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TOWN OF AYER

*Matthew Copeland*

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 19, 2019**  
**Open Session Meeting Minutes**

**BOS Present:** Christopher R. Hillman, Vice – Chair; Scott A. Houde, Clerk  
**BOS Absent:** Jannice L. Livingston, Chair  
**Also Present:** Robert A. Pontbriand, Town Manager  
Carly M. Antonellis, Assistant Town Manager

**Call to Order:** C. Hillman called the meeting to order at 7:00 PM.

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

**Announcements:** C. Hillman announced the following:

- The BOS will hold a special meeting at 6:00 PM on Wednesday March 27, 2019 to discuss the 40B Local Initiative Program known as Ayer Green Residences located at 0 Off Washington Street.
- There will be a public Information Session on Wednesday, March 20 at 6:00 pm in the Selectmen's meeting room at the Ayer Town Hall to describe an upcoming amendment to the Ayer Zoning Bylaw to regulate the type and location of Marijuana Establishments, addressing where they may be permitted to locate and how the permitting process will work.
- Excise Taxes are Due Monday April 1, 2019

C. Hillman announced that J. Livingston was unable to attend tonight's meeting.

**Approval of Agenda:** R. Pontbriand asked that the agenda be amended to delete the "Adopt-A-Street" item under Mr. Manoian's report. Mr. Manoian is unable to attend the meeting.

**Motion:** A motion was by S. Houde and seconded by C. Hillman to approve the agenda, as amended. **Motion passed 2-0.**

**Public Input:** None

**Public Hearing - Application for Transfer of Beer and Wine License - From Kyung Enterprises, Inc. d/b/a Chung Ge Market 210 West Main Street to Ayer Beer & Wine, Corp., 210D West Main Street:** S. Houde opened the public hearing at 7:05 PM by opening the public hearing notice as advertised in the Nashoba Valley Voice on March 8, 2019. Attorney Tom Gibbons was in attendance with Ms. Xia Zhao, the applicant. Attorney Gibbons stated that the current operators Chung Ge Market, will be selling the beer/wine portion of their business to Ms. Zhao who will be operating next door. R. Pontbriand said that the application went through the inter-department review process and there were no issues raised.

**Motion:** A motion was made by S. Houde and seconded by C. Hillman to approve the transfer of a Sec. 15 Beer and Wine License from Kyung Enterprises, Inc. to Ayer Beer & Wine, Corp. **Motion passed 2-0.**

**Reappointment of NVTTHS School Committee Members:** BOS members were joined by Town Moderator Tom Horgan and Ayer Shirley Regional School Committee Member Cheryl Simmons for the purposes of reappointing the primary and alternate members to the Nashoba Valley Technical High School. Chris Prehl, primary member, and Andrea Fontaine, alternate member, were in attendance. The Town Moderator called the joint session to order.

**Motion:** A motion was made by C. Simmons and seconded by C. Hillman to reappoint Chris Prehl as the primary member and Andrea Fontaine as the alternate member to the NVTTHS School Committee for terms beginning April 1, 2019 and expiring March 31, 2022. **Motion passed 3-0.**

The Moderator adjourned the joint session. C. Prehl and A. Fontaine thanked members for approving the reappointments.

**Appointment of Associate Member from Ayer to the Devens Enterprise Commission:** Judge Robert Gardner was in attendance. R. Pontbriand explained that there was an opening for an Associate Member, which has no specific term. Judge Gardner expressed interest in the associate position, having previously served on the Massachusetts Land Bank.

**Motion:** A motion was made by S. Houde and seconded by C. Hillman to appoint Judge Robert Gardner to the Devens Enterprise Commission as an Associate Member. **Motion passed 2-0.**

**Alicia Hersey, Program Manager, Office of Com. & Eco. Dev.:** *Right of First Refusal for 40B LIP Unit – 3B Bayberry Lane* – A. Hersey was in attendance requesting the BOS to consider waiving their Right of First Refusal for the purchase of 3B Bayberry Lane because the unit is considered affordable. The purchase price is \$185,000.

**Motion:** A motion was made by C. Hillman and seconded by S. Houde to waive the right of first refusal for the affordable unit located at 3B Bayberry Lane. **Motion passed 2-0.**

**Fire Chief Robert J. Pedrazzi:** *Fire Department Update* – Chief Pedrazzi was in attendance. He reported that Call Department Officer Andrew Harland was recently promoted to Call Department Lieutenant. Chief Pedrazzi also reported that for the first time since its existence, the ambulance enterprise fund needs a general fund subsidy. This is attributed by the makeup of the clientele that use the ambulance; over 66% of ambulance users have subsidized health insurance plans and the reimbursement rates are much lower than private pay insurance rates. He also stated that people are using the ambulance more than any time in history.

