

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

Broadcast and Recorded by APAC

Tuesday October 15, 2019
Open Session Meeting Minutes



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**TOWN OF AYER
TOWN CLERK**

Susan Copeland

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

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

Call to Order: S. Houde called the meeting to order at 6:01 PM.

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

Approval of Agenda:

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

Announcements: None

Recognition of former Ayer Fire Captain Paul Fillebrown, Jr. & Retired Call Department Captain Richard Ressijac: The BOS recognized former Ayer Fire Captain Paul Fillebrown, Jr. for his years of service to Ayer and for recently being appointed as the Fire Chief in the Town of Boxborough. The BOS also recognized Retired Call Department Captain Richard Ressijac for his 47 years of service to the Town of Ayer.

Public Input: Ms. Sarah Withee, 11 Groton Shirley Road had a question regarding the upcoming proposed increase of the CPA surcharge and what exemptions were available. R. Pontbriand stated that he recently received an email from Ms. Withee and will follow-up with her on the exemption information and process for applying.

Chief Robert J. Pedrazzi, Ayer Fire Department - Fire Department Permit Fees: Chief Pedrazzi was in attendance seeking to make adjustments to several permit fees for the Fire Department. The fee adjustments are to make the fee schedule more consistent. The proposed increases are for: LPG Storage Permit & Inspection, Oil Tank Inspection, Smoke Detectors (make all the same rate), and to delete the reference for the Fire Report copies.

Motion: A motion was made by J. Livingston and seconded by S. Houde to approve the new permit fees as presented by the Fire Chief. **Motion passed 2-0.**

Superintendent Mark Wetzel, Ayer DPW - Proposed Transfer Station Fees for Calendar Year 2020: M. Wetzel gave a presentation on Transfer Station Fee Recommendations for Calendar Year 2020. The Rate Review Committee is recommending that the BOS adopt the following recommendations regarding the Transfer Station: increase the Senior Citizen discount age from 60 to 65 years of age (consistent with other programs); no prorating of stickers except for new residents; and a \$5.00 increase on the regular and Senior Citizen annual stickers. M. Wetzel stated that the Transfer Station is running with a 49% General Fund Subsidy and he expects that to reduce to 43% in FY 20. He stated further that one of the challenges with maintaining fees is the steep increase in the recycling commodity market.

S. Houde stated that as a general observation he sees people using the swap shed to avoid buying a bulk sticker. He'd like to work further with the Board of Health and Recycling Committee to improve services while creating efficiencies. He recommended doing a tour with all three boards in the future.

J. Livingston stated that the Town offers composting/food disposal which is aimed at keeping extra weight out of the solid waste stream.

S. Houde stated that the goal was to get more customers. He said that the Town was not at the point of seriously considering trash pickup, but we are starting to get there.

Motion: A motion was made by S. Houde and seconded by J. Livingston to approve recommended transfer station fees as presented. **Motion passed 2-0.**

Summary of Ayer Bridges (Requested by Selectman Livingston) – M. Wetzel reviewed a matrix of bridges and culverts in Town, which contained ownership and condition data as requested by Selectman Livingston.

M. Wetzel then reported that he has begun the process of getting temporary easements for the East Main Street Improvement Project.

Director Alan Manoian, Ayer Office of Comm. & Economic Development - AOCED FY 2020 Budget Approval: A. Manoian was in attendance requesting approval of the FY '20 Office of Community and Economic Development Budget from the Town's UDAG funds in the amount of \$56,385.

Motion: A motion was made by S. Houde and seconded by J. Livingston to approve \$56,385 in UDAG funding for the FY '20 Office of Community and Economic Development. **Motion passed 2-0.**

Town Planner Mark Archambault - Ayer Zoning Bylaw Amendments Overview for Fall Special Town Meeting: Town Planner M. Archambault was in attendance and gave a presentation on the Zoning Bylaw Articles 4, 5, and 6 of the 2019 Fall Special Town Meeting relating to Open Space Residential Development and yield plans, accessory apartments and inclusionary housing.

Town of Ayer 4th of July Celebration: The BOS was joined by Police Chief Murray, Deputy Police Chief Gill, Fire Chief Pedrazzi, and Director of Community and Economic Development Alan Manoian. R. Pontbriand stated that public safety concerns have been brought up by the Town's public safety personnel. R. Pontbriand stated that the issues are not new and the Town has been fortunate not to have any issues in the recent past, but felt it important to share the concerns with the BOS. The specific concerns are as follows: Pirone Park only has one public safety access point, School Street, which is shared with pedestrians; no secured entry of visitors to the park (no pat downs for weapons; no search for alcohol; no bag restrictions or inspections); limited parking availability; insufficient police staffing; insufficient lighting while exiting the park.

Chief Murray stated that he is all for an event, but not one at Pirone Park, as it is not safe for the fireworks event. There are too many people in a small area with the inability to check bags and limited access. The limited access creates a "choke point". Chief Murray stated that small towns, unfortunately, are no longer safe. Staffing is another huge issue for the Police Department.

