

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



Tuesday November 3, 2015  
Meeting Minutes

*Broadcast and Recorded by APAC*

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

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

**Call to Order:** J. Livingston called the meeting to order at 7:00 PM.

**Review and Approve Agenda:**

**Motion:** A motion was made by C. Hillman and seconded by G. Luca to approve the agenda, as printed. **Motion passed 3-0.**

**Announcements:** J. Livingston made the following announcements:

- The Winter Parking Ban is in effect as of Friday November 15, 2015 through April 15, 2016.
- The Annual Turkey Party will take place November 18, 2015 at 7:00 PM from the Ayer Fire Department.
- The 11th Annual Ayer Fire Department Thanksgiving Day 5K will be held November 26, 2015. Race starts at 8:00 AM at The Ayer Fire Department
- November 11, 2015 is Veteran's Day and gave the history of Veteran's Day

**Recognition of Eagle Scouts:** Jeff Thomas, Ayer Parks Department Director was present and thanked Jeffrey Blood and Jason Langlais for the improvements they made at Pirone Park as part of their Eagle Scout community service project. The BOS thanked the two gentlemen and presented them each with a certificate of appreciation.

**Public Input:** None

**Superintendent Mark Wetzel, Ayer Department of Public Works:** M. Wetzel stated that the paving project at the Ayer Transfer Station is now complete.

*Engineering Service Agreement Amendment, East Main Street Water & Sewer Upgrade* – M. Wetzel presented an engineering service agreement for the East Main Street Water and Sewer Upgrade Project which will be funded through a loan/grant from USDA Rural Development. He is recommending the BOS execute an agreement for engineering services during construction with Weston & Sampson, not to exceed \$165,000. This is a requirement of the USDA agreement.

**Motion:** A motion was made by G. Luca and seconded by C. Hillman to execute the engineering services agreement between the Town of Ayer and Weston & Sampson for East Main Street Water and Sewer Upgrade project not to exceed \$165,000 with signature by the Chair. **Motion passed 3-0.**

*Engineering Service Agreement, East Main Street Roadway Improvement Project MassDOT 25% Design Authorization* – M. Wetzel presented a Phase 2 – 25% engineering service agreement for the East Main Street Roadway Improvement Project which will be funded under the MassDOT STIP program. He is recommending the BOS execute an agreement for engineering services with WorldTech Engineering in the amount of \$98,660.

**Motion:** A motion was made by G. Luca and seconded by C. Hillman to execute the engineering services agreement between the Town of Ayer and WorldTech Engineering for the East Main Street Roadway Improvement Project in the amount of \$98,600 with signature by the Chair. **Motion passed 3-0.**

*National Grid Streetlight Purchase* – M. Wetzel gave an overview of the process for purchasing streetlights currently owned by National Grid and retrofitting them with LED’s. He is asking the BOS to grant authorization to the Town Administrator to formally notify National Grid of the Town’s intent to purchase to begin the process.

**Motion:** A motion was made by G. Luca and seconded by C. Hillman to authorize the Town Administrator to formally notify National Grid the Town’s intent to purchase the street lights. **Motion passed 3-0.**

**M. Stephanie Gintner, Town Treasurer:** S. Gintner stated that the Town was going out for borrowing and she would need approval and confirmation for the sale of bonds in the amount of \$1,873,000 at the price of \$1,984,551.02 (total with accrued interest and the approval and confirmation for the sale of a \$1,534,235 @ 1.50 percent General Obligation Bond Anticipation Notes.

**Motion:** A motion was made by C. Hillman and seconded by G. Luca that the sale of the \$1,873,000 General Obligation Municipal Purpose Loan of 2015 Bonds of the Town dated November 19, 2015 (the “Bonds”), to Fidelity Capital Markets, a division of National Financial Services LLC at the price of \$1,984,551.02 and accrued interest is hereby approved and confirmed. The Bonds shall be payable on November 15 of the years and in the principal amounts and bear interest at the respective rates, as follows:

Year	Amount	Interest Rate	Year	Amount	Interest Rate
2016	\$413,000	3.00%	2022	\$85,000	2.00%
2017	\$335,000	5.00%	2023	\$80,000	2.00%
2018	\$210,000	5.00%	2024	\$75,000	3.00%
2019	\$115,000	5.00%	2025	\$70,000	2.00%
2020	\$100,000	5.00%	2026	\$65,000	2.25%
2021	\$85,000	2.00%	2030	\$240,000	3.00%

Further Voted: that the Bonds maturing on November 15, 2030 (a “Term Bond”) shall be subject to mandatory redemption or mature as follows:

Term Bond due November 15, 2030

Year	Amount
2027	\$60,000
2028	60,000
2029	60,000
2030*	60,000 *Final Maturity

Further Voted: to approve the sale of a \$1,534,235 1.50 percent General Obligation Bond Anticipation Notes of the Town dated November 20, 2015, payable November 18, 2016 (the “Notes”), to Raymond James & Associates, Inc. at par and accrued interest plus a premium of \$14,366.70.