*Fire Engine #2 Replacement Presentation* – Chief Pedrazzi stated that the Capital Planning Committee has recently recommended a \$650,000 expenditure for the replacement of Engine 2. Because of the amount, the approval is a two-part; it will be on the ballot April 22, 2019 and has to be passed by a 2/3<sup>ds</sup> vote at Town Meeting in May. Engine #2 has been the “first out” apparatus on any fire incident for the last 19 years responding to every emergency call and due to the age, parts are becoming scarce and take additional time to source. He also stated that repairs are becoming more frequent and costly. Engine # 2 was looked at by Greenwood Fire Apparatus as a candidate for refurbishment but due to age and condition was not recommended to be rehabbed.

Chief Pedrazzi then gave an overview of the current fleet of vehicles in the department and responded to a question from S. Houde about the number of calls the department responds to annually. Chief Pedrazzi reported that the department responded to over 2,400 calls last year, which does not include inspections or fire prevention.

**Superintendent Mark Wetzel, Dept. of Public Works:** *Execution of Contract for Prospect St. and Oak St. Infrastructure Improvements* – M. Wetzel was in attendance. He reported that general bids for the Prospect and Oak Street Infrastructure Project were opened on Feb. 27, 2019. There were 6 bids received with J. D’Amico being the low bidder at \$691,253.34. \$560,000 of the project is being funded from the Community Development Block Grant.

**Motion:** A motion was made by S. Houde and seconded by C. Hillman to execute the contract between the Town of Ayer and J. D’Amico of Randolph in the amount of \$691,253.34 for the base bid plus add alternates 1 and 2. **Motion passed 2-0.**

*Approval of Transfer Station Permit for Devens Residents* – M. Wetzel stated that the Town has gotten occasional requests from residents in Devens, who are within the boundaries of Ayer, to use the Transfer Station. He has calculated a rate of \$175 per year because Devens residents do not pay taxes in Ayer, and the general fund subsidizes the Transfer station. He is not recommending a senior permit fee. Devens residents also need to provide proof that they are registered voters in Ayer.

**Motion:** A motion was made by S. Houde and seconded by C. Hillman to approve a Transfer Station Rate of \$175 per year for Devens residents within Ayer boundaries. **Motion passed 2-0.**

*Equipment Standards for Water Treatment* – M. Wetzel reported that the Water Division is completing design of an addition to the Grove Pond Water Treatment Plant to remove chemicals, known as PFAS from Ayer's water supply. As the DPW is integrating the PFAS treatment into the existing water treatment system, he is recommending that the Town specify compatible equipment. Under Massachusetts M.G.L. c.30, §39M and M.G.L. c.149, §§44A-M, material and equipment specifications must be written to promote completion. However, the Inspector General issued a guidance document to be used when proprietary materials or equipment must be specified. For the Grove Pond Water Treatment Plant PFAS Treatment Facilities project, he would like to specify the following proprietary items:

- a. Dowex ion exchange resin media and related elements of AIX system furnished by Evoqua Water Technologies
- b. Chlorine Residual and ORP water quality analyzers manufactured by HACH Company
- c. Milton Roy mRoy chemical metering pumps
- d. CTI Dynamix X Drive control stations for chemical metering pumps
- e. Allen Bradley Programmable Logic Controllers (PLC).

M. Wetzel is recommending that the Ayer Board of Selectmen, acting as the Town's Water Commissioners, approve the list of proprietary items. The Town has undertaken a reasonable investigation and for water treatment reliability, safety and efficiency have determined that the Grove Pond Water Treatment Plant PFAS Treatment Facilities project requires use of proprietary specifications for the above five items.

**Motion:** A motion was made by S. Houde and seconded by C. Hillman to approve the list of 5 items (above) as proprietary items for the purposes of upgrading the Grove Pond Water Treatment Plant PFAS Treatment Facilities. **Motion passed 2-0.**

*Grove Pond PFAS Update* - M. Wetzel gave an in depth presentation on the Town's water quality, specifically related to the impacts of PFAS contamination. In May 2016, the United States Environmental Protection Agency (EPA) issued a lifetime Health Advisory (HA) of 70 parts per trillion for a combination of two Per and Polyfluoroalkyl Substances (PFAS). In 2018, MassDEP adopted a more conservative advisory addressing a total of five of the PFAS chemicals, and strongly recommended that water suppliers take steps expeditiously to lower levels of the five PFAS, individually or in combination, to below 70 parts per trillion. The Grove Pond Water Treatment Plant (WTP) is one of two treatment plants that supplies drinking water to our system and treats water from three of the Town's five water supply wells. One of the wells has PFAS levels for the five compounds combined that are over the 70 ppt advisory. The well was taken offline in February 2018 and a notification was mailed out to all water customers. The Ayer DPW continues to monitor all of the water supply wells on a quarterly basis to make sure the PFAS levels in Ayer's water is below the 70 ppt advisory. The presentation focused on PFAS in drinking water, Ayer's water quality and monitoring, DPW actions related to the PFAS and status of PFAS treatment. M. Wetzel then took questions from BOS members and audience members. He urged all to look at the Town's website for the most up-to-date information regarding this situation.

