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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*

**Wednesday December 4, 2019**  
**Open Session Meeting Minutes**

**BOS Present:** Scott A. Houde, Chair; Jannice L. Livingston, Vice-Chair; Shaun C. Copeland, Clerk

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

**Call to Order:** S. Houde called the meeting to order at 6:00 PM.

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

**Approval of Agenda:** J. Livingston asked to add "Town Study Committee" under Selectmen's Questions.

**Motion:** A motion was made by S. Houde and seconded by J. Livingston to approve the agenda, as amended. **Motion passed 3-0.**

**Announcements:** S. Houde made the following announcements:

- The Ayer Police Department has begun its annual Holiday Toy Drive and is accepting donations until December 6th of new, unopened, and unwrapped toys.
- The Winter Parking Ban is in effect through April 15. This Annual Parking Ban prohibits parking any motor vehicle on any street or sidewalk in the Town of Ayer between the hours of 12:00 AM and 6:00 AM. The Winter Parking Ban also prohibits parking any motor vehicle on any street or sidewalk in the Town of Ayer during a snowstorm.
- The 4th Annual Downtown Ayer Candlelight Stroll and Tree Lighting will take place on Saturday December 7, 2019 at 5:00 PM.

**Public Input:** None

**Appointment of Board of Selectmen Clerk:** S. Houde and J. Livingston welcomed new BOS member Shaun Copeland and congratulated him on his victory.

**Motion:** A motion was made by J. Livingston and seconded by S. Houde to appoint S. Copeland as BOS Clerk. **Motion passed 3-0.**

**Public Hearing – Pole Petition – National Grid – No. 26858891 – Sandy Pond Road:** S. Copeland opened the public hearing by reading the public hearing notice. Mr. Javier Morales from National Grid was in attendance. DPW Superintendent Mark Wetzel had questions relative to the location of poles and tree removal in the area. Mr. Morales stated that design for installation aims to prevent as much tree cutting as possible, though some trees will have to come down.

**Motion:** A motion was made by J. Livingston and seconded by S. Houde to approve the pole petition as submitted. **Motion passed 3-0.**

**FY '20 Tax Classification Public Hearing – Tom Hogan, Assessing Administrator and Board of Assessors:** The BOS was joined by Assessing Administrator T. Hogan and Board of Assessor Member John Kilcommins. T. Hogan presented four items as it relates to the FY' 20 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 5.6%.

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 J. Livingston and seconded by S. Copeland to not adopt the open space discount. **Motion passed 3-0.**

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 S. Copeland to not adopt the residential exemption. **Motion passed 3-0.**

T. Hogan gave a brief overview of the small commercial exemption citing that the Town had researched this in-depth last year and did not accept it. He stated that if the Town were to adopt the small commercial exemption, that it would basically create a third tax rate. He is not recommending adoption.

**Motion:** A motion was made by S. Copeland and seconded by J. Livingston to not adopt the small commercial exemption. **Motion passed 3-0.**

T. Hogan reported that 67% of the total valuation is residential and 33% is Commercial, Industrial, Personal Property or "CIP". He compared Ayer to the City of Boston, which has a 67%/33% residential/CIP split. T. Hogan also reported that single family home valuation and commercial/industrial property increased about 5%.

T. Hogan stated that the Board of Assessors is recommending a CIP Shift Factor of 1.54. He also noted that the increase is higher than last year but that is due to the one-time capital expenditure exclusion for the purchase of the fire truck.

**Motion:** A motion was made by S. Houde and seconded by J. Livingston to adopt a residential factor of .734081. **Motion passed 3-0.**

**Superintendent Mark Wetzel, Dept. of Public Works:** M. Wetzel thanked the DPW staff for their hard work during the most recent snow event. M. Wetzel also announced the Municipal Vulnerability Planning Workshops will be held on January 9, 2020 and January 16, 2020.

*Approval of Change Order for Waterline Industries* – M. Wetzel is requesting approval of Change Order 5 for the Wastewater Treatment Plant Phase 1 Upgrade Contract with Waterline Industries. The Change Order is the final quantity change order for \$14,104.50, which adjust the contract for the actual quantities measured under the bid.

**Motion:** A motion was made by J. Livingston and seconded by S. Houde approve Change Order 5 between the Town of Ayer and Waterline Industries. **Motion passed 3-0.**

*Central Avenue – Groton Harvard Road Intersection* – M. Wetzel was joined by Police Chief William Murray to discuss the intersection of Central Ave. and Groton Harvard Road. In doing an analysis of the recent accidents, both reported that there is no single reason or relating factor for the accidents. M. Wetzel stated that fixes to the intersection must be done by both Town and MassDOT regulations. In the short term, he is recommending the installation of flashing LED STOP signs in each direction and additional signage on Groton Harvard Road and Central Avenue to warn motorists. He is also recommending a complete engineering report with preliminary design for the intersection. R. Pontbriand then asked the BOS to consider the authorization of up to \$35,000 from UDAG for both the installation of the signage and the engineering report. He is recommending that the funds be replenished at a future town meeting.