Further Voted: that in connection with the marketing and sale of the Bonds, the preparation and distribution of a Notice of Sale and Preliminary Official Statement dated October 26, 2015, and a final Official Statement dated November 3, 2015 (the "Official Statement"), each in such form as may be approved by the Town Treasurer, be and hereby are ratified, confirmed, approved and adopted.

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 October 26, 2015, and a final Official Statement dated November 3, 2015, each in such form as may be approved by the Town Treasurer, he and hereby are ratified, confirmed, approved and adopted.

Further Voted: that the Bonds shall be subject to redemption, at the option of the Town, upon such terms and conditions as are set forth in the Official Statement.

Further Voted: that the Town Treasurer and the Board of Selectmen be, and hereby are, authorized to execute and deliver continuing and significant events disclosure undertakings in compliance with SEC Rule 15c2-12 in such forms as may be approved by bond counsel to the Town, which undertakings shall be incorporated by reference in the Bonds and Notes, as applicable, for the benefit of the holders of the Bonds and Notes from time to time.

Further Voted: that we authorize and direct the Treasurer to establish post issuance federal tax compliance procedures in such form as the 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 Bonds and 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.**

**Chairman Scott Houde, Ayer Finance Committee:** S. Houde, Chairman of the Ayer Finance Committee was in attendance to discuss several items as it relates to the FY' 17 budget process and the relationship between the BOS and the Finance Committee. He apologized for the "heated exchange" that took place at the October 6, 2015 BOS meeting and further reiterated that the comments of one individual on the Finance Committee does not constitute the opinion of the entire Board. He stated that he is looking forward to a meeting of the Bi-Board to discuss the FY'17 budget cycle.

G. Luca stated that he would like to see the BOS take a more active role in that process.

**Town Administrator's Report:** R. Pontbriand gave a brief administrative update. He asked DPW Superintendent M. Wetzel to quickly brief the BOS of the gas main break that took place earlier in the day on Washington Street. He also mentioned the FY' 2017 budget cycle; capital requests are due from the department heads on November 20, 2015; there will be a Bi -Board meeting on November 10, 2015 at 6:00 PM; the Holiday Lights fundraising efforts has reached a total of approximately \$8,400 in private donations; and that he was happy to report that the Town received a AA+ bond rating from Standard & Poors.

*St. Mary Parish – Request for 1 Day Beer & Wine Permit (Fall Supper 11/7/15)* – R. Pontbriand presented a request from St. Mary's Parish for a one day beer and wine permit for their Fall Supper to take place on Saturday November 7, 2015 from 5:00 PM – 9:00 PM.

**Motion:** A motion was made by G. Luca and seconded by C. Hillman to grant a one day beer and wine only permit to St. Mary's Parish (31 Shirley Street) from 5:00 PM – 9:00 PM on Saturday November 7, 2015. **Motion passed 3-0.**

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

*Willow Rd/Rt. 2A Intersection Upgrade (Selectman Hillman)* – C. Hillman stated that there has been many accidents at this intersection and that the issue of reconfiguring the intersection has been brought up in the past. The Town of Ayer and the Town of Littleton will be meeting this week with relevant department heads to ensure the completion of reconfiguring the intersection.

*Plans for "0" Park Street Parking Lot (Selectman Hillman)* - C. Hillman wants to know what the long term plan is for the property located at "0" Park Street, recently obtained by the Town. He is interested in making metered parking spaces for those who use the commuter rail. R. Pontbriand stated that the first issue is to remediate the flooding issue and that there are several trees that need to be taken down for safety reasons; he is working with the Tree Warden to accomplish that.

M. Wetzel cautioned metering spots at this location right away, as there is a bigger problem needing to be addressed with downtown parking. He does not want to see an adverse effect, meaning more street parking that is inconvenient to homeowners near the downtown.

*Tree Warden Operating Budget (Selectman Hillman)* – C. Hillman stated that he had asked for this item to be included on the agenda because it seemed like the Tree Warden's budget was not adequate, as there are several trees with white "x's" on them that need to be removed. R. Pontbriand stated that he and the Town Accountant are working with the tree warden to resolving the issue. All are in agreement that the trees that cause immediate public safety risks must be taken down immediately.

*Economic Development Director Status (Selectman Luca)* – G. Luca inquired as to what the plan was moving forward to fill the now vacant Economic Development Director position. R. Pontbriand stated that he has been vetting different options for the Economic Development position and for a position in land use in general. He stated that he will be making a presentation at the next BOS meeting.

**Approval of the Minutes:**

**Motion:** A motion was made by J. Livingston and seconded by G. Luca to approve the meeting minutes of October 20, 2015. **Motion passed 3-0.**

**Executive Session:** A motion was made at 8:27 PM by G. Luca and seconded by C. Hillman to enter into Executive Session pursuant to MGL c. 30A, sec. 21A, Exemption #2 (Non- Union Personnel) Contract Negotiations for the Town Administrator, Police Chief, Fire Chief and Town Accountant and Exemption #3 (Collective Bargaining) AFSCME 93 Sick Bank MOA and to adjourn for the evening for the evening 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:** November 17, 2015

**Christopher R. Hillman, Clerk:** Chris R. Hill