

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



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Tuesday December 4, 2018
Open Session Meeting Minutes

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

Absent: Christopher R. Hillman, Vice – Chair

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

Call To Order: J. Livingston called the meeting to order at 7:01 PM.

Moment of Silence: At the request of J. Livingston, the BOS and meeting attendees observed a moment of silence in observation of the passing of President George H.W. Bush.

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

Review and Approve Agenda:

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

Announcements: J. Livingston made the following announcements:

- The Special Town Election for the Debt Exclusion Question will be on Tuesday, December 11th in the Great Hall from 7am – 8pm
- The 2019 Dog Tags are available in the Town Clerk's Office
- The Holiday Concert & Sing-Along will be held on Saturday, December 8, 2018 at 2:00pm
- The Tuba Christmas 2018 will be held on Sunday, December 9, 2018 at 2:00pm

Public Input: None

Joint Appointment by BOS and Planning Board for Planning Board Vacancy: The BOS was joined by Planning Board members Ken Diskin and Julie Murray for the purposes of making a joint appointment to the Planning Board. Mr. Jonathan Kranz introduced himself and conveyed his interest and enthusiasm in serving on the Planning Board.

Motion: A motion was made by S. Houde and seconded by J. Livingston to appoint Mr. Jonathan Kranz to the vacant position on the Ayer Planning Board until the next election in April of 2019. **Motion passed 4-0.**

The Planning Board members left the table.

Approval of Meeting Minutes:

Motion: A motion was made by J. Livingston and seconded by S. Houde to approve the meeting minutes of November 13, 2018. **Motion passed 2-0.**

Public Hearing – FY' 19 Tax Classification with the Board of Assessors: S. Houde opened the public hearing by reading the Public Hearing Notice as advertised on November 16, 2018 and November 23, 2018 in the Nashoba Valley Voice. The BOS was joined by the Assessing Administrator and the Ayer Board of Assessors. T. Hogan presented four items as it relates to the FY' 19 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. T. Hogan reported that the total property values in Ayer increased about 6.8%.

T. Hogan gave a brief overview of the open space discount and reported that the Board of Assessors are not recommending adoption.

Motion: A motion was made by S. Houde and seconded by J. Livingston to not adopt the open space discount.
Motion passed 2-0.

T. Hogan gave a brief overview of the residential exemption citing it was very common in seasonally popular communities and communities with a large rental market.

Motion: A motion was made by S. Houde and seconded by J. Livingston to not adopt the residential exemption.
Motion passed 2-0.

T. Hogan stated that he and the Board of Assessors spent a large amount of time working on the analysis of the small commercial exemption based on the interest last year. He stated that eligible properties must be included on a list provided annually by the Massachusetts Department of Labor and Workforce Development. The property must also be valued at less than one million dollars and have an average annual employment of 10 or fewer people. He cautioned that with the adoption of the small commercial exemption, the tax burden is shifted within the Commercial and Industrial tax class. The Assessor's office estimated that as few as 43 properties would be impacted, with another 104 potentially qualifying. T. Hogan stated that though the exemption looks good on paper, the implementation will be challenging and is recommending that if the BOS adopt this, that it be implemented in FY'20.

J. Livingston stated that though well intentioned, the administrative burden with changing the format of the tax bills could be challenging.

S. Houde stated that he would like the Town to further explore the small business exemption and prepare a recommendation to the BOS for next year.

C. Antonellis recommended that this item be added to the Town Budget Calendar to be discussed in August of 2019.

Motion: A motion was made by S. Houde and seconded by J. Livingston to not adopt the small commercial exemption. **Motion passed 2-0.**

T. Hogan gave the BOS a brief overview of the adoption of the Residential Factor. He said that the residential market is very strong in Ayer. He then stated that the total tax levy is dropping by eight tenths of 1%. He also added that the Town's Excess Levy Capacity is now over \$2.5 million dollars.

L. Gabree attributed the decrease in the tax levy to the refinancing of old debt and cautioned that a decrease in the levy would likely not be the case moving forward. She also said that some of the debt exclusion projects that passed last year, have not begun, so therefore there has been no need to go out to borrow yet.

