



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

**Tuesday June 16, 2015**  
**Meeting Minutes**

*Broadcast and Recorded by APAC*

Present: Jannice L. Livingston, Chair; Gary J. Luca, Vice-Chair; Christopher R. Hillman, Clerk  
(Entered at 7:04 PM)

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

**Call to Order:** J. Livingston called the meeting to order at 7:02 PM.

**Review and Approve Agenda:** R. Pontbriand asked to amend the agenda by adding the appointment of the Conservation Agent after Public Input. He also asked to have an item added to his report as item # 5 relative to Empire City's surrendering of their liquor license. G. Luca would also like to add a JBOS update under New Business.

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

**Announcements:** J. Livingston stated that as previously voted on by the BOS, the Board's summer meeting schedule is as follows: July 14, 2015 and August 11, 2015. She also announced the Fourth of July Festivities schedule: the parade begins at 3:00 PM and the fireworks begin at dusk.

*C. Hillman enters meeting at 7:04 PM.*

**Public Input:** None

**Appointment of Conservation Agent:** Conservation Commission Chair Bill Daniels and members George Bacon and Jess Gugino were in attendance to notify the BOS that the Conservation Commission has completed their search for a Conservation Agent and are recommending Ms. Michele Grenier. Ms. Grenier briefly spoke to her qualifications.

**Motion:** A motion was made by G. Luca and seconded by C. Hillman to appoint Ms. Michele Grenier to the position of Conservation Agent. **Motion passed 3-0.**

**Superintendent Mark Wetzel, Department of Public Works:** M. Wetzel presented several items to the BOS.

*Groton Sewer Interconnection* – Mr. Bob Rafferty from Environmental Partners was in attendance to represent the Town of Groton for a discussion relative to the installation of sewers at the Four Corners area of Groton. They are proposing an interconnection to the Town of Ayer sewer on Westford Road. The Town of Groton is applying under the Commonwealth's MassWorks program later this summer and is looking for feedback from the Ayer BOS before the two towns enter into a Memorandum of Agreement (MOA). The project is

totally funded by Town of Groton and will not move forward without a successful award from the MassWorks program. The proposed MOA will be considered at a future BOS meeting.

*Contract Extension for Wall Trucking (Sludge Hauling)* – M. Wetzel is recommending a one year contract extension for Wall Trucking of Shrewsbury for sludge hauling.

**Motion:** A motion was made by G. Luca and seconded by C. Hillman to approve amendment #1 on the Wastewater Sludge Disposal Agreement between the Town of Ayer and Wall Trucking for the period of July 1, 2015 through June 30, 2016 with signature by the Chair. **Motion passed 3-0.**

*Contract Extension for PJ Albert Company (Chapter 90 Paving)* – M. Wetzel is recommending a one year contract extension for PJ Albert Company for paving under the Chapter 90 program.

**Motion:** A motion was made by G. Luca and seconded by C. Hillman to approve amendment #2 on the Road Paving Construction Agreement between the Town of Ayer and PJ Albert, Inc. for the period of June 16, 2015 through June 30, 2016 with signature by the Chair. **Motion passed 3-0.**

*Award of Stony Brook Wastewater Pumping Station Bid* – M. Wetzel stated that the bids for the Stony Brook Wastewater Pumping Station Replacement Project were opened on May 7, 2015 and is recommending the Town award the contract to Waterline Industries Corp. of Seabrook, NH for the base bid of \$616,677.

**Motion:** A motion was made by C. Hillman and seconded by G. Luca to approve the Notice of Award to Waterline Industries Corp. of Seabrook, NH for the base bid of \$616,677 with signature by the Chair.

**Motion passed 3-0.**

*Direct Network Services (Request to temporarily lease space in DPW)* – M. Wetzel was approached by Direct Network Services in Littleton relative to a proposal to lease space in the DPW offices to install a small router and antenna. Direct Network Services is working with MassDOT and Raytheon testing an open road tolling system at the air field in Devens. The nearest Comcast connection is the DPW offices. M. Wetzel prepared a draft lease for the Board to review and consider.

**Motion:** A motion was made by G. Luca and seconded by C. Hillman to approve the lease agreement between the Town of Ayer and Direct Network Services of Littleton contingent upon Town Counsel review.

**Motion passed 3-0.**

*Town Engineer's Report* – Town Engineer Dan Van Schalkwyk gave a presentation to the BOS to update them on the progress he has made since being appointed, highlighted several projects he is working on and upcoming projects that the DPW will be working on.

*Municipal Energy Technical Assistance (META) Grant* – D. Van Schalkwyk presented an opportunity for the Town to apply for a municipal energy technical assistance grant through the Department of Energy Resources to be used for identifying efficiencies in the wastewater collection system.

**Motion:** A motion was made by G. Luca and seconded by C. Hillman to authorize the Dept. of Public Works to apply for the META grant with signature by the BOS. **Motion passed 3-0.**

**Parks Commission Chairman Jason Mayo & Rec. Director Jeff Thomas:** At the request of C. Hillman, Parks Commission Chairman Jason Mayo and Recreation Director Jeff Thomas were in attendance to start a conversation on the capital needs of the Parks Commission. J. Mayo and J. Thomas said that storage needs were immediate and there has been discussion about a longer term plan to construct a recreation facility. M. Wetzel stated that he is in the process of drawing plans for a storage unit for both equipment and vehicles for the Grove Pond Water Department garage, similar to what the Park Department would like to use for their

storage needs. M. Wetzel stated that to build both units at the same time would probably cost the Town less money and that he was happy to work with the Parks Commission. J. Livingston said that the Parks Commission has the support of the BOS and is hopeful they'll submit their proposal during next fiscal year's capital planning process.

