

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



Tuesday June 7, 2016  
Open Session Meeting Minutes

Attendance: Gary J. Luca, Chairman  
Christopher R. Hillman, Vice Chairman  
Jannice L. Livingston, Clerk

Robert A. Pontbriand, Town Administrator

Call to Order: The meeting was called to order at 7pm by Chairman Luca. (C. Hillman absent)

Chairman Luca led the Pledge of Allegiance.

MOTION: A motion was made by J. Livingston and seconded by G. Luca to approve the meeting agenda. Motion passed 2-0.

[C. Hillman arrived at 7:05pm]

Recognition of Ayer/Shirley First Robotics

Students and coaches of the Ayer Shirley Regional High School FIRST Robotics Team were recognized by the BOS. A certificate was presented to the Team and a photo was taken with the BOS.

Announcements:

G. Luca announced the upcoming Public Meeting for the proposed Dog Park on June 9<sup>th</sup> at Town Hall.

Public Input:

Resident M. Spinner addressed the Board about some missing banner brackets downtown as well as the BOS developing a policy regarding lowering the flags at Town Hall whenever a Massachusetts Police Officer is killed in the line of duty. The BOS referred the banner brackets to the Town Administrator and DPW. The BOS to take the flag policy under advisement.

Approval of CORI Policy and Approval of Sexual Harassment Prevention Policy:

Sam Goodwin, Chairman of the Personnel Board and Lt. Brian Gill, Employee Representative of the Personnel Board appeared before the BOS to present a CORI and a Sexual Harassment Prevention Policy for BOS approval. They were joined by Kevin Johnston, Benefits and Payroll Manager.

S. Goodwin explained that the Personnel Board had reviewed and vetted both policies and conducted a public hearing on May 4, 2016. The Personnel Board has unanimously recommended both policies for approval by the BOS.

G. Luca asked who has the authority to conduct CORI checks in the Town.

Lt. Gill explained that there are policies in place for the Fire, Police, and Parks Department but that the proposed policy is designed to cover the rest of the Town.

K. Johnston stated that training will be a criteria for both policies.

J. Livingston asked what the plan was for the CORI policy in terms of current employees.

K. Johnston stated that the policy would be for all newly hired employees and that the Town will evaluate CORI checks for existing employees.

S. Goodwin stated that the CORI policy cannot pertain to elected officials.

**MOTION:** A motion was made by J. Livingston and seconded by C. Hillman to approve the CORI Policy as presented by the Personnel Board. **Motion passed 3-0.**

G. Luca asked with respect to the Sexual Harassment policy what the phrase "unlawful harassment" meant.

J. Livingston stated that based on her experience in the military, fraternization can be construed as unfair preference and/or exclusion. It all comes down to an aspect of bullying.

K. Johnston stated unlawful harassment is broad in title but detailed in scope.

Lt. Gill stated that employee training is part of the policy as well.

K. Johnston stated that he has scheduled employee training for September 13, 2016.

**MOTION:** A motion was made by J. Livingston and seconded by C. Hillman to approve the Sexual Harassment Prevention Policy. **Motion passed 3-0.**

Police Chief William A. Murray appeared before the Board of Selectmen for the following items:

**Appointment of a full time records clerk.**

**MOTION:** A motion was made by C. Hillman and seconded by J. Livingston to appoint Ms. Heather Sherry as the full time Records Clerk at Grade 3, Step 3 effective July 1, 2016. **Motion passed 3-0.**

**Appointment of a full time Dispatcher.**

**MOTION:** A motion was made by J. Livingston and seconded by C. Hillman to appoint Ms. Cailey McCarthy as a full-time Dispatcher at Step 2 effective July 1, 2016. **Motion passed 3-0.**

Fire Chief Robert Pedrazzi appeared before the Board of Selectmen for the following items:

**Reserve Fund Transfer in the amount of \$16,161.00 for FY 2016 Year-End Firefighter Salaries.**

Chief Pedrazzi explained that it is a 53 week year with not enough salaries encumbered from previous years in addition to a long term off the job injury requiring sick time use and backfill at overtime pay which has necessitated the reserve fund transfer.