Ed Kelley, 20 Oak Ridge Drive stated that the commercial tax rate is not competitive with any other surrounding Town. He feels that the gap between the residential payers and the commercial and industrial payers is too large.

S. Houde stated that the Town has a robust infrastructure and offers strong police, fire and public works services.

E. Kelley asked the BOS to consider the future of the Town of Ayer.

Motion: A motion was made by S. Houde and seconded by J. Livingston to adopt a residential factor of .728773.
Motion passed 2-0.

Motion: A motion was made by J. Livingston and seconded by S. Houde to close the public hearing at 8:14 PM.

Multifamily Affordable Housing Proposal- Request for L.I.P. Endorsement - 0 Washington Street: Attorney Adam Costa was in attendance on behalf of his client, Ayer Solar II to give the BOS an informational/conceptual overview of a proposed 40B project at the same location, off of Washington Street, where the already permitted

Solar II project is proposed. Attorney Costa explained that abutters have appealed a constructive ANR approval relating to the proposed solar development. The new proposal for the property is the construction of 55 units of town houses, where 25% would be designated as low-to-moderate income. He stressed that this is in the conceptual phase and wanted to introduce the project to the BOS to begin the Local Initiative Program (LIP) through DHCD.

Project Engineer Cal Goldsmith of GPR, Inc. stated that the proposed location presents difficult construction; he is confident that the engineering can be done to build the proposed 40 B project.

Attorney Costa Adam said that the parcel was 49.78 acres. The project proponent is offering that 14 units of the proposed project be designated as low-to-moderate income units in perpetuity.

J. Livingston asked if this proposed 40B would replace the proposed Solar II project. Attorney Costa said yes. She further stated that though project is conceptual in nature, several departments brought up concerns relating to the surrounding wetlands, the site access driveway. She wants to ensure that all those concerns are addressed. The BOS did not make a decision regarding the LIP request.

Town Manager's Report: *Administrative Update/Review of Warrant(s)* – R. Pontbriand referred the BOS to the meeting packet, to review the list of warrants signed. He stated that FY' 20 budgets are due 12/14/18 and that the Capital Planning Committee starts meeting on Wednesday December 5, 2018.

Appointments – Ayer Recycling Committee – Ms. Lauri Sabol, Chair of the Ayer Recycling Committee introduced Ms. Rebecca Jones who had sent a letter of interest to serve on the Recycling Committee.

Motion: A motion was made by J. Livingston and seconded by S. Houde to appoint Ms. Rebecca Jones to the Recycling Committee to fill an unexpired term ending on June 30, 2020. **Motion passed 2-0.**

L. Sabol also reported that the Town of Ayer received an award from the Dept. of Environmental Protection for the Town's recycling efforts.

Ridge View Heights Approval of Quitclaim Deed – R. Pontbriand presented two quitclaim deeds relative to Ridge View Heights, as authorized by the May 14, 2012 and October 22, 2019 Town Meetings. He is recommending approval of both deeds.

Motion: A motion was made by S. Houde and seconded by J. Livingston to approve both quitclaim deeds as presented by the Town Manager. **Motion passed 2-0.**

2019 BOS Issued License Renewals – C. Antonellis presented the list of 2019 License Renewals, which are as follows:

Business Name	Business Address	License Type
Toreku Tractor & Equipment, Inc.	4 Littleton Road	Class 1
Gervais Inc.	5 Littleton Road	Class 1
Trailer Home Sales	1 Fitchburg Road	Class 1
L-3 Communications	90 Nemco Way	Class 1
Central Collision Center	121 Central Avenue	Class 2
Don's Auto Sales	9 Bishop Road	Class 2
J.C. Madigan, Inc.	8 Shaker Road	Class 2
Terranova Auto Body	40 Littleton Road	Class 2
Sean's Auto & Truck Center, Inc.	42 Littleton Road	Class 2
Rt 2A Auto Sales, Inc.	77 Fitchburg Road	Class 2
Power of Honesty, Inc.	179 West Main Street	Class 2
Ayer Auto Repair	85-87 Central Ave.	Class 2
Turbo Lube	21 Fitchburg Road	Class 2
Harry Schwartz & Sons, Inc.	20 Sandy Pond Road	Class 3
Subway	1 Mill Street	CV
Ayer Convenience	60 Park Street	CV