**Town Administrator's Report:** R. Pontbriand gave a brief administrative update focusing on the Town's plan to address unaccepted streets, transferring of OPEB funds, working on closing out the FY '15 budget and working with the auditors for the annual audit.

*Reserve Fund Transfer Request* - R. Pontbriand then presented a request for a Reserve Fund Transfer in the amount of \$16,420 for Town Counsel legal services for unforeseen legal costs incurred since the FY'15 budget was approved by Town Meeting on May 12, 2014.

**Motion:** A motion was made by C. Hillman and seconded by G. Luca to approve the Reserve Fund Transfer to account 01151, Town Counsel services in the amount of \$16,420. **Motion passed 3-0.**

*Finalization of Goals and Objectives for 2015-2016* – R. Pontbriand then presented the compiled list of Goals and Objectives for 2015-2016 for both the BOS and the Town Administrator.

*Board/Committee Appointments*

**Motion:** A motion was made by G. Luca and seconded by J. Livingston to appoint the following people to the following positions for a one year term to expire on June 30, 2016. **Motion passes 3-0:**

Jim Fay	Memorial Garden Committee
Mike Detillion	Memorial Garden Committee
Chuck McKinney	Memorial Garden Committee
Bob Eldridge	Memorial Garden Committee
Janet Lewis	Memorial Garden Committee
Pauline Hamel	MJTC Representative

**Motion:** A motion was made by G. Luca and seconded by C. Hillman to appoint the following people to the following positions for a three year term to expire on June 30, 2018. **Motion passes 3-0:**

Jess Gugino	Conservation Commission
Takashi Tada	Conservation Commission
Robert Hammond	Registrar of Voters
Ron Defilippo	Zoning Board of Appeals
Jeremy Callahan	Zoning Board of Appeals – Alternate
John Kilcommins	Capital Planning Committee

*J. Livingston then recused herself for the following vote.*

**Motion:** A motion was made by G. Luca and seconded by C. Hillman to appoint the following person to a three year term to expire on June 30, 2018. **Motion passes 2-0:**

John Ellis	Zoning Board of Appeals
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*J. Livingston then rejoined the table.*

*Empire City (Surrendering of Liquor License)* – C. Antonellis explained that the Town had received correspondence earlier in the day from the owner of Empire City that they would like to surrender their full liquor license immediately and that according to the ABCC the Board should vote to accept the surrendered license.

**Motion:** A motion was made by G. Luca and seconded by C. Hillman to accept the surrendering of the all alcohol license from Ho Hing Restaurant, Inc. d/b/a Empire City and issue a prorated refund for the months of July 2015 through December 2015 totaling \$1,500. **Motion passed 3-0.**

**New Business/Selectmen's Questions:**

*Holiday Light Committee (Selectman Hillman)* – C. Hillman and J. Livingston stated that the Holiday Lights Committee is looking for volunteers and are hopeful to have a meeting after the 4<sup>th</sup> of July festivities are over.

*Compliance with MGL Chapter 32B 9 A 1/2 (Selectman Luca)* – G. Luca then stated his frustration over the Town Treasurer not following state law specifically MGL c.32B, sec. 9 1/2A relative to retiree health insurance billing and receiving. He said it was fiscally irresponsible and leaves the Town exposed to legal action.

**Motion:** A motion was made by G. Luca and seconded by C. Hillman to authorize R. Pontbriand to further inquire with Town Counsel about what steps the BOS may take because the elected treasurer has not and will not comply with the law. **Motion passed 3-0.**

*JBOS Update* – G. Luca gave a brief JBOS update. The JBOS will be meeting on June 25, 2015.

**Approval of Minutes:**

**Motion:** A motion was made by G. Luca and seconded by C. Hillman to approve the meeting minutes of June 2, 2015. **Motion passed 3-0.**

**Motion:** A motion was made by G. Luca and seconded by C. Hillman to approve the meeting minutes of June 9, 2015. **Motion passed 3-0.**

**Town Treasurer M. Stephanie Gintner:** S. Gintner requested that the Board approve the sale of \$3,244,149 1% General Obligation Bond Anticipation Note. C. Hillman as Clerk of the Board read into the record the vote for authorization for sale of the bond.

**Motion:** A motion was made by C. Hillman and seconded by G. Luca to approve the sale of a \$3,244,149 1.00 percent General Obligation Bond Anticipation Note (the "Note") of the Town dated June 26, 2015 and payable on November 20, 2015, to TD Securities (USA) LLC at par, plus a premium of \$8,240.14.

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 May 27, 2015, and a final Official Statement

dated June 10, 2015, 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 Town Treasurer and the Board of Selectmen be, and hereby are, authorized to execute and deliver a significant events disclosure undertaking in compliance with SEC Rule 15c2-12 in such form as may be approved by bond counsel to the Town, which undertaking shall be incorporated by reference in the Notes for the benefit of the holders of the Notes from time to time.

Further Voted: that we authorize and direct the Town Treasurer to establish post issuance federal tax compliance procedures in such form as the Town 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 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. **Motion passed 3-0.**

**Executive Session:** A motion was made at 9:04 PM by J. Livingston and seconded by C. Hillman to enter into Executive Session pursuant to MGL c. 30A, sec. 21A Exemption #2 (Non-Union Personnel) for Fire Chief contract negotiations and to adjourn from Executive Session. G. Luca further stated that to discuss these matters in open session would negatively impact the Town's negotiating strategy. **By Roll Call:** J. Livingston, aye; G. Luca, aye; C. Hillman, aye. **Motion passes by roll call vote 3-0.**

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

Minutes Approved by BOS: July 14, 2015

Christopher R. Hillman, Clerk: Chris R. Hillman