been awarded to Boucher Construction of Leominster.

**MOTION:** Motion made by G. Luca and seconded by J. Livingston to approve the contract between the Town of Ayer and Boucher Construction for the Pleasant Street and Taft Streets Water Main replacement contract. **Motion passes 3-0.**

**Public Way Street Acceptance & Timeline:** R. Pontbriand explained the timeline of accepting the following streets: Deer Run, Partridge Run and Portions of Hickory Way and Old Farm Way. The Selectmen must approve the intent of the layout. Then the Planning Board will review, and the BOS will deliberate again before going on the Special Town Meeting warrant.

**MOTION:** Motion made by G. Luca and seconded by J. Livingston to approve layout intent of Deer Run, Partridge Run and portions of Hickory Way and Old Farm Way as outlined by Mullaney Engineering. **Motion passes 3-0.**

**Town Management Letter and Audit Discussion:** Auditor James Giusti from Giusti, Hingston and Company gave an overview of the management and audit letter done by Mr. Giusti dated June 27, 2014. The Town Accountant Lisa Gabree and Town Treasurer Stephanie Gintner were both present as well. C. Hillman read Town Clerk and Tax Collector Susan Copeland's memo dated September 2, 2014. The following issues were brought up: Old Motor Vehicle Excise Accounts Receivable, Old Property Tax Accounts Receivable, Tax Collector's Depository Bank Account and Ambulance Bank Account, and Non-Sufficient Funds Checks. The Board and R. Pontbriand brought up their concern with the Treasurer's Office not implementing MGL Chapter 32B Section 9A ½. S. Gintner asked that counsel look into the matter.

**Director Dave Maher, Office of Economic and Community Development:** D. Maher presented proposal from business owners David Berry, Calvin Moore and Mark DiCicco regarding a Harvest Festival on Friday October 3-2014 and Saturday October 4, 2014. Business involved will be Carlin's, Billards, Lucia's and Markoh's. The business owners have been working with D. Maher, the Ayer Police Department and the Fire Department to ensure they are meeting all requirements.

**MOTION:** Motion made by G. Luca and seconded by J. Livingston to conditionally approve one day liquor licenses for the event if the business owners meet ABCC regulations, Police Chief's approval, and provide a detailed design schematic. **Motion passes 3-0.**

**BOS/General and Selectmen's Policies Approval:** C. Hillman congratulated J. Livingston for the impressive work she had done to rework the policies. J. Livingston presented the final drafts of the documents.

**MOTION:** Motion made by G. Luca and seconded by C. Hillman to approve both the General Policies and the Selectmen's Policies with an effective date of September 2, 2014. **Motion passes 3-0.**

**New Business/Selectmen's Questions:** C. Hillman gave an update on the MART parking/access issue and thanked Representative Sheila Harrington for her help with the issue.

The Board and R. Pontbriand briefly discussed the Town of Ayer using a grant writer to help town departments. R. Pontbriand is currently getting information from other municipalities.

**Approval of Meeting Minutes:** As discussed earlier the minutes of the August 19, 2014 meeting are being tabled until September 16, 2014.

**MOTION:** Motion made by G. Luca and seconded by C. Hillman to approve the minutes of August 26, 2014. **Motion passes 3-0.**

**New Business/Selectmen's Questions- Part 2**

**MOTION:** Motion made by G. Luca and seconded by C. Hillman to authorize the Town Administrator to set a joint meeting of the Board of Selectmen and Planning Board to appoint a new member. **Motion passes 3-0.**

G. Luca inquired about "Pay for Performance" incentive program and asked the Town Administrator to look into it.

G. Luca also thanked DPW Employee Dan Scott for service to the Town, as he will be retiring in the coming weeks.

**MOTION:** Motion made by C. Hillman and seconded by G. Luca at 9:59 PM to enter into executive session pursuant to MGL Chapter 30A, Section 21A, Exemption #2 Non Union Collective Bargaining Re: Police Chief Contract Negotiations; and Exemption #3 Collective Bargaining Re: WWTP Tanker Driver and Re: AFSCME 93 Town Hall/Clerical Contract MOA and to adjourn meeting from Executive Session. To discuss these matters in open session would be detrimental to the Town's negotiations strategy. By Roll Call Vote: C. Hillman, Yes; J. Livingston, Yes; G. Luca, Yes. **Motion passes 3-0.**

**Minutes Recorded and Submitted by Carly M. Antonellis**

Minutes Approved by BOS: 9-16-14

Gary J. Luca, Clerk: Gary Luca