Business Name	Business Address	License Type
Deven's Pizza & Deli	210 West Main Street	CV
McDonald's Restaurant	2 Sandy Pond Road	CV
Wendy's Restaurant	2 Barnum Road	CV
Woo Jung Restaurant	174 West Main Street	CV
Verona Pizza & Seafood	18 Park Street	CV
Dunkin Donuts	18 Park Street	CV
Karyn's Kitchen	200 West Main Street	CV
Ayer Gulf	26 Park Street	CV
The Cottage Restaurant	18 Main Street	CV
Wok & Roll	49 Park Street	CV
Lazy Mary's	30 Littleton Road	CV
Taco Bell	4 Sandy Pond Road	CV
Union Coffee	25 Main Street #1	CV
Tipo Taco's	35 Main Street	CV
The Vineyard	63 Park Street	s15BW
Ayer Shop 'n Save	22 Fitchburg Road	s15BW
Ayer Package Store, Inc.	48 Main Street	s15AA
Traffic Circle Liquors, Inc.	2 Littleton Road	s15AA
Barnum Road Liquors, Inc.	1 Barnum Road	s15AA
Archer's Mobil	70 Main Street	s15BW; CV
Chung Ge Market	210D West Main Street	s15BW; CV
Pauline's Variety	67 1/2 East Main Street	s15BW; CV
Ayer Gun & Sportsmen's Club	225 Snakehill Road	s12BWC; CV
Carlin's	7 Depot Square	s12AA; CV; Amusement; Sunday Entertain;
Billiard's Café	39 Main Street	s12AA; CV; Amusement; Sunday Entertain;
Lucia's Tavola Ristorante	31 Main Street	s12AA; CV
Markoh's on Main	43 Main Street	s12AA; CV
Shaker Hills Country Club	146 Shaker Road	s12AA; CV
Tiny's Restaurant	2 Groton School Road	s12AA; CV; Amusement
Nashoba Club	14 Central Avenue	s12AA; CV; Amusement
Parthenon Pizza	60 West Main Street	CV; Amusement
Osawa Bistro	9 Main Street	s12AA; CV
Bar25	25 Main Street	S12AA; CV
Mango Grill – Not Renewing	38 Littleton Road	s12AA; CV – Not Renewing

C. Antonellis stated that pursuant to Bylaw XLII, a license will not be issued if there are outstanding bills, taxes, fees, assessments, liens, or betterments. Also a license will not be issued without the renewal fee being paid in full and that all requirements set forth by Massachusetts General Laws are met.

Motion: A motion was made by S. Houde and seconded by J. Livingston to approve the list of 2019 License Renewals, subject to the conditions set forth above. **Motion passed 2-0.**

Proposed Zoning Bylaw Town Meeting Discussion with Town Planner & Economic and Community Development Director – R. Pontbriand was joined by Town Planner Mark Archambault and Community and Economic Development Director Alan Manoian to discuss upcoming proposed changes to the Ayer Zoning Bylaw, specifically, adult-use marijuana zoning and form based code zoning.

M Archambault and A. Manoian gave brief presentations on the proposed timeline to make the zoning changes. BOS

members agreed that these matters should be taken up at a Town Meeting in the spring as a separate meeting, not as part of the Annual Town Meeting. The BOS will discuss dates for a Special Town Meeting at the next BOS meeting.

January 2019 Meeting Schedule – The January 2019 BOS meeting schedule will be finalized at the next BOS meeting.

New Business/Selectmen's Questions: *Executive Bi – Board Meeting Debrief (Selectman Houde)* – S. Houde gave an overview of the last Bi-Board meeting held in November. The Bi-Board discussed the FY 20 Budget and associated budget timelines. Department budgets are due to the Town Accountant and Town Manager on Friday December 14, 2018. The budget directive sent in November includes no new personnel and the review of sustainability of operating expenses. The Bi-Board also discussed the upcoming school field project, budget book and financial policies.

Adjournment:

Motion: A motion was made by S. Houde and seconded by J. Livingston to adjourn at 9:23 PM. **Motion passed 2-0.**

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

Date Minutes Approved by BOS: 12/18/2018

Signature Indicating Approval: 