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SEP 04 2019

TOWN OF AYER

9:20am
Miss Opeland

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



Broadcast and Recorded by APAC

Tuesday August 13, 2019
Open Session Meeting Minutes

BOS Present: Scott A. Houde, Chair; Jannice L. Livingston, Vice-Chair

Also Present: Robert A. Pontbriand, Town Manager
Carly M. Antonellis, Assistant Town Manager

Call to Order: S. Houde called the meeting to order at 6:00 PM.

Executive Session Pursuant to MGL Chapter 30A, Sec. 21A: At 6:02 PM a motion was made by S. Houde and seconded by J. Livingston to enter into Executive Session pursuant to MGL Chapter 30A, Sec. 21A Exemption #3 (Litigation Strategy) *Lahiff v. Town of Ayer* and to recess at the conclusion of Executive Session until 7:00 PM to enter back into Open Session. S. Houde stated further that to discuss these matters in an Open Session would be detrimental to the Town's negotiating strategy. **By Roll Call Vote:** S. Houde, aye; J. Livingston, aye. **Motion passed by Roll Call Vote 2-0.**

The BOS entered into Executive Session.

The BOS reconvened in Open Session at 7:00 PM.

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

Announcements: S. Houde announced that C. Hillman had resigned from the Board of Selectmen. BOS members thanked him for his seven years of service. R. Pontbriand also thanked C. Hillman for his service to the Town of Ayer.

Approval of Agenda: R. Pontbriand asked to amend the agenda by adding an item for discussion relating to today's resignation of Selectman Christopher Hillman prior to the Town Manager's report.

Motion: A motion was made by J. Livingston and seconded by S. Houde approve the agenda, as amended. **Motion passed 2-0.**

Public Input: None

Public Hearing – Request for Amendment of Flammable Liquids License – Groton Ayer Realty Trust- 95 Fitchburg Road: J. Livingston opened the Public Hearing by reading the Public Hearing Notice as advertised in the Lowell Sun on August 5, 2019. The applicant is seeking an amendment to their Storage of Flammable Liquid License from 44,000 gallons (methanol) up to 47,000 gallons and adding two additional chemicals: ethanol and isopropanol alcohol pursuant to M.G.L. 148 sec. 13. Mr. Jeffrey Woodle was in attendance and stated that his tenants have recently upgraded their facility and need additional storage. Chief Pedrazzi was in attendance and supports the approval of the application. There were no abutters in attendance.

Motion: A motion was made by S. Houde and seconded by J. Livingston to approve the amendment to the Storage of Flammable Liquid License as requested. **Motion passed 2-0.**

Motion: A motion was made by J. Livingston and seconded by S. Houde to close the Public Hearing at 7:08 PM. **Motion passed 2-0.**

Joint Appointment of Planning Board Member by BOS and Planning Board: The Ayer Board of Selectmen was joined by the Ayer Planning Board (Geof Tillotson, Julie Murray, Ken Diskin, and Jonathan Kranz) for the purpose of making a joint

appointment to the Planning Board. Mr. Nathan King joined the BOS and the Planning Board. He stated that he had lived in Ayer since 2010 and he is interested in seeing Ayer develop as a destination along the Fitchburg Rail Corridor.

Motion: A motion was made by G. Tillotson and seconded by S. Houde to appoint Mr. Nathan King to the Planning Board until the next annual election in April of 2020. **Motion passed 6-0.**

The Planning Board members left the table.

Public Hearing – Petition for Underground Conduits and Fixtures - National Grid – Plan 28015264 – Pole 6 -

Littleton Road: J. Livingston opened the public hearing by reading the public hearing notice. National Grid is petitioning to install approximately 660 feet of conduit from Pole 6 on Littleton Road to transformers 1-4, pursuant to MGL c. 166 sec 22. Mr. Doug Hyland and Mr. Josh Pacheco were in attendance on behalf of National Grid; they stated that they were replacing existing lines that have had performance issues.

S. Houde asked if there were any abutters in attendance. There were none.

C. Antonellis explained that the Conservation Commission had concerns regarding the petition due to the presence of a wetland behind the property. She is recommending that the BOS continue the hearing until 7:05 PM on Tuesday September 3, 2019 while the Conservation Commission issue gets resolved.

Motion: A motion was made by S. Houde and seconded by J. Livingston to continue the National Grid Public Hearing until 7:05 PM on Tuesday September 3, 2019. **Motion passed 2-0.**

Proposed DRAFT Host Community Agreement – Pharmaseed Inc.: The BOS was joined by Mr. David Giannetta and Mr. Justin Smith of Pharmaseed Inc. C. Antonellis gave an overview of the state application process of applying for licensing with the Cannabis Control Commission. As discussed at the previous BOS meeting, Pharmaseed Inc., will contribute 1% of their annual gross sales to the Town as part of the Host Community Agreement. R. Pontbriand stated that the Town further negotiated an annual payment of \$50,000 for various charitable/nonprofit/educational programs.

