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



Broadcast and Recorded by APAC

Tuesday September 3, 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 7:00 PM.

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

Approval of Agenda: R. Pontbriand asked to amend the agenda by removing the West Main Street Form Based Code Overview by Alan Manoian because he is out sick.

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

Announcements: None

Public Input: M. Spinner thanked S. Houde for his recent presentation to the Finance Committee regarding the School Field Project and potential new elementary school.

Presentation of Boston Post Cane to Mrs. Roberta Winslow: S. Houde and J. Livingston presented Mrs. Roberta Winslow with the Boston Post Cane, which symbolizes she is the oldest resident in the Town of Ayer. The BOS and meeting attendees offered their best wishes to Mrs. Winslow.

Continued (from August 13, 2019) Public Hearing – Petition for Underground Conduits and Fixtures - National Grid – Plan 28015264 – Pole 6 - Littleton Road: S. Houde reopened the hearing from August 13, 2019. C. Antonellis explained that the prior issue with the Conservation Commission had been resolved and is recommending that the petition be approved.

Motion: A motion was made by J. Livingston and seconded by S. Houde to approve the Pole Petition by National Grid No. 28015264. **Motion passed 2-0.**

Motion: A motion was made by J. Livingston and seconded by S. Houde to close the Public Hearing at 7:28 PM. **Motion passed 2-0.**

Mark Wetzel, DPW Superintendent: *PFAS Update* – M. Wetzel was in attendance and gave the BOS an update on PFAS, stating that the Grove Pond Treatment Plant is under construction; and that the Cooperative Agreement Award with the Army for \$4.4 million dollars is very close to being finalized. Estimates for the Spectacle Pond PFAS treatment facility are currently around \$6.2 million dollars. M. Wetzel discussed potential funding options with the BOS.

Street Acceptance Requests - M. Wetzel reported that three subdivisions have requested street acceptance for the Fall Town Meeting, being held October 28, 2019. The following streets are on the list for proposed street acceptance: Elizabeth Estates - Norwood Avenue between Washington and Highland Streets; Nashua Street Extension; Pingry Hill Phase 3B - Hickory Way from Old Farm Way to Hemlock Drive, Hemlock Drive from Old Farm Way to Littleton Road and; Pingry Hill Phase 5 – Hay Meadow Lane from Old Farm Way to end, Holly Ridge Road and Apple Blossom Lane. M. Wetzel

outlined the acceptance process and stated that the first step of many was for the BOS to vote their intention to layout the streets and forward to the Planning Board.

Motion: A motion was made by S. Houde and seconded by J. Livingston to intend to layout above mentioned streets and forward petition to the Ayer Planning Board. **Motion passed 2-0.**

Execution of Easement - National Grid Easement/100 Groton Harvard Road – M. Wetzel presented an easement between the Town and National Grid to install an overhead electrical transmission system on the landfill property on Groton Harvard Road as part of the solar field project.

Motion: A motion was made by J. Livingston and seconded by S. Houde to execute the easement between the Town of Ayer and National Grid for 100 Groton Harvard Road. **Motion passed 2-0.**

BOS Special Election Discussion: R. Pontbriand reviewed process (as presented at the August 13, 2019 BOS Meeting) for calling a Special Election due to former Selectman Chris Hillman's resignation on August 13, 2019. J. Livingston stated that she is not inclined to call a Special Election at this time because a petition has not been submitted by the voters; additionally the cost of a special election is not budgeted for. She stated if the Town receives a petition, it will show the interest of the voters.

Michael Pattenden, 42 Westford Road, stated that if the cost of a special election is not budgeted for that he will pay next year's property taxes in advance.

S. Houde stated that during the regular election last spring, just over 300 people voted and there didn't seem to be interest from the residents.

David Bodurtha, 28 Coolidge Road, stated the BOS should call a Special Election and that Town Boards need to be more active in the process.

The BOS then went over potential Special Election dates with Town Clerk Susan Copeland. Ms. Copeland stated that a minimum of 64 days is needed between the calling of the election and the actual election.

R. Pontbriand stated that if one of the two current BOS members could not attend a meeting, that there are statutory provisions in which the Town Clerk could step-in. These are very limited and specific circumstances, such as a potential vote related to matters of a State of Emergency.

Ruth Maxant – Schulz, 8 Taft Street, stated that she is confident that a petition calling for a Special Election will get the required number of signatures, which is 200 registered voters.

Town Clerk Susan Copeland said that it is not up to the Town Clerk's Office to promote candidates. The job of the Town Clerk's Office is to run an impartial election. She encouraged candidates to get the word out about why they are running.

