



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

Broadcast and Recorded by APAC

December 5, 2023
Open Session Meeting Minutes

SB Present: Scott A. Houde, Chair; Jannice L. Livingston, Vice-Chair; Shaun C. Copeland, Clerk

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. S. Houde further stated that this meeting/hearing of the Ayer Select Board (SB) will be held in-person at the location provided on this notice. Members of the public are welcome to attend this in-person meeting. Please note that while an option for remote attendance and/or participation via Zoom is being provided as a courtesy to the public, the meeting/hearing will not be suspended or terminated if technological problems interrupt the virtual broadcast, unless otherwise required by law. Members of the public with particular interest in a specific item on this agenda should make plans for in-person vs. virtual attendance accordingly. This meeting will be live on Zoom and Channel 8. The public may access the proceedings by joining Zoom (Meeting ID# 897 9080 0793) or by calling (929-205-6099).

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

Approval of Meeting Agenda:

Motion: A motion was made by S. Copeland and seconded by J. Livingston to approve the meeting agenda. **Motion passed 3-0.**

Announcements: None

Public Input: None

Request for Reimbursement for Sewer Connection Fee - 236 Snake Hill Road: Mark Fermanian joined the Select Board. J. Livingston provided a brief recap of this tabled item from the last Select Board meeting. Mr. Fermanian, thirty years ago, paid \$500 to connect his property to the Town's sewer. The sewer line was stubbed to the property, but never connected to the house. Mr. Fermanian has no proof of payment, nor does the Town. He recently paid \$6,100 to connect to the Town's sewer. He is requesting reimbursement in the amount of \$5,600 because he paid the \$500 connection fee about thirty years ago. M. Fermanian said the only proof he has is that the line was stubbed to the property and the Town would not have done that without payment. S. Houde asked DPW Director Dan Van Schalkwyk to explain the connection fee. D. Van Schalkwyk stated that the connection fee is for the ability to "join the club" and be able to discharge into the Town's system. S. Houde asked if there was a deadline given to homeowners, thirty years ago, to connect to the system. Neither M. Fermanian nor did D. Van Schalkwyk had an answer. J. Livingston stated that at the last meeting D. Van Schalkwyk brought up his concern with setting a precedent. She also said that at the last meeting, she brought up the idea of reimbursing him half the costs. S. Copeland stated he was still in favor of a full refund. S. Houde stated that he was in favor of making a partial refund.

Pauline Conley, 40 Cambridge Street, former Select Board member, stated she had no recollection of a deadline associated with connecting. She is recommending that the current Select Board speak with prior Select Board members.

S. Houde asked to look at the records to see what houses had not yet connected in that neighborhood. There was additional discussion.

Motion: A motion was made by J. Livingston and seconded by S. Copeland to reimburse M. Fermanian \$3,000 for the sewer connection fee. **Motion passed 3-0.**

Public Hearing - FY 2024 Tax Classification Hearing: S. Copeland opened the public hearing at 6:05 PM. Lynda McQuade, Assessing Administrator gave a presentation (contained in Select Board meeting packet) stating that the purpose of the tax classification hearing is to adopt a residential factor which will determine the percentage share of the tax burden to be allocated to each class of property. Finance Manager Barbara Tierney was also in attendance. The Tax Rate Formula is the Tax Levy/Real & Personal Property Total Value. L. McQuade presented four items as it relates to the FY' 24 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. She noted that in FY '24 72% of the total valuation was residential, and 28% Commercial Industrial, Personal Property. L. McQuade also highlighted that the FY '24 excess levy capacity is \$3,841,619. The Board of Assessors are recommending a 1.66 or 1.63 CIP shift factor. J. Livingston asked for clarification on the single tax rate vs. the split tax rate.

There was no public input.

Motion: A motion was made by S. Copeland and seconded by J. Livingston to not adopt the open space discount. **Motion passed 3-0.**

Motion: A motion was made by S. Copeland and seconded by J. Livingston to not adopt the residential exemption. **Motion passed 3-0.**

Motion: A motion was made by S. Copeland and seconded by J. Livingston to not adopt the small commercial exemption. **Motion passed 3-0.**

Motion: A motion was made by J. Livingston and seconded by S. Copeland to adopt a CIP Shift Factor of 1.66 and Residential Factor of .7427 for FY 2024. **Motion passed 3-0.**

Motion: A motion was made by S. Copeland and seconded by J. Livingston to close the Public Hearing at 6:34 PM. **Motion passed 3-0.**

2024 License Renewals: C. Antonellis presented the 2023 License renewal list for the Board's consideration. She is recommending approval of all licenses with the provision that no license be released until paid in full and all requirements are fulfilled pursuant to local bylaw Chapter 185 and various state requirements.

<u>Business Name</u>	<u>Business Address</u>	<u>Map and Parcel</u>	<u>License Type</u>
Toreku Tractor & Equipment, Inc.	4 Littleton Road	35-9	Class 1
Gervais Inc.	5 Littleton Road	35-24/25	Class 1
JP Rivard Trailer Sales, Inc.	15 Westford Road	23-16	Class 1
J.C. Madigan, Inc.	8 Shaker Road	43-4 & 43-7	Class 2
Terranova Auto Body	40 Littleton Road	35-15	Class 2
Smart Auto Sales, Inc.	42 Littleton Road	35-16	Class 2
Broadway Motoring, Inc.	77 Fitchburg Road	11-16	Class 2