Ms. Ruth Maxant-Schulz asked the location of the proposed facility. The BOS responded that it will be located at 4 New England Way.

Motion: A motion was made by J. Livingston and seconded by S. Houde to approve the Host Community Agreement as presented. **Motion passed 2-0.**

Charles R. Shultz, Jr., Building Commissioner: *Fee Review & Recommendation* – C. Shultz was in attendance to discuss raising Building Department Fees. He stated that the fees have not been adjusted since 2002. His recommendation is to raise Building Department Fees by approximately 20% to be consistent and competitive with surrounding Towns. He is recommending an approximately 25% increase to the Electrical Permit Fees and an approximately 20% increase for Plumbing Inspections. The fee increases would be effective immediately. Currently the inspectors receive 60% of the inspection fees for Plumbing and Electrical inspections and the Town receives 40%; the new proposal will split the inspection fees 70% for the inspectors and 30% for the Town.

S. Houde asked when the fees would be reviewed again. C. Shultz is recommending every five years.

Motion: A motion was made by J. Livingston and seconded by S. Houde to approve an increase to the Building Department Fees (Building 20%, Electrical 25% and Plumbing 20%) and to the new split ratio of 70%/30%. **Motion passed 2-0.**

Mark Wetzel, DPW Superintendent: *Approval of Change Order 1 – Prospect & Oak Street Infrastructure Project* – M. Wetzel was in attendance requesting approval for Change Order 1 relating to the Prospect and Oak Street Infrastructure Project. The Change Order includes 5 items (additional line striping, cement concrete driveway aprons, additional pipe segment, a 4" water service at the Ayer District Court and additional drainage). The amount of the Change Order is \$67,324.58.

Motion: A motion was made by J. Livingston and seconded by S. Houde to approve Change Order Number 1 (\$67,324.58) as requested with signature by the Chair. **Motion passed 2-0.**

Approval of Change Order 1 – DPW Garage Project – M. Wetzel presented Change Order Number 1 for the DPW Garage Project. This Change Order amount is \$11,119.46 for additional fire alarm equipment as required by the Ayer Fire Department.

Motion: A motion was made by J. Livingston and seconded by S. Houde to approve Change Order Number 1 (\$11,119.46) as requested with signature by the Chair. **Motion passed 2-0.**

Ayer DPW Project Updates – M. Wetzel gave a brief overview of various DPW programs and initiatives, including the 2019 Youthworks program; PFAS Update, stating that construction at Grove Pond will begin soon; the Water Ban; and the Chapter 90 Program.

Resignation of Selectman Christopher Hillman: R. Pontbriand stated that with the resignation of Selectman Hillman earlier today; he asked the Town Clerk to research the options the BOS has with respect to addressing the vacancy on the BOS. He asked that the Town Clerk, Susan Copeland present the possible options to the BOS.

S. Copeland outlined the options that the BOS may consider to address the vacancy. She advised that under State Law the vacancy can only be filled by an election. There is no appointment or joint appointment process. She advised that the BOS may call a Special Election; the BOS may take no action until the Annual Town Election at which time the vacant seat's term of two year's would be on the ballot; or in the event that 200 registered voters in Ayer sign a petition calling for a special election to fill the vacancy, than the BOS must call a special election.

S. Copeland advised that if the BOS decides to call a special election to fill the vacancy, there is a very specific timeline for events set for the by State Law. Additionally, the per State Law the BOS cannot call a special election within 100 days of the annual Town Election. The winner of the special election would still have to run for election again at the annual Town Election in April 2020 for the remaining two years on the vacated term. She further advised that a special election would cost approximately \$5,000 and that funding is not in the Town Clerk's FY 2020 Budget.

The BOS decided to take all of this information and the matter under advisement and for further discussion at the next BOS Meeting on September 3, 2019.

Town Manager's Report: *Administrative Update/Review of Warrant(s)* - R. Pontbriand provided an administrative update of the various activities, initiatives, and projects of the Administration for the period of time since the BOS last met. He also referenced the Meeting Packet for a list of Payroll and Accounts Payable Warrants that have been signed since the last meeting. He informed the BOS that Senator Eldridge and the legislative delegation were successful in getting a \$250,000 earmark in the FY'20 state budget for improvements at Depot Square. R. Pontbriand also thanked Town Hall staff and Board members for being patient while the chiller replacement is underway.

Appointments – Cultural Council – R. Pontbriand is requesting that the BOS appoint Ms. JulieAnn Govang to an unfilled term on the Cultural Council expiring on June 30, 2021 and Ms. Ginette Brockway to be appointed to the Ayer Cultural Council for a term to expire on June 30, 2022.