**Motion:** A motion was made by J. Livingston and seconded by S. Houde to approve up to \$35,000 in UDAG funding relating to improvements at the Central Ave/Groton Harvard Road intersection to be replenished with Free Cash at a future Town Meeting. **Motion passed 3-0.**

*Grant of Easement for Electric Utility Installation - 0 Park Street Parking Lot* — M. Wetzel presented an Easement Agreement to allow National Grid to install and maintain an overhead electrical system at 0 Park Street. Power is being brought to the site to service a proposed electrical electric vehicle (EV) charging station, which the Town has received a grant to install.

**Motion:** A motion was made by S. Houde and seconded by S. Copeland to approve the Grant of Easement to National Grid. **Motion passed 3-0.**

**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 thanked Town Clerk Susan Copeland, Facilities Director Chuck Shultz, and the Department of Public Works for their efforts in making sure the December 3, 2019 Special Election occurred despite receiving a two-foot snowstorm the day before. R. Pontbriand also reported that the Capital Budget Committee met earlier today for their first meeting of the FY'21 capital budget season; the Ribbon Cutting for the Rail Trail/Commuter Rail Lot is being held on Monday December 9, 2019; and that the DPW would be doing overnight snow removal in the downtown on Thursday night in preparation for the Holiday Stroll. R. Pontbriand also announced that Town Moderator Tom Horgan had reached out to him to announce that moving forward town meetings will be conducted in accordance with "Town Meeting Time" rather than "Robert's Rules of Order".

*Approval of 2020 License Renewals* - C. Antonellis presented the BOS with the list of the 2020 License Renewals. After consulting with Town Counsel, she is recommending that the full BOS vote on all licenses, except for Tiny's Restaurant because Selectman Copeland is employed there. After that vote, S. Copeland could recuse himself and the remaining members could vote for Tiny's licenses.

Business Name	Business Address	Map and Parcel	License Type
Toreku Tractor & Equipment, Inc.	4 Littleton Road	35-9	Class 1
Gervais Inc.	5 Littleton Road	35-24/25	Class 1
Trailer Home Sales	1 Fitchburg Road	19-8	Class 1
Central Collision Center	121 Central Avenue	27-11	Class 2
Don's Auto Sales	9 Bishop Road	19-9	Class 2
J.C. Madigan, Inc.	8 Shaker Road	43-4 & 43-7	Class 2
Terranova Auto Body	40 Littleton Road	35-15	Class 2
Smart Auto Sales, Inc.	42 Littleton Road	35-16	Class 2
Rt 2A Auto Sales, Inc.	77 Fitchburg Road	11-16	Class 2
Power of Honesty, Inc.	179 West Main Street	32-22	Class 2
Ayer Auto Repair, LLC.	85-87 Central Avenue	27-106/107	Class 2
Turbo Lube	21 Fitchburg Road	11-50	Class 2
Ultimate Car Care	1 Bishop Road	19-199	Class 2
Harry Schwartz & Sons, Inc.	20 Sandy Pond Road	28-86	Class 3
Subway	1 Mill Street	26-82	CV
Ayer Convenience	60 Park Street	19-16	CV
Deven's Pizza & Deli	210 West Main Street	32-30	CV
McDonald's Restaurant	2 Sandy Pond Road	35-4	CV
Wendy's Restaurant	2 Barnum Road	35-17	CV
Woo Jung Restaurant	174 West Main Street	32-40	CV
Verona Pizza & Seafood	18 Park Street	26-21	CV
Dunkin Donuts	18 Park Street	26-21	CV

Karyn's Kitchen	200 West Main Street	32-21	CV
Ayer Gulf	26 Park Street	26-19	CV
The Cottage Restaurant	18 Main Street	26-93	CV
Wok & Roll	49 Park Street	19-31	CV
Lazy Mary's	30 Littleton Road	35-12	CV
Taco Bell	4 Sandy Pond Road	35-3	CV
Union Coffee	25 Main Street #1	26-223	CV
Tipo Taco's	35 Main Street	26-187	CV
Ruby Donut Shop	210 West Main Street	32-30	CV
Junction RPD	60 West Main Street	26-72	CV
Ayer Shop 'n Save	22 Fitchburg Road	18-2	s15BW
Ayer Package Store, Inc.	48 Main Street	26-89	s15AA
The Vineyard	63 Park Street	19-30	s15AA
Traffic Circle Liquors, Inc.	2 Littleton Road	35-7	s15AA
Barnum Road Liquors, Inc.	1 Barnum Road	34-86	s15AA
Archer's Mobil	70 Main Street	26-87	s15BW; CV
Chung Ge Market	210D West Main Street	32-30	s15BW; CV
Pauline's Variety	67 1/2 East Main Street	34-42	s15BW; CV
Ayer Gun & Sportsmen's Club	225 Snakehill Road	14-1/14-4/14-7	s12BWC; CV
Carlin's	7 Depot Square	26-329	s12AA; CV; Amusement; Sunday Entertain;
Billiard's Café	39 Main Street	26-187	s12AA; CV; Amusement; Sunday Entertain;
Lucia's Tavola Ristorante	31 Main Street	26-187	s12AA; CV
Markoh's on Main	43 Main Street	26-187	s12AA; CV
Shaker Hills Country Club	146 Shaker Road	43-5	s12AA; CV
Tiny's Restaurant	2 Groton School Road	19-7	s12AA; CV; Amusement
Nashoba Club	14 Central Avenue	26-278	s12AA; CV; Amusement
9 Main Ayer, Inc.	9 Main Street	26-228	s12AA; CV
Bar 25	25 Main Street	26-223	s12AA; CV

