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TOWN OF AYER



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 April 16, 2019**  
**Open Session Meeting Minutes**

**BOS Present:** Jannice L. Livingston, Chair; Christopher R. Hillman, Vice – Chair; Scott A. Houde, Clerk

**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.

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

**Approval of Agenda:**

**Motion:** A motion was by S. Houde and seconded by C. Hillman to approve the agenda. **Motion passed 3-0.**

**Announcements:** J. Livingston announced the following:

- The Annual Town Election will take place Monday April 22, 2019 in the Great Hall of Town Hall. The polls will open at 7:00 AM and close at 8:00 PM.
- The Ayer Parks Department will be hosting an Easter Egg Hunt on Saturday April 20, 2019 at 12:00 PM at Pirone Park.
- The Annual Town Meeting will take place on Monday May 13, 2019 at 7:00 PM in the auditorium of the Ayer Shirley Regional High School, 141 Washington Street.

**Public Input:** None

**Approval of USDA loan and Signing of Associated Paperwork – East Main Street:** Treasurer/Tax Collector Ms. Barbara Tierney was joined by Town of Ayer Bond Counsel Peter Frazier. B. Tierney is seeking authorization to borrow \$1,245,351 for the East Main Street Water and Sewer Main Improvement project. The total amount of federal aid expected to be received for the project is \$327,800.

**Motion:** S. Houde made the following motion, that was seconded by C. Hillman: “that the sale of the following 2.875 percent Bond of the Town dated May 3, 2019 (the “Bond”), \$1,230,352 Water and Sewer Bond payable in annual principal installments of \$34,177 on May 3 in each of the years 2020 through 2054, inclusive and \$34,157 on May 3, in the year 2055 with interest thereon calculated from May 3, 2019, to the United States of America, acting through the Rural Utilities Service, United States Department of Agriculture at par and accrued interest, if any, is hereby confirmed. The board hereby covenants with the registered owner from time to time of the Bond that the Town shall maintain rates and charges for the use of the Town’s water and sewer systems in an amount which, together with other available funds, shall be sufficient to pay all costs of operating the systems and the entire principal of and interest on the Bond and all other indebtedness of the Town incurred for municipal water and sewer purposes as they become due. The Bond shall nevertheless be a general obligation of the Town, payable from any of its available revenues, including revenues derived from ad valorem taxes levied in accordance with the law upon all taxable property in the Town, subject to the limit imposed by Chapter 59, Section 21C of the General Laws.

Further Voted: that the annual installment amounts may be subsequently amended by the United States of America, acting through the Rural Utilities Service, United States Department of Agriculture, to make minor rounding or computation adjustments, and we hereby authorize the Treasurer to approve such minor changes in the payment schedule, provided that the principal amount, interest rate and term of the Bond remain unchanged.

Further Voted: that the Bond shall be subject to redemption upon such terms and conditions as are set forth in the Bond.

Further Voted: that each member of the Board of Selectmen, the Town Clerk, the Town Treasurer and any other officials of the Town be and hereby are, authorized to take any and all such actions, and execute and deliver such certificates, receipts or other documents as may be determined by them, or any of them, to be necessary or convenient to carry into effect the provisions of the foregoing votes. **Motion passed 3-0.**

**Public Hearing – National Grid – Petition for Pole and Wire Location (No. 14704433) – Pearl Street:** S. Houde opened the public hearing at 7:10 PM. A representative from National Grid explained that a support push brace pole needs to be installed on an existing pole on Pleasant Street.

**Motion:** A motion was made by C. Hillman and seconded by S. Houde to approve National Grid Pole Petition #14704433. **Motion passed 3-0.**

**Motion:** A motion was made by J. Livingston and seconded by S. Houde to close the Public Hearing at 7:11 PM. **Motion passed 3-0.**

**Joint Appointment of Ayer Shirley Regional School District Committee Member:** BOS members were joined by Ayer Shirley Regional School District School Committee members Ms. Cheryl Simmons and Ms. Michelle Granger for the purposes of filling a vacancy on the School Committee left by Mr. Dan Gleason's resignation. There is one applicant for the position, Mr. Joe Leone. Mr. Leone introduced himself – he is retired former educator and coach with over 46 years of experience.

**Motion:** A motion was made by C. Hillman and seconded by M. Granger to appoint Mr. Joe Leone to the Ayer Shirley Regional School Committee until the next election in April of 2020. **Motion passed 5-0.**

M. Granger, C. Simmons, BOS members and R. Pontbriand thanked Mr. Gleason for his 11 years of dedicated service to the Ayer Shirley Regional School Committee.