Motion: A motion was made by S. Houde and seconded by J. Livingston to appoint Ms. JulieAnn Govang and Ms. Ginette Brockway to the Ayer Cultural Council to two unexpired terms, expiring on June 30, 2021 and June 30, 2022, respectively. **Motion passed 2-0.**

Auditor's Management Letter – R. Pontbriand reported that the Town had received a positive Auditor's Management Letter from the Town's Auditor Giusti, Hingston and Company, citing that past cash reconciliation issues have been rectified. The Management Letter also cites the change to Town Government to Town Manager as a positive step.

Opening of Fall Special Town Meeting Warrant – R. Pontbriand is recommending that the Fall Town Meeting Warrant be opened until Friday September 27, 2019 at 12:00 PM for both warrant articles and citizen's petitions. R. Pontbriand then gave a snapshot of the Fall Special Town Meeting Warrant, which will likely include articles for a supplemental appropriation for the Transfer Station, West Main Street Form Based Code, and the Conservation Commission's local wetland bylaw.

Motion: A motion was made by J. Livingston and seconded by S. Houde to open the Fall Special Town Meeting Warrant until Friday September 27, 2019 at 12:00 PM for both warrant articles and citizen's petitions. **Motion passed 2-0.**

Discussion of CPC Surcharge – R. Pontbriand was joined by Janet Providakes, Chair of the Ayer Community Preservation Committee to discuss the CPC's plan to increase the existing CPC surcharge of 1% to 3% in the Town of Ayer. She stated that CPC has been very successful in Ayer over the last 17 years since inception. The CPC has awarded \$2.7 million dollars to 32 different Town projects. Many of these "success stories" in the areas of open space, housing, historic preservation, and parks/recreation are now featured on the Town's website. She advised that the average residential tax bill would increase approximately \$90 a year if the Town went from a 1% surcharge to a 3% surcharge. The additional funds from a 3% surcharge would not only increase the capacity of the CPC to fund more projects but at 3% the Town would also be able to take advantage of the state matching funds.

R. Pontbriand advised that in order to change the CPC Surcharge from 1% to 3% there is a two-step process. The change must pass both a Town Meeting and pass a ballot at the Annual Town Election. Given the amount of time between the Fall Special Town Meeting this October and the Annual Town Election in April 2020; it seems to make sense to plan to schedule this for the Annual Town Meeting and the Annual Town Election in the Spring of 2020.

J. Providakes agreed with bringing this forth in the Spring of 2020. She further stated that the CPC is looking to do more funding of affordable housing now that the Town has an Affordable Housing Committee. Additionally, they would like to fund an Affordable Housing Trust. She stated that she would like the support of the BOS.

S. Houde stated that as a former member of the CPC he is supportive of this proposal to increase the surcharge from 1% to 3% for the purposes of funding more projects as well as taking advantage of the state funding match. He also stated that he would like to see more funding of affordable housing which makes our community more accessible.

J. Livingston stated that she was very impressed with the presentation made by J. Providakes. She encouraged her to do a similar presentation in the Spring at Town Meeting. She further state that she agreed with bringing this forth in the Spring at the Annual Town Election and the Annual Town Meeting. She stated that she is supportive of this proposal and an excellent job on the presentation this evening.

Review of Updated Financial Policies – R. Pontbriand presented the final version of the Town of Ayer's Financial Policies Version 3.0 which were recently updated by the Treasurer/Tax Collector and the Bi-Board. The Finance Committee reviewed the policies in the spring. S. Houde stated that he was proud of the work recently done by the Town's Finance Team on updating these policies.

Motion: A motion was made by J. Livingston and seconded by S. Houde to open the Town of Ayer's Financial Policies Version 3.0. **Motion passed 2-0.**

New Business/Selectmen's Questions: *BOS Meeting Start Time (Selectman Houde)* – S. Houde asked that the BOS consider earlier start times moving forward, starting at 6:00 PM. J. Livingston stated that it makes perfect sense, it is a benefit to the BOS and the employees; also many other Boards are moving towards earlier meeting times. S. Houde stated that his work is cyclical and sometimes the meetings may need to be at 7:00 PM. Starting September 17, 2019, the BOS will meet at 6:00 PM.

Approval of Meeting Minutes:

Motion: A motion was made by S. Houde and seconded by J. Livingston S. Houde to approve the meeting minutes from July 16, 2019. **Motion passed 2-0.**

Adjournment:

Motion: A motion was made by S. Houde and seconded by J. Livingston S. Houde to adjourn at 8:44 PM. **Motion passed 2-0.**

Minutes Recorded and Submitted by Carly M. Antonellis, Assistant Town Manager

Date Minutes Approved by BOS: 350P19

Signature Indicating Approval: 