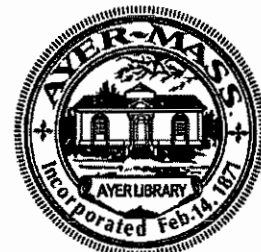


Town of Ayer
Board of Selectmen
Ayer Town Hall – 1st Floor Meeting Room
Ayer, MA 01432



Broadcast and Recorded by APAC

Tuesday November 21, 2017
Open Session Meeting Minutes

Present: Christopher R. Hillman, Chair; Jannice L. Livingston, Vice – Chair;
Gary J. Luca, Clerk (*Participating Remotely via telephone*)

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

Call to Order: C. Hillman called the meeting to order at 7:00 PM.

C. Hillman announced that G. Luca is participating remotely via telephone because he is out of Town and his geographic distance is preventing him to attend. All votes involving Selectman Luca will be taken by Roll Call Vote.

J. Livingston asked for a moment of silence in memory of Mr. Neville Markham who was a former Superintendent of the Ayer Public Schools, a former Library Trustee and an Election Worker. BOS members and meeting attendees observed a moment of silence.

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

Announcements: C. Hillman announced the following:

- There will be an Election Tuesday November 28, 2017 from 7:00 AM – 8:00 PM to consider the adoption of a recreational marijuana general and zoning bylaw. More information can be found on the homepage on Town of Ayer's website www.ayer.ma.us.
- The 2nd Annual Downtown Ayer Winter Holiday Candlelight Stroll and Tree Lighting Ceremony will be held on Saturday December 2, 2017 from 5:00 PM – 6:30 PM. Pictures with Santa and Mrs. Clause will take place in the Town Hall after the tree lighting.
- The Nashoba Valley Concert Band Performance will be held at 2:00 PM on Saturday December 9th; the Tuba Christmas Concert will be held at 2:00 PM on Sunday December 10th.
- The winter parking ban will be in effect from November 15, 2017 – April 15, 2018. On street parking is prohibited between midnight and 6:00 AM and during active snowstorms.

Review and Approve Agenda: R. Pontbriand asked to add a 5th item under DPW Superintendent Wetzel's report regarding a transfer of equipment to the Town of Shirley.

Motion: A motion was made by J. Livingston and seconded by G. Luca to approve the agenda, as amended. **By Roll Call Vote: J. Livingston, aye; G. Luca, aye; C. Hillman, aye. Motion passed by Roll Call Vote 3-0.**

Review of Warrants: J. Livingston stated that she signed the following warrants on behalf of the BOS:

• 2017-11-7	Payroll	18-09	\$301,170.30
• 2017-11-14	Accounts Payable	18-09	\$5,799,239.67
• 2017-11-21	Payroll	18-08	\$308,449.67

Public Input: None

DPW Superintendent Mark Wetzel: *BOS Disclosure Per 268A, sec. 20* – C. Hillman announced that his company is a sub-bidder for the HVAC work on the DPW Operations Center contract. He then recused and left the room.

J. Livingston served as Chair.

R. Pontbriand stated that for C. Hillman to bid on the contract he can file a Special Municipal Employee Financial Interest Disclosure pursuant to MGL c. 268A, sec. 20(d), which was filed previously with the Town Clerk.

J. Livingston and G. Luca have also filed conflict of interest disclosures, as advised by Town Counsel.

Motion: A motion was made by G. Luca and seconded by J. Livingston to approve the Selectman Hillman's exemption disclosure pursuant to MGL c. 268A, sec. 20(d). **By Roll Call Vote: J. Livingston, aye; G. Luca, aye.**
Motion passed by Roll Call Vote 2-0.

DPW Operations Center Building Construction Contract – M. Wetzel stated that the DPW received 3 bids for the DPW Operations Center. The lowest responsive bidder was Triumph Modular from Littleton, MA. M. Wetzel is requesting approval of the contract in the amount of \$1,100,526.