**Dr. Mary Malone, Superintendent of Schools:** *Ratification of E/D Funding* – Dr. Malone was joined by Mr. Bill Plunkett, Director of Finance. Dr. Malone also thanked Mr. Gleason for his distinguished service as a School Committee member. Dr. Malone explained that the Department of Revenue informed the school district of a procedural error relating to the certification of the District's FY '18 Excess and Deficiency fund. The School Committee has voted to amend the budget to properly record the transfer. Dr. Malone asked that the BOS waive the 45-day waiting period and approve a letter by the BOS Chair and Town Manager. Dr. Malone further explained that this is a procedural error and that it does not impact the FY 2019 Assessments to the Towns.

**Motion:** A motion was made by S. Houde and seconded by C. Hillman to confirm that the Ayer Board of Selectmen have received notification from the ASRSD School Committee and that approved an amendment to their FY 2019 Budget on April 10, 2019 which properly presents the transfers from E&D as voted by the ASRSD School Committee on March 6, 2018 to the Capital Stabilization Fund, Special Education Reserve Fund, and OPEB Contribution Account as funded by E&D and as an expenditure from the General Fund; and further that the BOS has determined that because this was a procedural correction with no change in the assessment to member towns, to waive the 45-day consideration of the amended budget. **Motion passed 3-0.**

**Application for Class II Used Auto Cars License:** *Mr. Carlos Obregon, 1 Bishop Road* – Mr. Obregon was in attendance and appeared before the BOS seeking a Class II Used Auto Cars License for Ultimate Car Care to be located at 1 Bishop Road. The BOS reviewed the license application, as well as, interdepartmental review forms for the license. There were no concerns with the license application from the BOS.

**Motion:** A motion was made by C. Hillman and seconded by S. Houde to approve the Class II Used Auto Cars License for Mr. Carlo Obregon, 1 Bishop Road, Ayer for Ultimate Car Care. **Motion passed 3-0.**

**Ms. Alicia Hersey, Program Manager, Community Development Program Manager:** *Approval of FY'18 Housing Rehab Program Income* - A. Hersey provided a brief overview of the request for approval of the FY 2018 Housing Rehab Program Income as presented in her memo in the BOS meeting packet.

**Motion:** A motion was made by C. Hillman and seconded by S. Houde to approve the FY 2018 Housing Rehab Program Income as presented by A. Hersey and set forth in her memo. **Motion passed 3-0.**

**Supt. Mark Wetzel, Department of Public Works:** *Spectacle Pond PFAS Update* – M. Wetzel provided an update to the BOS on the impending DEP Water Rule change for PFAS from 70 PPT to 20 PPT and the impacts that will have in putting Spectacle Pond above the legal, allowable PFAS limit. M. Wetzel is currently working with the DEP to get more information including an action plan to address the PFAS limit at Spectacle Pond. Ultimately the long term solution would be a similar PFAS filtration plant as the one being developed for Grove Pond. In the short term there may be the need for \$300,000 from UDAG Funds to start the process. He is looking at potentially providing home water filters for vulnerable populations in the short term.

J. Livingston state that Congresswoman Trahan was recently in Ayer and is very understanding and supportive of the PFAS water issues facing Ayer.

C. Hillman asked what the source of contamination at Spectacle Pond was. M. Wetzel stated it is not known for sure but he has some potential theories. Additionally, the Littleton water supply has not been tested for PFAS to date.

The BOS thanked M. Wetzel for his update and to keep the BOS updated moving forward.

**National Telecommunicators Week:** At the request of Police Chief Murray, J. Livingston read a citation into the record recognizing all of the Dispatchers of the Ayer Shirley Regional Dispatch Center for National Telecommunicators Week. J. Livingston, on behalf of the BOS, publically thanked them for all of their hard work and dedication to the Towns of Ayer and Shirley.

**Joint Meeting of the BOS and Finance Committee to Review and Approve FY '2020 Budget and May 13, 2019 Annual Town Meeting Warrant:** Patrick Diamond, Chair of the Ayer Fin Com called the five members of the Ayer Fin Com to Order.

R. Pontbriand recommended that the Joint Meeting of the BOS and Fin Com review the FY 2020 Budget and then vote to approve the FY 2020 Budget. He then proposed that the BOS and Fin Com review the Annual Town Meeting Warrant for May 13, 2019 and the Fin Com take a vote or votes on their recommendations with respect to the financial articles and finally the BOS take a vote to approve the Annual Town Meeting Warrant for May 13, 2019. The Joint Meeting agreed with this approach.

R. Pontbriand presented the final FY 2020 Budget to the Joint Meeting and made a brief presentation providing an overview and highlights of the major components of the FY 2020 Budget. The FY 2020 Omnibus Budget is \$15,127,722 which represents an increase of \$793,028 or a 5.53% increase over FY 2019. The budget contains no new personnel positions and uses \$198,184 of Free Cash. The budget is balanced and funds all municipal departments; provides \$300,000 for OPEB; \$180,000 in capital stabilization; \$10,698 in stabilization and is a strong budget that moves the Town forward while investing in the future. An overview of the principal FY 2020 budget drivers was presented, as well as an analysis on the uses of free cash for FY 2020.