**Motion:** A motion was made by J. Livingston and seconded by S. Copeland to approve the list above except for Tiny's Restaurant pending the submission of all necessary payments and required documents. **Motion passed 3-0.**

*S. Copeland recused himself.*

**Motion:** A motion was made by S. Houde and seconded by J. Livingston to approve Tiny's Restaurant 2020 License Renewals pending the submission of all necessary payments and required documents. **Motion passed 2-0.**

*S. Copeland rejoined the BOS.*

**New Business/Selectmen's Questions:** *Town of Ayer - Devens Jurisdiction Committee (Selectman Houde)*- S. Houde made a brief presentation outlining the goals and objectives for the Ayer Devens Jurisdiction/Disposition Study Committee which was created by the Board back in November 2018. The Committee is charged with the planning for and initiating discussion with the appropriate parties with the goal of presenting a plan to the Town of Ayer Voters to resume jurisdiction over the land presently part of Devens formerly under the jurisdiction of the Town of Ayer. The Committee will be analyzing in detail the financial impacts and social impacts of disposition on the Town of Ayer. S. Houde stated that the Committee is to consist of one Selectman, two members of the Planning Board, five residents including one from Devens and the Director of Economic and Community Development. S. Houde stressed that the Committee needs to be

appointed and formed soon and that members need to be prepared for a “deep dive” into a lot of data and analysis with respect to finances, infrastructure, liability and other research areas. This will also be a long-term process and commitment.

R. Pontbriand advised that the Director of Economic Development has some potential leads on potential resident members and that we will go back to the Planning Board to secure two of their members. He further advised that the challenge in forming the Committee as we have to date not had a lot of interest from residents in joining.

J. Livingston stated that this Committee would work well with the Devens Framework Committee in that both Committees can share and exchange information. There are a lot of details that need to be looked at such as all property on Devens which is still Federal or Military property. Issues of the boundary lines cutting through places like Vicksburg Square. There are a lot of pros and cons to each of these issues and we will find that as we proceed in some instance’s cons could turn into pros.

S. Houde stated that he has never seen a good map of Devens. J. Livingston concurred and stated that is one of the issues that the Devens Framework Committee is working on.

S. Houde stated does disposition have to be all or nothing in terms of the land. J. Livingston stated that is another key issue. Perhaps we need to negotiate specific lands and not get caught up with the traditional boundaries. We also really need to understand the costs of resuming jurisdiction. Some of the potential land for Ayer are the large parade ground fields. Who is going to cut the grass and maintain them? There will be increased costs and the need for increased personnel in many instances.

S. Houde concurred and stated that is why we need both Committees. The local committee to work on the Ayer specific impacts and the Devens Framework Committee to work on the larger issues with the other Towns and MassDevelopment.

R. Pontbriand stated that we need to get the local Committee formed and, in the meantime, we can start to organize and collect some of the data through our various Town Departments.

*Town Government Study Committee (Selectman Livingston)* – J. Livingston stated that it has been ten years since the last Town Government Study Report. The last Town Government Study Report recommending changing the Board of Selectmen from five members to three members which was ultimately adopted by a two-part process: Town Meeting approval and approval by the ballot and was implemented in April of 2014. Recently there has been some talk from a few individuals about the Board of Selectmen going back to a five-member board. The same process to make that change would have to be followed and there are people who will want a five-member board and people who want the three-member board.

S. Copeland asked who makes up the Committee? J. Livingston stated that she was not sure of the exact composition of the Committee since it occurred in 2010 before her time but there appears that there was a Selectman on the Committee.

J. Livingston stated that she wanted to bring this issue up before the Board and asked that it be on the agenda for the next Board Meeting for further discussion by the Board as well as a discussion on what would be involved in forming the Committee. S. Houde agreed that it will be on the agenda for the next Board Meeting.

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

**Motion:** A motion was made by S. Houde and seconded by J. Livingston to approve the meeting minutes from October 15, 2019; October 28, 2019; November 5, 2019 (5:30 PM); November 5, 2019 (6:00 PM); November 19, 2019. **Motion passed 3-0.**

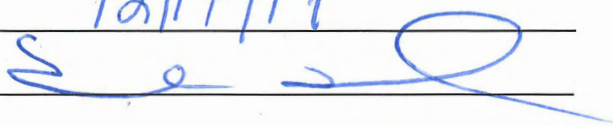
**Adjournment:** A motion was made by J. Livingston and seconded by S. Copeland to adjourn at 7:55 PM. **Motion passed 3-0.**

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

Date Minutes Approved by BOS: \_\_\_\_\_

12/17/19

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

A handwritten signature in blue ink, consisting of a series of loops and strokes, written over a horizontal line.