**MOTION:** A motion was made by C. Hillman and seconded by J. Livingston to approve the Reserve Fund Transfer in the amount of \$16,161.00 as presented by the Chief. **Motion passed 3-0.**

**Reserve Fund Transfer in the amount of \$1,551.88 for the Ambulance Enterprise Account.**

Chief Pedrazzi explained that repairs on Ambulance 1 this fiscal year totaled \$7,695 as well as Coastal billing fees up due to more revenue. The change in EMT registration produce a need for additional classes this year at a cost of \$2,700 as well as the increase in the costs of required drugs to be stored on the ambulance have necessitated this reserve fund transfer.

**MOTION: A motion was made by C. Hillman and seconded by J. Livingston to approve the Reserve Fund Transfer in the amount of \$1,551.88 as presented by the Chief. Motion passed 3-0.**

DPW Superintendent Mark Wetzel appeared before the Board of Selectmen regarding the following items:

**Complete Streets Prioritization Plan Grant**

Superintendent Wetzel presented the Complete Streets Prioritization Plan Grant in the amount of \$49,758 which will be used to engage a consultant to work with a Town workgroup to prepare a detailed plan/program.

**MOTION: A motion was made by C. Hillman and seconded by J. Livingston to approve the Complete Streets Prioritization Plan Grant as presented by Superintendent Wetzel. Motion passed 3-0.**

**Pleasant Street Construction Inspection Contract Amendment**

Superintendent Wetzel presented a contract amendment not to exceed \$35,000 for GPR Engineering to provide engineering inspection for the Pleasant Street Reconstruction project.

**MOTION: A motion was made by C. Hillman and seconded by J. Livingston to approve the Pleasant Street Construction Inspection Contract Amendment not to exceed \$35,000 to be funded from the DPW Inspection Revolving Fund as presented by the Superintendent. Motion passed 3-0.**

**Sewer Connection Fee**

Superintendent Wetzel presented a revised sewer system connection fee as requested by the Board of Selectmen on April 6, 2016. The current connection fee is \$1,500 per connection. The proposed sewer system connection fee would be increased to \$4,800 per equivalent residential unit (ERU). The new rate is based on the current costs required to provide the collection system, pumping and treatment capacity for a 3-bedroom house. Based on Massachusetts Title 5, a 3-bedroom house has a sewer usage of 330 gpd usage. Connection fees will be based on the calculated usage (using Title5) with 330 gpd as the equivalent residential unit. The Water and Sewer Rate Review Committee reviewed this proposed sewer connection fee at their June 6, 2016 meeting.

G. Luca asked for further clarification as to why we would be raising the rate so much.

M. Wetzel stated that the fee was set in 2003 and has not been updated in thirteen years.

G. Luca asked for further justification for raising the rate by three times the current amount.

C. Hillman stated that it cost him \$14,000 for a septic system in Westford and that \$4,800 for sewer is a value.

M. Wetzel stated that significant improvements have been made and will be made for the system and the connection fee needs to not only cover those costs but take into account costs already bore by current users for capacity, etc.

G. Luca stated that he cannot justify raising the rate by three times its current amount.

M. Wetzel stated that he originally proposed \$2,500 but the Board on April 6, 2016 asked him to go back and review as it seemed to be too low.

J. Livingston stated that we started at \$2,500 and we asked it to be further reviewed and it was. Furthermore the calculations justify the new proposed rate of \$4,800 and it was also reviewed by the Rate Review Committee which found it to be acceptable.

C. Hillman asked for clarification that this increase would not penalize current homeowners.

M. Wetzel stated that it would not. It would be for new sewer connections.

**MOTION:** A motion was made by C. Hillman and seconded by J. Livingston to increase the Sewer Connection Fee from \$1,500 to \$4,800 as presented by the DPW Superintendent. **Motion passed 2-1 (G. Luca, No)**

#### **Senior Citizen Water and Sewer Bill Discount Policy**

Superintendent Wetzel presented the Senior Citizen Water and Sewer Bill Discount Policy as requested by the Board of Selectmen as a result of the Fall 2015 Special Fall Town Meeting Citizens Petition. The policy was reviewed and recommended by the Water and Sewer Rate Review Committee on June 6, 2016. The policy provides a 10% discount on the first 3000 cubic feet of a tier one residential quarterly water bill. To be eligible for the discount an applicant must be 65 years of age or older; must own the property; must occupy the property as a principal place of residence; must have a separate water meter; must be a single-family dwelling or condominium; and all taxes and water/sewer bills must be current. The Superintendent presented and reviewed the full policy and the policy application for the Board.

**MOTION:** A motion was made by J. Livingston and seconded by C. Hillman to approve the Senior Citizen Water and Sewer Discount Policy and Application as presented by the Superintendent. **Motion passed 3-0.**

#### **Town Administrator's Report**

##### **Administrative Update**

The Town Administrator provided a brief administrative update on various projects, initiatives and issues of the Administration since the last Board meeting on May 21, 2016.

##### **Depot Square Update**

The Town Administrator provided a brief update on the Depot Square property indicating that as of June 2, 2016 the Town of Ayer is the legal owner of the Depot Square Access Property and the Advocates Building. He has been working with Town Counsel and the Tenants to establish new lease agreements and a walk-through of the building is scheduled for June 9, 2016. The property and building are also being added to the Town's Insurance Policy. MART has issued an RFP for Design Engineer Services for the project and the property appraisals and 21 E assessments are underway. He attended a positive meeting on June 6, 2016 with the Department of Conservation and Recreation and the Division of Capital Asset Management regarding the

legal transfer of the rail trail parking lot from DCR to the Town of Ayer. The project is moving forward with the next major updates to be forthcoming in about three weeks.

G. Luca recognized Ms. Beth Sudemeyer in the audience who stated that ATSAC (Ayer Train Station Advocates Committee) would like to be involved in the details of the project.

R. Pontbriand said that once a design engineer is on board, MART will commence with the public participation process which will involve the public in the design of the project.

G. Luca recognized Ms. Kathleen O'Connor who stated the importance of ATSAC being involved in the project process and to have a representative involved.

G. Luca stated that the Board agrees with the importance of public input and public involvement to the extent possible but ultimately the Board will make the final design decisions after all input is gathered. There will probably be the need for a working group with MART for which ATSAC can be represented. The Board will take all of this under advisement and consult with MART.

### **Chapter 61 Nashua Street Extension**

The Town Administrator advised that the Town received formal notice from the property owner on May 24, 2016 regarding his intent to convert the land from Chapter 61 into residential use. Procedurally if the Town wishes to execute its right of first refusal the next step would be an appraisal of the property by the Town. The Town is up against a 30 day statutory deadline which means the appraisal must be delivered to the property owner by June 23.

G. Luca recognized resident Ms. Bonnie Tillotson who advised that there is an MLC Listing for the property at \$750,000 but this is not accurate.

G. Luca recognized resident Ms. Beth Sudemeyer who advised that the Town would have 30 days for the appraisal but 120 days per law from May 24, 2016 to complete the whole process of right of first refusal. Additionally she advised that the property has value in terms of its walking distance to downtown, could be used for open space and recreation, could be acquired with a Land Trust, and that many of these types of lands in Town are of interest to the state. She presented a written letter to the Board regarding this property from the Open Space Committee.

The Board discussed the importance of following the Chapter 61 process and therefore an appraisal would be in order with respect to the next step of that process.

**MOTION:** A motion was made by J. Livingston and seconded by C. Hillman to authorize up to \$5,000 from the UDAG Unrestricted Funds for the purposes of conducting the appraisal of the Nashua Street Extension property in accordance with MGL Chapter 61. **Motion passed 3-0.**

### **Disposition of Former Fires Station**

The Town Administrator advised that the underground oil tank at the property has been successfully removed and there was no contamination. He further advised that the Board should proceed with reissuing an RFP for the disposition of the property in accordance with the authority granted by Town Meeting. He further advised that he would like the Economic Development Director to take charge of the RFP process and work diligently to find a private sector buyer who will also preserve the historic significance of the property. He asked the Economic Development Director, Mr. Alan Manoian to address the Board.

Mr. Manoian addressed the Board and explained the historic significance of the building as being designed by a historically significant African American Architect who designed the Arlington Fire Station. Additionally, Mr. Manoian explained that if the property was on the historic register it would receive historic tax credits which would enable a private developer to redevelop the property while preserving its historic significance.

G. Luca stated on behalf of the Board that the Town Administrator and Mr. Manoian should proceed accordingly and keep the Board updated.  
 Appointments Par 1 of 2

The Town Administrator presented the first set of annual appointments and re-appointments as presented in the Board's meeting packet and recommended that the Board authorize the appointments. He added that under the Energy Committee, the Board Representative on the Committee should be changed to a Citizen Representative as there is has been no Selectman interested in serving on the Committee for the last six years. The Board agreed to that change.

**MOTION:** A motion was made by J. Livingston and seconded by C. Hillman to approve the appointments and reappointments for three year terms to expire on June 30, 2019 as outlined in the Board's packet. Motion passed 3-0.

**June 7, 2016 BOS Appointments (Part 1 of 2) *Part 2 to take place June 21, 2016***

**3 Year Terms - Terms to expire June 30, 2019**

Board / Committee	Term Label	Length of Term	Current Member	Expiration Date
CABLE TV ADVISORY COMMITTEE	SEAT 2	3 Years	Douglas R. Becker	Jun 30, 2016
CABLE TV ADVISORY COMMITTEE	BOS SEAT	3 Years	Gary J. Luca	Jun 30, 2016
CONSERVATION COMMISSION	SEAT 3	3 Years	George D. Bacon, Jr.	Jun 30, 2016
COUNCIL ON AGING BOARD OF DIRECTORS	SEAT 4	3 Years	Lisa E. White	Jun 30, 2016
COUNCIL ON AGING BOARD OF DIRECTORS	SEAT 5	3 Years	Robert P. Hammond	Jun 30, 2016
CULTURAL COUNCIL	SEAT 10	3 Years	Sheila Schwabe	Jun 30, 2016
HISTORICAL COMMISSION	SEAT 5	3 Years	Ruth E. Rhonemus	Jun 30, 2016
HISTORICAL COMMISSION	SEAT 1	3 Years	Barry W. Schwarzel	Jun 30, 2016
PERSONNEL BOARD	SEAT 2	3 Years	Brian Gill	Jun 30, 2016
PERSONNEL BOARD	SEAT 5	3 Years	Samuel A. Goodwin Jr	Jun 30, 2016
POND & DAM MANAGEMENT COMMITTEE	SEAT 3	3 Years	Laurie Nehring	Jun 30, 2016
REGISTRARS OF VOTERS	SEAT 3	3 Years	Pauline Hamel	Jun 30,



				2016
<b>1 Year Terms - Terms to expire June 30, 2017</b>				
CAPITAL PLANNING COMMITTEE	BOARD OF SELECTMEN	1 Year	Christopher R. Hillman	Jun 30, 2016
ENERGY COMMITTEE	BOS SEAT	1 Year	Carolyn L. McCreary	Jun 30, 2016
ENERGY COMMITTEE	TOWN ADMINISTRATOR	1 Year	Robert A. Pontbriand	Jun 30, 2016
ENERGY COMMITTEE	TOWN ACCOUNTANT	1 Year	Lisa A. Gabree	Jun 30, 2016
ENERGY COMMITTEE	DPW SUPERINTENDENT	1 Year	Mark L. Wetzel	Jun 30, 2016
ENERGY COMMITTEE	FACILITIES DIRECTOR	1 Year	Daniel Sherman	Jun 30, 2016
ENERGY COMMITTEE	PUBLIC SAFETY	1 Year	Robert J. Pedrazzi	Jun 30, 2016
ENERGY COMMITTEE	CITIZEN	1 Year	Allan M. Wilson	Jun 30, 2016
MEMORIAL GARDEN COMMITTEE	SEAT 1	1 Year	Janet Lewis	Jun 30, 2016
MEMORIAL GARDEN COMMITTEE	SEAT 7	1 Year	Chuck McKinney	Jun 30, 2016
MEMORIAL GARDEN COMMITTEE	SEAT 10	1 Year	James M. Fay	Jun 30, 2016
MEMORIAL GARDEN COMMITTEE	SEAT 6	1 Year	Bob Eldredge	Jun 30, 2016
WATER & SEWER RATE REVIEW COMMITTEE	BOS SEAT	1 Year	Jannice L. Livingston	Jun 30, 2016
WATER & SEWER RATE REVIEW COMMITTEE	SEAT 3	1 Year	Richard W. Skoczylas	Jun 30, 2016
WATER & SEWER RATE REVIEW COMMITTEE	SEAT 5	1 Year	Mary E. Spinner	Jun 30, 2016
ASSISTANT TAX COLLECTOR		1 Year	Ramona Bean	Jun 30, 2016
MONTACHUSETT JOINT TRANSPORTATION COMMITTEE		1 Year	Pauline Hamel	Jun 30, 2016
MONTACHUSETT REGIONAL PLANNING COMMISSION	ALTERNATE SEAT	1 Year	Alan Manoian	Jun 30, 2016

**MOTION:** A motion was made by J. Livingston and seconded by C. Hillman to approve the appointment and reappointments for the one year terms to expire June 30, 2017 as outlined in the Board's packet. Motion passed 3-0.

### **111F Medical Payment-UDAG Authorization**

The Town Administrator advised that with the 111F Police Officer medical retirement resolved, the remaining balance of medical expenses that the Town of Ayer is legally responsible for is \$55,763.04. In consultation with the Town Accountant there is a total of \$33,166.36 remaining in the account for these expenses. With no other appropriation source available to pay the balance of \$22,596.68, he recommended that the Board authorize up to \$25,000 from the UDAG Unrestricted Funds to be used to pay this outstanding balance with funds to be reimbursed from available funds at a future Town Meeting.

**MOTION:** A motion was made by J. Livingston and seconded by C. Hillman to authorize the 111F Police Officer medical bills in the amount of \$55,763.04 with payment for the outstanding balance in the amount not to exceed \$25,000 to come from the Town's UDAG Unrestricted Funds with the funds to be replenished from available funds at a future Town Meeting. **Motion passed 3-0.**

### **Town Counsel Reserve Fund Transfer**

The Town Administrator presented a reserve fund transfer in the amount of \$47,675 for the Town Counsel Legal Service Account. He explained that there were considerable unexpected legal/appraisal costs associated with the recent eminent domain taking for the Depot Square Access Property and Advocates Building. Additionally, there is only approximately \$5,000 remaining in the account as of June 3<sup>rd</sup> and the May 2016 Town Counsel bill is estimated to be \$10,000; there is a bill for \$19,675 for the eminent domain legal appraisal work; the June 2016 Town Counsel bill is estimated to be \$10,000; and there is a \$5,000 contingency requested for any unforeseen legal matters between now and July 1, 2016. This totals the reserve fund transfer request of \$47,675.

**MOTION:** A motion was made by C. Hillman and seconded by J. Livingston to authorize the Town Counsel Legal Services Reserve Fund Transfer in the amount of \$47,675. **Motion passed 3-0.**

### **Community Opportunities Group Master Plan Contract**

The Town Administrator presented the Master Plan Contract in the amount of \$100,000 with Community Opportunities Group for revising and updating the Town's Master Plan. He advised that Town Meeting on May 9, 2016 authorized the \$100,000 in funding and that the contract presented to the Board was procured in accordance with MGL Chapter 30B using an RFP.

G. Luca questioned why it is so much.

R. Pontbriand explained that it is consultant driven and that this is the going rate for a Master Plan revision and update project similar to those in other communities.

C. Hillman also questioned why it is so much and if there is a less expensive alternative.

R. Pontbriand explained that this is a specialized niche and that this is the going rate for this type of project. He further added that this will be about an 18 month process and the Master Plan Committee is looking to maximize this process to put forth a comprehensive vision with an implementation plan for the next ten years for Ayer.

J. Livingston stated that as a member of the Master Plan Committee we have learned that this is the going rate for this type of project and it is consultant based with many public meetings. Furthermore we are required by state law to have an updated Master Plan.



**MOTION:** A motion was made by C. Hillman and seconded by J. Livingston to approve the Master Plan Contract with Community Opportunities Group in the amount of \$100,000. **Motion passed 3-0.**

**New Business**

G. Luca stated that the Summer Board Meeting Schedule will be June 21<sup>st</sup>; July 12<sup>th</sup>; and August 16<sup>th</sup>. However the Board will meet additionally if needed.

**Approval Meeting Minutes**

**MOTION:** A motion was made by C. Hillman and seconded by J. Livingston to approve the May 17, 2016 Meeting Minutes. **Motion passed 3-0.**

**MOTION:** A motion was made by C. Hillman and seconded by J. Livingston to approve the June 1, 2016 Meeting Minutes. **Motion passed 3-0.**

**Executive Session**

**MOTION:** A motion was made by C. Hillman and seconded by J. Livingston for the Board to enter into Executive Session pursuant to MGL Chapter 30A, Section 21 A, Exemption #3 for collective bargaining to hear two Step 3 Fire Union Grievances and to adjourn from Executive Session for the evening and to hold these proceedings in Executive Session could be detrimental to the Town's position. **Roll Call Vote: G. Luca, Y; C. Hillman, Y.; J. Livingston, Y. Motion passed 3-0.**

The Board of Selectmen entered Executive Session at 9:30pm.

Minutes Recorded By: Robert A. Pontbriand, Town Administrator

Date Minutes Approved by the BOS: DISJUN16

Signature of BOS Clerk, indicating approval: Garnie Lee Livingston