Motion: A motion was made by G. Luca and seconded by J. Livingston to approve the contract between the Town of Ayer and Triumph Modular of Littleton MA in the amount of \$1,100,526 for the DPW Operations Center. **By Roll Call Vote: J. Livingston, aye; G. Luca, aye. Motion passed by Roll Call Vote 2-0.**

C. Hillman rejoined the BOS and resumed the Chair position.

LED Streetlight Purchase Order – M. Wetzel presented a Purchase Order in the amount of \$58,317 for the purchase of street light fixtures. The DPW has selected the Philips Road Focus fixture supplied by GrayBar. The DPW, under a grant from the Massachusetts Department of Energy Resources, worked with MAPC to obtain bids for the LED Streetlight Upgrade.

Motion: A motion was made by G. Luca and seconded by J. Livingston to approve the purchase order in the amount of \$58,317 for streetlight fixtures with GrayBar with signature by the Chair. **By Roll Call Vote: J. Livingston, aye; G. Luca, aye; C. Hillman, aye. Motion passed by Roll Call Vote 3-0.**

Snake Hill Road Water Service Replacement – M. Wetzel presented a contract for water service replacements on a portion of Snake Hill Road. The services were never connected to the newer water main when it was installed in the late 1970's. The contract amount is \$59,200.76.

Motion: A motion was made by G. Luca and seconded by J. Livingston to approve the contract between the Town of Ayer and Commonwealth Construction & Utilities, Inc. in the amount of \$59,200.76 for eight (8) Snake Hill Road water service connections with signature by the Chair. **By Roll Call Vote: J. Livingston, aye; G. Luca, aye; C. Hillman, aye. Motion passed by Roll Call Vote 3-0.**

Transfer of Equipment to Shirley – M. Wetzel stated that the DPW has a broken sidewalk tractor for snow plow/removal which no longer works and is beyond repair. The Town of Shirley has the same machine and is

interested in taking Ayer's for parts. Per consultation with Counsel, both Towns must enter into an Inter-Municipal Agreement.

Motion: A motion was made by J. Livingston and seconded by G. Luca to approve the inter-municipal agreement between the Town of Ayer and the Town of Shirley for the purposes of transferring unused DPW equipment to Shirley. **By Roll Call Vote: J. Livingston, aye; G. Luca, aye; C. Hillman, aye. Motion passed by Roll Call Vote 3-0.**

Alan Manoian, Director of Community and Economic Development: A. Manoian presented the final Preservation Restriction for the Pleasant Street School. He is recommending that it be approved and then put before the Historic Commission and the Ayer Housing Authority for signature. The document will then be recorded.

Motion: A motion was made by G. Luca and seconded by J. Livingston to approve the Preservation Restriction for the Pleasant Street School. **By Roll Call Vote: J. Livingston, aye; G. Luca, aye; C. Hillman, aye. Motion passed by Roll Call Vote 3-0.**

Public Hearing - FY' 18 Tax Classification: C. Hillman opened the Public Hearing at 7:34 PM, which was duly advertised. The BOS were joined by the Assessing Administrator and the Ayer Board of Assessors. T. Hogan presented four items as it relates to the FY' 18 tax rate, pursuant to MGL c.40 §56: 1) open space discount, 2) residential exemption 3) small commercial exemption 4) and the adoption of a residential factor. T. Hogan reported that the property values in Ayer increased about 5.1%, which is similar to FY' 17. There was a bigger increase in the tax rate than usual because of onetime expenses incurred in the previous fiscal year, such as the snow and ice account and the clean-up of the former farm at 66 Westford Road.

Attorney Tom Gibbons stated that the Town should adopt the Small Commercial Exemption for small business owners who would qualify under the statute. T. Hogan stated that there are approximately 44 parcels in Ayer that would qualify and stated that the Board of Assessors recommended against adopting the Small Commercial Exemption.