Power of Honesty, Inc.	179 West Main Street	32-22	Class 2
Ayer Auto Repair, LLC.	85-87 Central Avenue	27-106/107	Class 2
Turbo Lube	21 Fitchburg Road	11-50	Class 2
Harry Schwartz & Sons, Inc.	20 Sandy Pond Road	28-86	Class 3
Subway	1 Mill Street	26-82	CV
Devens Pizza & Deli	210 West Main Street	32-30	CV
McDonald's Restaurant	2 Sandy Pond Road	35-4	CV
Wendy's Restaurant	2 Barnum Road	35-17	CV
Woo Jung Restaurant	174 West Main Street	32-40	CV
Verona Pizza & Seafood	18 Park Street	26-21	CV
Dunkin Donuts	18 Park Street	26-21	CV
Karyn's Kitchen	200 West Main Street	32-21	CV
The Cottage Restaurant	18 Main Street	26-93	CV
Wok & Roll	49 Park Street	19-31	CV
Lazy Mary's	30 Littleton Road	35-12	CV
Taco Bell	4 Sandy Pond Road	35-3	CV
Ruby Donut Shop	210 West Main Street	32-30	CV
Junction RPD	60 West Main Street	26-72	CV
Digitzal Cloudz, LLC	38 Main Street	26-91	Amusement
Yatim Central Convenience	30 Park Street	26-19	s15BW
Ayer Shop 'n Save	22 Fitchburg Road	18-2	s15BW
Ayer Package Store, Inc.	48 Main Street	26-89	s15AA
The Vineyard	63 Park Street	19-30	s15AA
Traffic Circle Liquors, Inc.	2 Littleton Road	35-7	s15AA
Barnum Road Liquors, Inc.	1 Barnum Road	34-86	s15AA
Alltown Fresh Ayer	28 Harvard Road	35-53	S15BW; CV
Archer's Mobil	70 Main Street	26-87	s15BW; CV
Pauline's Variety	67 1/2 East Main Street	34-42	s15BW; CV
Ayer Gun & Sportsmen's Club	225 Snakehill Road	14-1/14-4/14-7	s12BWC; CV
Pleasant Café	7 Depot Square	26-329	s12AA; CV
Billiard's Café	39 Main Street	26-187	s12AA; CV; Amusement; Sunday Entertain;
Lucia's Tavola Ristorante	31 Main Street	26-187	s12AA; CV
Markoh's on Main	43 Main Street	26-187	s12AA; CV
Shaker Hills Country Club	146 Shaker Road	43-5	s12AA; CV
Tiny's Restaurant	2 Groton School Road	19-7	s12AA; CV; Amusement
Nashoba Club	14 Central Avenue	26-278	s12AA; CV; Amusement
Osawa Bistro	9 Main Street	26-228	s12AA; CV
Bar 25	25 Main Street	26-223	s12AA; CV

Motion: A motion was made by S. Copeland and seconded by J. Livingston to approve the list of license renewals as presented. **Motion passed 3-0.**

Town Manager's Report - Administrative Update/Review of Warrants: R. Pontbriand presented an

administrative update on the various activities, initiatives, and projects of the Town since the Select Board last met, as well as a FY 2025 Budget process update. He had no action items requiring votes by the Select Board.

FY 2025 Budget Process Update – R. Pontbriand stated that the FY 2025 Budget Directive was issued to all Town Departments on December 1, 2023. The Budget Directive asks all Town Departments to prepare a level services budget. Per the Town's Budget Calendar, DRAFT #1 will be transmitted to the Select Board and the Finance Committee on January 12, 2024. R. Pontbriand advised in that the Town has received good news in terms of its Certified Free Cash form the Department of Revenue as follows:

General Fund: \$1,677,665

Water Enterprise: \$4,618,732

Sewer Enterprise: \$3,136,477

Solid Waste Enterprise: \$128,091

Ambulance Enterprise: \$415,549

R. Pontbriand advised that the Town continues to move forward with the transition from the Minuteman Nashoba Health Group to MIIA for health insurance effective July 1, 2024. The Town has learned of a total of six member units that have expressed their intent to leave the Minuteman Nashoba Health Group which has resulted in discussions of the Minuteman Nashoba Health Group potentially dissolving.

R. Pontbriand advised that the Senior Center Site Selection and Building Committee held its first meeting on November 16 at which the Committee decided to focus first on all potential Town-owned land for a new Senior Center before focusing on privately-owned land. The Committee next meets on December 7 at 6pm.

R. Pontbriand recognized Caleb Januskiewicz who was in attendance of the meeting as part of his requirements for a Boy Scout badge regarding community civics. He was in attendance with his dad, Deputy Chief Januskiewicz.

S. Houde asked if it would be financially advantageous to the Town if all six towns left Minuteman Nashoba Health Group as they would most likely become part of MIIA. R. Pontbriand stated yes.

S. Houde stated that he would like to thank the Town Manager and all Town Departments for their hard work with respect to the Town's strong and favorable free cash again this year. A lot of work goes into this throughout the year by everyone. J. Livingston concurred with S. Houde.

New Business/Select Board Member Questions: None

Executive Session Pursuant to G.L. c.30A, sec. 21A Exemption #6 (Consider Acquisition of Real Property) 71 Sandy Pond Road and Exemption #3 (Litigation Strategy) AFFF/PFAS Litigation: At 6:46 PM a motion was made by J. Livingston and seconded by S. Copeland to enter into Executive Session pursuant to MGL Chapter 30 A, section 21 A Exemption #6 (Consider Acquisition of Real Property) 71 Sandy Pond Road and Exemption #3 (Litigation Strategy) AFFF/PFAS litigation and to adjourn at the conclusion of Executive Session. J. Livingston further stated that discussing these items in Open Session would be detrimental to the Town's negotiating strategy. **By Roll Call Vote:** J. Livingston, aye; S. Copeland, aye; S. Houde, aye. **Motion passed by Roll Call Vote 3-0.**

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

Date Minutes Approved by SB: 12-19-2023

Signature Indicating Approval: Scott A. Houde