**Town Manager's Report:** *Administrative Update/Review of Warrant(s)* – R. Pontbriand referenced the Town Warrants in the meeting packet that he reviewed, approved and signed since the BOS last met. He also reported that the consultant to lead the Senior Center Feasibility study was selected. The Town has picked Abacus Architects and Engineering. R. Pontbriand stated that the Town Planner is giving a presentation on the marijuana zoning bylaw amendment which will be considered at a Special Town Meeting in June. R. Pontbriand then handed out a "warrant snapshot" which listed the title of all submitted warrant articles to date.

*FY 2020 Budget Update* – R. Pontbriand stated that the final DRAFT budget is nearly complete, with just a few items needing updating. He is expecting that the budget will increase about 5% overall for FY' 20. He then presented a slide about recommendations on allocating the FY'18 Free Cash, which was certified at \$960, 232.

*FY 2020 COLA (Cost of Living Adjustment) Recommendation* – R. Pontbriand is recommending a 2% Cost of Living Adjustment to cover all non-union employees, call firefighters, BOS stipends, Board of Assessor stipends and the Moderator stipend. The recommendation is based on the Consumer Price Index increase of 2.5%, survey responses from neighboring towns and other towns throughout the Commonwealth; Social Security benefits and in reviewing Ayer's Collective Bargaining Agreements, which all contain a 2% COLA. The cost of the COLA for the aforementioned groups is approximately \$36,000.

**Motion:** A motion was made by S. Houde and seconded by C. Hillman to approve a 2% COLA for FY 2020.

**Motion passed 2-0.**

Ms. Elizabeth Bodurtha, 28 Collidge Road, said that the Town spends too much money on employees and that it should consider a layoff. Mr. David Bodurtha stated that in the private sector, there are no COLAs and the percentage that the budget increases every year is too high. He would like to see a year-by-year- overview of the percentages of budget increases.

*One Day Beer and Wine Permit* – R. Pontbriand presented a request from Mr. Calvin Moore on behalf of the Ayer Shirley Lions Club requesting a One Day Beer and Wine permit for the Annual Pasta Supper held at Karyn's Kitchen from 3:00 PM – 9:00 PM on April 18, 2019.

**Motion:** A motion was made by C. Hillman and seconded by S. Houde to approve the One Day Beer and Wine permit as requested. **Motion passed 2-0.**

*Devens Permanent Government Framework Committee* – R. Pontbriand referenced a letter from Harvard Selectman Lucy Wallace and Chair of the Harvard-Devens Jurisdiction Committee Victor Normand dated March 4, 2019. The letter is asking Ayer to participate in the Devens Permanent Government Framework Committee with MassDevelopment and the Devens Enterprise Commission to develop a mutual framework for identifying issues relating to the reuse of Devens. S. Houde asked if it was redundant having this new committee while the Devens Reuse committee is also doing work. R. Pontbriand stated he will further investigate.

#### **New Business/Selectmen's Questions**

*Future Elementary School (Selectman Hillman)* – C. Hillman stated that he wanted to begin the discussion of repurposing the lower portion of Page-Hilltop School for a Senior/Community Center. S. Houde would like to have a similar conversation, but would like to begin the conversation with the School Committee about their plans for a new elementary school. He'd like to work with R. Pontbriand over the next month to put together a framework for the conversation.

*Central Ave/Groton Harvard Rd Intersection Update (Selectman Livingston)* – This item has been tabled until April 2, 2019.

#### **Approval of Meeting Minutes:**

**Motion:** A motion was made by S. Houde and seconded by C. Hillman to approve the meeting minutes from March 5, 2019 and March 12, 2019. **Motion passed 2-0.**

**Executive Session:** A motion was made by C. Hillman at 9:30PM and seconded by C. Hillman to enter into Executive Session pursuant to M.G.L. c. 30A §21A Exemption #3 (Union Contract Negotiations) *Fire Union*, and to adjourn at the conclusion of Executive Session. C. Hillman further stated that to discuss these matters in Open Session would be detrimental to the Town's negotiating strategy. **By Roll Call Vote:** C. Hillman aye; S. Houde, aye. **Motion passed by Roll Call Vote 2-0.**

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

Date Minutes Approved by BOS: April 2 2019

Signature Indicating Approval: 