The Joint Committee reviewed the FY 2020 Omnibus Budget.

S. Houde thanked everyone involved in the FY 2020 Budget. He stated that we have had the most productive Bi-Board meetings this year. He did state that the increase of 5.53% in the budget warrants a very close look at the issues of financial sustainability moving forward. He also stated that he would advise using more conservative figures moving forward for revenue estimates.

R. Pontbriand provided an overview of the Annual Town Meeting Warrant for May 13, 2019 providing key highlights on the various warrant Articles. There is the need for a Special Town Meeting prior to the Annual

Town Meeting for two articles, one a past year bill for the DPW Streetlight project and a supplemental appropriation in the amount of \$50,000 for the Solid Waste Enterprise Fund. The Annual Town Meeting Warrant contains 38 Articles and 2 Citizens' Petitions.

The Joint Committee reviewed the Special and Annual Town Meeting Warrants for May 13, 2019.

M. Selby of the Fin Com asked about the warrant articles for the union contract funding and if the financial impact for all three years would be presented.

R. Pontbriand stated that the union contract funding articles are for the first year contract costs and that he will provide a brief presentation showing the cost impacts for all three years of the contracts at Town Meeting, as he has done in the past.

J. Livingston stated that the warrant and budget review process ran very smoothly.

**Motion:** G. Ketcham of the Fin Com made a motion for the Fin Com to recommend all of the financial articles including the FY 2020 Omnibus Budget as presented in the warrant. The motion was seconded by M. Smith. **Motion passed 5-0.**

**Motion:** Selectman Houde made a motion for the BOS to approve the Special and Annual Town Meeting Warrants for May 13, 2019 as presented to include the FY 2020 Omnibus Budget and further moved that the BOS recommend the following Articles which are not sponsored by the BOS: Articles 7,8,9,31,32,33,34. The motion was seconded by Selectman Hillman. **Motion passed 3-0.**

R. Pontbriand thanked the Joint Committee for their support of the FY 2020 Budget and the Town Meeting Warrants. The warrant will be posted and go to print on April 19, 2019. The Administration will now be working on outreach for the Town Meeting on May 13, 2019.

**Motion:** P. Diamond of the Fin Com made a motion to adjourn the Fin Com for the evening. The motion was seconded by M. Smith. **Motion passed 5-0.**

The Fin Com adjourned at 8:55pm.

**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 stated that the primary focus of the Administration is preparing for Town Meeting. He would like to discuss with the BOS at the May 21, 2019 Meeting a review of the past year's efforts regarding the budget process and plans for the FY 2021 process.

*Devens Framework Committee* – R. Pontbriand stated that he would recommend the proposed Devens Framework Committee which would consist of a Selectman, Town Manager, and third designee from each of the three Town to interface with MassDevelopment on the Devens Disposition Study. Since Ayer does not have a citizen's committee yet, he proposed the Director of Community and Economic Development as Ayer's third member.

The BOS agreed with this structure and would further discuss who the Selectman representative will be at a future BOS meeting.

**New Business/Selectmen's Questions:** *Proposed Homeless Shelter (Selectman Hillman)*– C. Hillman stated his concerns to a proposed homeless shelter in Ayer. Ayer is not a city like Lowell or Lawrence and we do not have a homeless problem that warrants opening a homeless shelter in Ayer. He would like to know what the actual homeless census in Ayer is.

R. Pontbriand stated that the proposed homeless shelter is the idea of a private resident, Mr. Steve Wentzel. This proposal is not a Town proposal nor does the Town have an official position on this idea. Additionally, a homeless shelter has to follow very specific state regulations, as well all of our local codes, etc.

C. Hillman stated that this is not a good idea and not in the best interests of Ayer. He stated further, I have nothing against the homeless population but Ayer does not need a homeless shelter. This will just create more negative problems for the Town.

J. Livingston asked what the status on the Central Ave/Groton Harvard Road Intersection improvements was. She asked if it could become a four-way stop. The Town needs to make progress sooner than later on improving this intersection. R. Pontbriand stated that he would check with DPW on the status of the interim improvements as well as the idea of a four-way stop and report back to the BOS.

**Approval of Meeting Minutes:**

**Motion:** A motion was made by J. Livingston and seconded by S. Houde to approve the meeting minutes from March 27, 2019 and April 2, 2019. **Motion passed 3-0.**

**Adjournment:**

**Motion:** A motion was made by S. Houde and seconded by C. Hillman to adjourn at 9:19 PM. **Motion passed 3-0.**

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

**Date Minutes Approved by BOS:** May 7 2019

**Signature Indicating Approval:** Scott A. Houde