S. Houde and J. Livingston both stated that at this time they would like to see a Citizens Petition to demonstrate that there is interest by the voters in having a special election.

After further discussion, S. Houde and J. Livingston decided not to call a special election at this time.

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. R. Pontbriand gave project updates on the Town Hall wiring project and the Town Hall Windows 10 replacement project. He also informed the BOS that the DPW, Fire and Police Departments will all be transitioning to an electronic time card submission system. R. Pontbriand reported that the Rate Review Committee would be meeting on September 10, 2019 and that the Facilities Director is working on a resolution for the acoustics in the Great Hall.

Proposed FY '21 Budget Calendar – R. Pontbriand presented the DRAFT FY '21 Budget Calendar that was largely modeled after last year's calendar. J. Livingston stated that she is going to make sure that the Rate Review Committee is aware of the dates listed in the calendar. S. Houde asked R. Pontbriand to check in with the Finance Committee and see if/when it would like to meet with certain departments throughout the budget process. S. Houde stated he would also like to see the budget public information session to be done earlier in the year.

Discussion on moving Town Meeting and Election Dates – R. Pontbriand presented four potential warrant articles relative to changing Town Meeting time and dates. The questions were presented as follows:

Article 1: Town Meeting to Occur Prior to Annual Town Election

To see if the Town will vote to adopt having the Annual Town Meeting occur prior to the Annual Town Election. [Note: This changes the order of having the Annual Town Meeting before the Annual Town Election. Specific date and time TBD]

Article 2: Change Starting Time of Town Meeting to 6:00pm

To see if the Town will vote to change the starting time of Town Meeting to 6:00pm [Note: This article would be to change the starting time of Town Meeting from the current 7pm time to an earlier time of 6pm as previously discussed]

Article 3: Change the Annual Town Election to Occur on Tuesday

To see if the Town will vote to move the date of the Annual Town Election from a Monday to a Tuesday [Note: This would be to be consistent with most scheduled Elections occurring on Tuesday]

Article 4: Change Town Meeting to Saturday

To see if the Town will vote to move the Annual Town Meeting to the 4th Saturday of April beginning at 9:00 AM [Note: 1st Saturday of May is another potential option]

After discussing the four articles, the BOS is planning on moving the current article 4 to the number 2 spot.

M. Spinner asked that the time of the Saturday Town Meeting be changed from 9:00 AM to 10:00 AM.

J. Livingston asked R. Pontbriand to consult with Counsel on whether these changes could be made this year at the Fall Special Town Meeting with an effective date of calendar year 2021, that way the Town can prepare for the changes.

The BOS recessed at 8:29 PM for 5 minutes.

At 8:32 PM the BOS was back in session.

New Business/Selectmen's Questions: *Rescheduling of September 17th BOS Meeting (Selectman Houde)* – S. Houde asked to reschedule the September 17, 2019 meeting because of a prior commitment. R. Pontbriand is suggesting that the BOS meet on Wednesday September 18, 2019 at 6:00 PM. BOS members agreed.

Debrief from Finance Committee Meeting (Selectman Houde) - S. Houde gave an overview of the Finance Committee Meeting attended by both he and R. Pontbriand. He stated that he presented the three potential options for a new elementary school and made the case for the process to start focusing on an Ayer Elementary School to ideally be located at the Page Hilltop Campus. S. Houde reported that the Ayer Shirley Regional School Committee is seeking an amendment to the regional agreement to allow for a regional elementary school option. He appreciated the Chair of the School Committee Michelle Granger being present; as well as former School Committee member Dan Gleason who offered a lot of information. The next step is for the Finance Committee to take a vote at their September 11, 2019 Meeting to endorse the BOS request of the ASRSD to begin the process for an Ayer elementary school.

J. Livingston thanked S. Houde for the debrief.

BOS Rep for Capital Planning Committee (Selectman Houde) – R. Pontbriand reported that former Selectman C. Hillman expressed interest in continuing to serve on the Capital Planning Committee; however, the only vacant seat on the Committee is a BOS member seat. Both S. Houde and J. Livingston said they would be willing to serve.

Motion: A motion was made by J. Livingston and seconded by S. Houde to appoint J. Livingston to the Capital Planning Committee as the BOS Representative. **Motion passed 2-0.**

Approval of Meeting Minutes:

Motion: A motion was made by S. Houde and seconded by J. Livingston to approve the meeting minutes from August 13, 2019. **Motion passed 2-0.**

Adjournment:

Motion: A motion was made by S. Houde and seconded by J. Livingston 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: 18 SEP 19

Signature Indicating Approval: Jamie R. Livingston