J. Livingston stated that though this is upsetting, she is not surprised and that it wasn't worth putting residents in harm's way. She thanked the Town's public safety personnel for doing such a great job in the previous years.

S. Houde stated that we are living in a different world and it is different than it was even 5 years ago, and that this is being interpreted as a public safety issue.

C. Murray stated that the Town could still host a parade.

Chief Pedrazzi said that there was no other viable location to set off fireworks because of the distance needed from the fireworks to the crowd.

J. Livingston stated that she thought it was sad that we must talk about this. She likes the idea that the Town can still do a parade.

Chief Pedrazzi stated that the fireworks event itself, wasn't the issue, it's the location of Pirone Park being a bad spot with many people.

R. Pontbriand stated that he and the public safety personnel wanted to bring this to the BOS' attention as soon as possible, so that effort can be put forth in planning a parade for the 4th of July. He realizes that people will not be happy.

Ruth Maxant-Schulz, 8 Taft Street, asked if it was possible to limit the crowd to just Ayer residents and to sell tickets at Town Hall. Chief Murray stated that though there is only one vehicular access in and out of the Park, there are many pedestrian access points, so enforcing that would be very difficult.

Town Clerk Susan Copeland brought up that even asking for proof of residency is not as easy as it sounds, as there are many people who are renters and many who own businesses in Ayer, but do not live here.

Motion: A motion was made by S. Houde and seconded by J. Livingston to support any necessary changes to the 4th of July event as recommended by the Police and Fire Department for public safety reasons. **Motion passed 2-0.**

Town Manager's Report: *Administrative Update/Review of Warrant(s)* - R. Pontbriand provided an administrative update of the various activities, initiatives, and projects of the Administration since the BOS last met. He also referenced the Meeting Packet for a list of Payroll and Accounts Payable Warrants that have been signed since the last meeting. He stated that the Welcome to Ayer sign was installed on East Main Street; the MART project will soon have the pre-cast structures delivered to the site and installed; the Capital Planning directive has gone out and due on November 4, 2019.

Rescheduling of December 3, 2019 BOS Meeting - The BOS decided to reschedule the Tuesday December 3, 2019 BOS meeting to Wednesday December 4, 2019 at 6:00 PM, due to the Special Election being held on December 3, 2019.

Minuteman Nashoba Health Group - Ethics Disclosure - Mr. Kevin Johnston, Benefits and Payroll Manager, joined R. Pontbriand. K. Johnston stated that at a recent Board meeting of the Minuteman Nashoba Health Group (MNHG) it was recommended that all board members who receive health benefits from MNHG file an ethics disclosure and file with their appointing authority. They are also requesting that K. Johnston and R. Pontbriand be appointed as the primary and alternate representatives to the MNHG respectively.

Motion: A motion was made by S. Houde and seconded by J. Livingston to appoint K. Johnston as the primary representative and R. Pontbriand as the alternate representative to the Minuteman Nashoba Health Group and to approve the ethics disclosures recently filed with the Town Clerk. **Motion passed 2-0.**

Review of Special Town Meeting Warrant - R. Pontbriand reported that he went to the Finance Committee meeting and gave them an overview of the upcoming warrant for the Special Town Meeting on October 28, 2019. He also reported that on the Town's Facebook page, they have begun posting the "Article of the Day".

R. Pontbriand stated he wanted to talk about Articles 14 and 15 of the Special Town Meeting Warrant. He went over what the current bylaw states and what each article aims to change in the current bylaw. He stated that the Annual Town Meeting is a two-part event with the Annual Town Meeting starting on the fourth Monday in May, with just the election and then adjourns for the Annual Town Meeting business articles to the second Monday in May. R. Pontbriand stated that Article 14 changes the Annual Town Election to occur AFTER the Annual Town Meeting and Article 15 changes to Annual Town Meeting to occur on a Saturday at 10:00 AM. Both of these articles would be effective July 1, 2020.

J. Livingston stated that how the current bylaw is written is very confusing for readers. R. Pontbriand stated that there is no question that the current bylaw reads very confusing.

The BOS and R. Pontbriand then discussed all possible scenarios of each article passing and failing.

Ms. Mary Spinner, 18 Myrick Street, stated that the objective of switching Town Meeting to a Saturday was so people do not have to drive at night and maneuver in the parking lot at the high school in the dark.

Mr. Ken Diskin, 180 Washington Street, stated that the intent of the articles is what is most important and then he asked if it is possible if you took the intent of the voters at Town Meeting and then allowed time for changing the actually terminology to reflect the voters' intentions.

New Business/Selectmen's Questions: None

Approval of Meeting Minutes: J. Livingston clarified that the DRAFT minutes in the packet were not the most current version of the minutes, as they were changed to include additional dialogue relative to the Town Meeting Warrant discussion.

Motion: A motion was made by J. Livingston and seconded by S. Houde to approve the meeting minutes from October 15, 2019, as amended. **Motion passed 2-0.**

Adjournment: A motion was made at 8:06 PM by J. Livingston and seconded by S. Houde to adjourn. **Motion passed 2-0.**

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

Date Minutes Approved by BOS: 12/4/19

Signature Indicating Approval: 