Motion: A motion was made by G. Luca and seconded by J. Livingston to not adopt item #1, an open space discount up to 25%. **By Roll Call Vote: J. Livingston, aye; G. Luca, aye; C. Hillman, aye. Motion passed by Roll Call Vote 3-0.**

Motion: A motion was made by G. Luca and seconded by J. Livingston to not adopt item #2, a residential exemption up to 20%. **By Roll Call Vote: J. Livingston, aye; G. Luca, aye; C. Hillman, aye. Motion passed by Roll Call Vote 3-0.**

Motion: A motion was made by G. Luca and seconded by J. Livingston (for discussion) to not adopt item #3, a small commercial exemption up to 10%.

T. Gibbons urged the BOS to wait to take their vote. He thinks the BOS should think about the proposal between now and the next BOS meeting. He stressed that the small commercial exemption would have a positive impact for small businesses in Ayer.

T. Hogan stated that he believes that it doesn't benefit enough of the taxpayers, where only approximately 44 parcels would qualify.

Calvin Moore, business owner, said that we sit here every year and are trying to compete with internet sales, which is killing retail sales. He feels that the business community is unfairly burdened by the split tax rate.

Edward Kelly, 20 Oak Ridge Drive said that it would be cheaper for him to run a business in Westford and that his home and his downtown business are close in valuation, but he pays \$5,000 more for the Main Street commercial property.

G. Luca said we've tried to be fair to both groups and noted that businesses last year paid 55% of the taxes and this year it decreased to 53.05%.

C. Hillman called the question on the motion still on the table, which is to not adopt the small commercial exemption up to 10%. **By Roll Call Vote: J. Livingston, aye; G. Luca, aye; C. Hillman, aye. Motion passed by Roll Call Vote 3-0.**

Motion: A motion was made by G. Luca and seconded by J. Livingston to adopt the residential factor of 0.716706. **By Roll Call Vote: J. Livingston, no; G. Luca, aye; C. Hillman, aye. Motion passed by Roll Call Vote 2-1.**

Town Administrator's Report: *Administrative Update* – R. Pontbriand thanked the American Legion and the Memorial Garden Committee for a successful Veteran's Day ceremony. He also thanked Ayer Fire Department, Ayer Police Department and the Ayer Department of Public Works for their quick action in fighting the fire that recently took place on Washington Street. R. Pontbriand also reported that the town government reorganization special acts have been submitted at the state house.

Regional Dispatch Update – R. Pontbriand stated that he and both Chiefs and the Shirley Town Administrator and the Shirley Chiefs recently had a very productive meeting relating to the DRAFT MOA between the two towns relating to regionalizing both town's dispatch to Ayer. Shirley will pay Ayer \$100,000 in FY '19 and \$120,000 in FY '20 to cover costs associated with the regionalization.

Town Counsel Disclosure Authorization for Regional Dispatch – R. Pontbriand stated that with respect to the proposed Ayer Shirley Regional Dispatch, since both Towns use KP Law as Town Counsel, both Towns need to sign a Town Counsel Disclosure Authorization form.

Motion: A motion was made by G. Luca and seconded by J. Livingston to approve the Town Counsel Disclosure Authorization pertaining to the proposed regional dispatch agreement. **By Roll Call Vote: J. Livingston, aye; G. Luca, aye; C. Hillman, aye. Motion passed by Roll Call Vote 3-0.**

R. Pontbriand then wished everyone a Happy Thanksgiving.

New Business/Selectmen's Questions: C. Hillman would like to invite the Board of Library Trustees to an upcoming meeting to discuss the Audit Management Letter.

Approval of Meeting Minutes:

Motion: A motion was made by J. Livingston and seconded by C. Hillman to approve the meeting minutes of November 7, 2017. **By Roll Call Vote: J. Livingston, aye; G. Luca, abstain; C. Hillman, aye. Motion passed 2-0-1.**

Adjournment:

Motion: A motion was made by J. Livingston and seconded by G. Luca to adjourn at 9:40 PM. **By Roll Call Vote: J. Livingston, aye; G. Luca, aye; C. Hillman, aye. Motion passed by Roll Call Vote 3-0.**

Minutes Recorded and Submitted by Carly M. Antonellis

Date Minutes Approved by BOS:

SDCC17

Signature Indicating Approval:

