

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



*Broadcast and Recorded by APAC*

**Tuesday March 20, 2018**  
**Open Session Meeting Minutes**

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

Also in Attendance: Robert A. Pontbriand, Town Administrator

Call to Order: The meeting was called to order at 7pm by C. Hillman.

**MOTION:** A motion was made by J. Livingston and seconded by G. Luca to amend the meeting agenda to move the DPW Superintendent's Report to before the Town Administrator's report and to approve the agenda. **Motion Passed 3-0.**

Public Input: Town Clerk, Susan Copeland appeared before the BOS to make several announcements related to her Office including the deadline for auto excise bills is March 28th; Dog tags are due March 30<sup>th</sup>; the last day to register to vote for the Town Election and Annual Town Meeting is April 3<sup>rd</sup> at 8pm; the Town Election will be on April 23<sup>rd</sup>. Ms. Copeland also stated how great the 1<sup>st</sup> Floor Meeting Room looks since it has been repainted and all of the photos and certificates professionally displayed.

Chief William Murray appeared before the BOS for the following Dispatcher appointments and presented the following candidates for appointment:

Ms. Darlene A. Buelow was presented for appointment as a full-time Dispatcher at Step 2 effective April 2, 2018 contingent upon passing a background investigation, drug test and field training.

**MOTION:** A motion was made by G. Luca and seconded by J. Livingston to appoint Ms. Darlene Buelow as a full-time Dispatcher at Step 2 effective April 2, 2018 contingent upon passing a background investigation, drug test and field training. **Motion Passed 3-0.**

Ms. Janet K. Providakes was presented for appointment as a full-time Dispatcher at Step 1 effective April 2, 2018 contingent upon passing a background investigation, drug test, and field training.

**MOTION:** A motion was made by G. Luca and seconded by J. Livingston to appoint Ms. Janet Providakes as a full-time Dispatcher at Step 1 effective April 2, 2018 contingent upon passing a background investigation, drug test and field training. **Motion Passed 3-0.**

Mr. Matthew A. Cauley was presented for appointment as a full-time Dispatcher at Step 1 effective April 2, 2018 contingent upon passing a background investigation, drug test and field training.

**MOTION:** A motion was made by G. Luca and seconded by J. Livingston to appoint Mr. Matthew A. Cauley as a full-time Dispatcher at Step 1 effective April 2, 2018 contingent upon passing a background investigation, drug test and field training. **Motion Passed 3-0.**

Chief Murray presented the names of Ms. Jennifer J. Law and Mr. Kyle R. Gordon for the appointments of Per-Diem, Dispatcher. Neither candidate could be present do to work commitments.

**MOTION:** A motion was made by G. Luca and seconded by J. Livingston to appoint Ms. Jennifer J. Law to the position of Per-Diem Dispatcher effective April 2, 2018 contingent upon passing a background investigation, drug test and field training. **Motion Passed 3-0.**

**MOTION:** A motion was made by G. Luca and seconded by J. Livingston to appoint Mr. Kyle R. Gordon to the position of Per-Diem Dispatcher effective April 2, 2018 contingent upon passing a background investigation, drug test and field training. **Motion Passed 3-0.**

**Police Lieutenant Position Compensation Adjustment:** Chief Murray and Lt. Brian Gill appeared before the BOS to discuss the matter of adjusting the compensation of the Police Lieutenant position.

R. Pontbriand outlined the existing structural inequity between the position of Police Sergeant and Police Lieutenant. A top step Sergeant who reports to the Police Lieutenant is being compensated higher than the Police Lt. Additionally, this structural inequity has existed for several years and when the Town created the compensation grid with the consultant, despite the Town identifying this issue, the consultant did not account/correct this issue. Finally, the job description and job responsibilities of the position of Police Lieutenant have expanded.

Chief Murray referred to his March 7, 2018 Memo to the BOS regarding this matter and further expanding upon the internal inequity for compensation for the position and that this needs to be corrected. He further stated, per his memo that he is recommending the placement of the current Police Lieutenant (Lt. Gill) at a Grade 15, Step 9: \$106,655 effective immediately. Chief Murray explained that the current police budget due to a manpower shortage can support this request.

Chief Murray further stated that the position of Police Lieutenant needs to be the position of Deputy Chief in the future.

The BOS concurred with the presentation of the Town Administration and Police Chief.

**MOTION:** A motion was made by G. Luca and seconded by J. Livingston to classify the Police Lieutenant Position (Lt. Brian Gill) at a Grade 15, Step 9: \$106,655 effective immediately. **Motion Passed 3-0.**

**Reserve Fund Transfer for Unemployment Compensation:** Mr. Kevin Johnston, Benefits and Payroll Manager appeared before the BOS for approval of a Reserve Fund Transfer (RFT) in the amount of \$7,500 for Account 01913-51740, Unemployment Compensation.

Mr. Johnston explained that the current balance in the account is \$2,424.36 and the most recent Department of Unemployment Assistance monthly invoice is \$6,682. The expense is extraordinary and unforeseen because the actual amount of the FY 2018 Unemployment Expenses were not known when the FY 2018 Budget was prepared.

**MOTION:** A motion was made by G. Luca and seconded by J. Livingston to approve the Reserve Fund Transfer for Unemployment Expenses in the amount of \$7,500. **Motion Passed 3-0.**

**DPW Superintendent's Report:** DPW Superintendent Mark Wetzel appeared before the BOS for the following sewer abatement requests:

New England Hydro Transmission – Raddison Road in the amount of \$1,387.11 for the June 2017 Sewer Bill and in the amount of \$1,381.99 for the July 2017 Sewer Bill both due to leaks discovered by the DPW.

**MOTION:** A motion was made by J. Livingston and seconded by G. Luca to approve the sewer abatement in the amount of \$1,387.11 for the June 2017 Sewer Bill and approve the sewer abatement in the amount of \$1,381.99 for the July 2017 Sewer Bill for New England Hydro Transmission as recommended by the DPW Superintendent. **Motion Passed 3-0.**

125 Willard Court – Sewer Abatement in the amount of \$779.85 due to a leak discovered and repaired in the crawl space of the property.

**MOTION:** A motion was made by J. Livingston and seconded by G. Luca to approve the sewer abatement in the amount of \$779.85 for 125 Willard Court as recommended by the DPW Superintendent. **Motion Passed 3-0.**

Hillside Mobile Home Park – Sewer Abatement in the amount of \$3,648.38 due to a leak from a frozen pipe.

**MOTION:** A motion was made by G. Luca and seconded by J. Livingston to approve the sewer abatement in the amount of \$3,648.38 for Hillside Mobile Home Park as recommended by the DPW Superintendent. **Motion Passed 3-0.**

48 Pearl Street – Sewer Abatement in the amount of \$497.19 due to leaks from frozen pipes; the leakage did not enter the sewer system.

**MOTION:** A motion was made by G. Luca and seconded by J. Livingston to approve the sewer abatement in the amount of \$497.19 for 48 Pearl Street as recommended by the DPW Superintendent. **Motion Passed 3-0.**

**Discussion of Changes to the Town's Water Rules and Regulations:** The DPW Superintendent discussed and recommended the following changes to the Town's Water Rules and Regulations:

Change Section 7B Abatements: Change this section to allow the DPW Superintendent to review and grant abatement requests in writing to the customer. If an abatement request is denied by the DPW Superintendent it will be in writing to the customer and copied to the Board of Selectmen. Customers have the right to appeal the DPW Superintendent's decision to the Board of Selectmen.

Change Section 10 – Fire Service, Subsection A to read: Private fire service pipes and hydrants may be installed at the customer's expense including the connection to the water main.

G. Luca stated that he had no issues with the proposed changes.

J. Livingston stated that it is important that all decisions to customers are in writing with a copy to the Board of Selectmen.

**MOTION:** A motion was made by G. Luca and seconded by C. Hillman to approve the two changes to the Town's Water Rules and Regulations as presented and recommended by the DPW Superintendent. **Motion Passed 3-0.**

**Grove Pond Well No. 8 PFAS Contamination Update:** The DPW Superintendent updated the Board on the ongoing Grove Pond Well No. 8 PFAS Contamination. The update consisted of a review of the DEP's letter to

the Town on March 1, 2018 (included in BOS Packet); the issue of public notification (included in BOS Packet); actions to date by the DPW (included in BOS Packet); and a recommendation for treatment and request for funding for treatment.

In terms of the recommended treatment to resolve this issue, the Town would construct a special carbon filtration plant that would remove the PFAS contaminates. The DPW Superintendent has been working with the consultant CDM Smith and at this time is recommending a borrow authorization funding article for the Annual Town Meeting on May 14, 2018 in the amount of approximately \$4.2 million dollars.

The BOS concurred with the recommendation for the warrant article at the Annual Town Meeting on May 14, 2018 for the borrow authorization for the carbon plant in the amount of approximately \$4.2 million dollars.

C. Hillman asked if the Army has taken responsibility for the contamination since it is originating from Devens.

M. Wetzel stated that the Army is aware as is the EPA and DEP and they are currently investigating the matter.

R. Pontbriand advised the BOS that he and M. Wetzel have been in consultation with Town Counsel regarding the Town's legal rights, legal options, and how to proceed in terms of ultimately the Army paying for the contamination. R. Pontbriand stated that he would keep the BOS updated.

M. Wetzel stated that the Grove Pond Well No. 8 is off-line and that the mandatory public notification will go out the end of the week of March 27<sup>th</sup>. He stated that he will continue to keep the BOS updated.

Director of Community & Economic Development Report: Mr. Alan Manioian, the Director of Community and Economic Development appeared before the BOS regarding the following items: Lien Subordination Request CASE # 03-243 for 98 West Main Street. The subordination of The Town's lien conditioned upon a new mortgage not to exceed \$60,000.

**MOTION:** A motion was made by G. Luca and seconded by J. Livingston to approve the lien subordination with signature by the Chair. **Motion Passed 3-0.**

Historic Ayer Central Fire Station RFP: Mr. Manioian presented the recommendation of the Historic Ayer Central Fire Station RFP Committee (as provided in the BOS Meeting Packet).

The Town received six proposals ranging in monetary value from \$10,000 to \$100,000 which were all reviewed by a Committee consisting of the Director of Community and Economic Development; the Assessing Administrator; the Town Planner; and a Member of the Planning Board. In addition to the price of each proposal the Committee ranked the proposals using a set of established comparative criteria. The Committee recommended the proposal from Mr. Calvin Moore in the amount of \$50,000 to the BOS for award of the RFP.

C. Hillman stated that he did submit an initial bid and that he has no desire to continue and is withdrawing his bid and will not be recusing from the discussion.

J. Livingston confirmed with C. Hillman that he is withdrawing his bid.

C. Hillman stated that he has a hard time going with the Committee's recommendation when there is another proposal that is \$100,000 in value. It is hard to walk away from \$50,000.

J. Livingston stated that she read all of the proposals and if it was just a monetary factor she would go with the \$100,000 proposals. However, the proposal recommended by the Committee from Mr. Moore had more substance to it.

Mr. Calvin Moore asked to address the BOS. He stated that he has a record of achievement in Town and he is looking to tie this project into the whole downtown and with his other projects in close proximity. He is the only person that can best do this project. He is ready to hit the ground running.

R. Pontbriand asked if Mr. Moore can close on the property within 60 days. C. Moore stated yes.

R. Pontbriand asked if Mr. Moore will move forward with the project regardless of receiving any grants and/or other assistance from the Town. R. Pontbriand clarified that currently there are no Town grants or other incentives readily available but that the Town would work with Mr. Moore. The key point is that the closing should not be contingent on grants or other assistance.

C. Moore stated that the closing would not be contingent on grants or other assistance but that he looked forward to working with the Town.

Mr. Manoian explained that the building should not be surrounded by cars and that the Moore proposal scored the highest because he currently owns the adjacent parking lot. Additionally Mr. Moore is willing to have low income units.

G. Luca stated that he agreed with C. Hillman that it is hard to walk away from \$50,000.

C. Moore stated that he is the 5<sup>th</sup> generation in Ayer and that he won't walk away from the project or the Town. He has a proven record of historic rehabilitation as in the Spaulding Building and Page Moore Block.

G. Luca stated that he could not find much information on the firm from Chelsea that bid \$100,000 and that is concerning.

J. Livingston stated that she agreed about the \$100,000 point. However because of Mr. Moore's "arrogance" and that his proposal's tone was like "being hit over the head" and was "rude"; that is why he will succeed.

Mr. Ken Diskin, the Planning Board Member on the evaluation committee asked to address the BOS. He stated that the scoring system was very objective and fair. Mr. Moore got the highest score because his proposal was superior compared to the other proposals. We only used the criteria not price in making our recommendation.

G. Luca stated that he came into this not wanting to give away \$50,000 but Mr. Moore does do a good job and I have no problem with him being awarded the RFP.

C. Hillman stated that Mr. Moore does have the adjacent parking which is unique but all of the proposals were very similar in what they planned to do. The most important thing is that the closing and sale are expedited so that we can move forward.

**MOTION:** A motion was made by J. Livingston and seconded by G. Luca to award the Historic Fire Station RFP in the amount of \$50,000 to Mr. Calvin Moore. **Motion Passed 3-0.**

**Town Administrator's Report:** The Town Administrator provided the BOS with a brief Administrative Update on various initiatives, projects, and activities of the Administration since the last BOS Meeting on March 6, 2018.

Approval of the FY 2019 Capital Budget: The Town Administrator presented the FY 2019 Capital Budget (provided in the BOS Meeting Packet) as recommended by the Capital Planning Committee for review and approval.

**MOTION:** A motion was made by G. Luca and seconded by J. Livingston to approve the FY 2019 Capital Budget as recommended by the Capital Planning Committee and as presented by the Town Administrator. **Motion Passed 3-0.**

Special Town Meeting Update: The Town Administrator reported that both Article 1: The Zoning Bylaw Update and Article 2: The Solar Bylaw passed the Special Town Meeting on Monday, March 18, 2017. He stated that this is a positive achievement for the Town in terms of land use, planning, and economic development. He thanked all of the Departments, Boards, and Committees involved in making the Special Town Meeting a success.

FY 2019 Budget Update: The Town Administrator gave a brief FY 2019 Budget Update. He stated that the FY 2019 Budget remains under development. The Water and Sewer Rate Hearing will be held by the BOS on Tuesday, April 3, 2018. The deadline for all warrant articles and citizens' petitions is Friday, April 13, 2018 at noon. There will be a Joint Meeting of the BOS and Fin Com on Tuesday, April 17, 2018 to review and approve the warrant and budget. The warrant must be posted and go out to print by 12pm noon on Friday, April 20, 2018.

Government Reorganization Update: The Town Administrator provided an update on the Town Government Reorganization as the result of Town Meeting's passage of four Special Acts back at the Fall Special Town Meeting of 2017. The Special Acts have been approved by the State House of Representatives and are now in the State Senate pending approval. Once approved by the Senate, they will be signed by the Governor and will go into effect.

Per the Special Acts passed by Town Meeting, the Town Clerk will become a full-time, appointed position with the incumbent Town Clerk serving in that capacity. The Town Administrator will be coming with the Town Clerk before the BOS for the approval of a personnel services contract. The position is already classified on the Town's Classification and Compensation System.

The Treasurer/Tax Collector position will become a combined, full-time, appointed position. Since there will be no incumbent serving in that capacity upon passage of the Special Act, the Town will initiate a hiring process to fill the position. The position is already classified on the Town's Classification and Compensation System.

The Town Administrator position will transition to the Town Manager position. The incumbent Town Administrator will serve as the first Town Manager. There is no added additional compensation.

The Tree Warden position will go from elected to appointed upon passage of the Special Act. The appointed Tree Warden will report to the Town Manager at this time. The incumbent Tree Warden will serve as the Appointed Tree Warden. There is no change in the compensation at this time and a job description will be formally developed.

The Town Administrator presented the creation of the position of Assistant Town Manager. He stated that the current position of Assistant to the Town Administrator has evolved over the last several years from a traditional clerical position to that of a professional administration position. Additionally, the creation of an Assistant Town Manager will provide a clear succession and contingency plan for the Town. The trend in municipal government in Massachusetts is for the creation of an Assistant Town Manager and this is an industry best practice and is consistent with the intent of both the Massachusetts Municipal Modernization Act and the intent of the Special Acts to reorganize the Ayer municipal government.

The Town Administrator stated that the incumbent Assistant to the Town Administrator, Ms. Antonellis is the logical choice for Assistant Town Manager. This qualification is based on her professional education, thorough knowledge of the operations and administration of municipal government (specifically Ayer), her extensive experience in state and local government, and she is currently performing the majority of duties of an Assistant Town Manager informally and/or as delegated by the Town Administrator.

The Town Administrator is recommending that the BOS approve the job description and reclassification of the position of Assistant to the Town Administrator to the position of Assistant Town Manager with a classification of Grade 14, Step 2 for the incumbent effective July 1, 2018.

C. Hillman stated that this is a good decision and a natural decision in terms of succession and planning for the Town. J. Livingston agreed that this is the natural evolution of the Town's Government. G. Luca concurred that this makes great sense and that the incumbent has demonstrated her ability to do an excellent job as Assistant Town Manager.

**MOTION:** A motion was made by G. Luca and seconded by J. Livingston to approve the position of Assistant Town Manager and to reclassify the incumbent Assistant to the Town Administrator as the Assistant Town Manager at a Grade 14, Step 2 on the Town's Classification and Compensation Plan effective July 1, 2018. **Motion Passed 3-0.**

Approval of Meeting Minutes for February 13, 2018 and February 20, 2018:

**MOTION:** A motion was made by J. Livingston and seconded by G. Luca to approve the meeting minutes for February 13, 2018 and February 20, 2018 as presented. **Motion Passed 3-0.**

Executive Session:

**MOTION:** A motion was made by C. Hillman and seconded by J. Livingston to enter into Executive Session pursuant to MGL Chapter 30A, Section 21A for the following reasons: Exemption #3 (Collective Bargaining) PEC Section 21 MOA; Exemption #3 (Collective Bargaining) Regional Dispatch Impact Bargaining MOA; Exemption #3 (Collective Bargaining) Police and Dispatch Contract Negotiations Update; Exemption #3 (Litigation Strategy) *Worthen Dale, Inc. v. Town of Ayer* and to adjourn for the evening at the conclusion of the Executive Session. C. Hillman further stated that to conduct these matters in open session would be detrimental to the Town's bargaining positions.

**Roll call vote to enter Executive Session:** G. Luca, Yes; J. Livingston, Yes; C. Hillman, Yes. 3-0 the BOS entered into executive session.

The Ayer Board of Selectmen entered into Executive Session.

Minutes Recorded and Submitted by: Robert A. Pontbriand, Town Administrator

Date Minutes Approved by BOS: 3APK18

Signature Indicating Approval: \_\_\_\_\_

