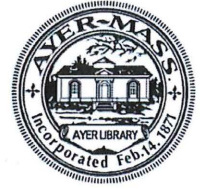


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TOWN OF AYER
TOWN CLERK



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



Broadcast and Recorded by APAC

Tuesday February 18, 2020
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 amend the agenda by adding a "Rate Review Committee Update" under New Business/Selectmen's Questions.

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

Announcements: S. Houde announced that ASRHS Student Reporter Alex Hertz was in attendance.

Public Input: None

Public Hearing – Pole Petition – National Grid and Verizon - Elm Street: S. Copeland opened the Public Hearing at 6:02 PM by reading the Public Hearing Notice. National Grid and Verizon are petitioning to locate permission to locate poles, wires, and fixtures, including the necessary sustaining and protecting fixtures, along and cross the following public way: Elm Street – National Grid to relocate 1 JO Pole on Elm Street. National Grid to relocate Pole 1 and move 2' to 3' away from the hydrant. Steve Soucy from National Grid was in attendance.

Ms. Joan Murphy, 17 East Main Street asked a question about the location of the pole. S. Soucy stated that it would be pushed back from the road approximately 6', which will align it with the other poles currently on the road.

DPW Superintendent M. Wetzel stated that the pole was being relocated as part of the East Main Street Improvement Project and that if any residents have concerns, he will meet them on-site to discuss the overall project.

Motion: A motion was made by S. Houde and seconded by J. Livingston to approve the Elm Street Pole Petition as submitted by National Grid and Verizon. **Motion passed 3-0.**

Motion: A motion was made by J. Livingston and seconded by S. Copeland to close the Public Hearing at 6:08 PM. **Motion passed 3-0.**

Public Hearing – Pole Petition – National Grid and Verizon - East Main Street: S. Copeland opened the Public Hearing at 6:08 PM by reading the Public Hearing Notice. National Grid and Verizon are petitioning to locate permission to locate poles, wires, and fixtures, including the necessary sustaining and protecting fixtures, along and cross the following public way: East Main Street – National Grid to relocate 2 JO Poles on East Main Street. National Grid to relocate pole 30 on East Main Street approximately 10' west of current location. Relocate pole 31 East Main Street approximately 6' east of current location. Steve Soucy was in attendance for National Grid.

Ms. Kathleen Duprey, 104 East Main Street asked about the location of the pole as it relates to her driveway. She stated that it appeared from the plan, that moving it shouldn't create a visibility problem. S. Soucy agreed.

Motion: A motion was made by S. Copeland and seconded by J. Livingston to approve the East Main Street Pole Petition as submitted by National Grid and Verizon. **Motion passed 3-0.**

Motion: A motion was made by J. Livingston and seconded by S. Copeland to close the Public Hearing at 6:11 PM. **Motion passed 3-0.**

Superintendent Mark Wetzel, Dept. of Public Works: *Execution of Order of Takings for Temporary Easements for E. Main St.* – M. Wetzel was in attendance and presented the Order of Takings for Temporary Easements for East Main Street, again relating to the East Main Street Improvement Project. These takings were authorized by Article 35 of the Annual Town Meeting in May of 2019. M. Wetzel said the project will likely go out to bid in March and he is hopeful that shovels will be in the ground by mid-summer. There will be a public meeting for abutting residents to provide the project timeline and impacts.

Motion: A motion was made by J. Livingston and seconded by S. Copeland to execute the Order of Takings relating to the East Main Street Improvement Project. **Motion passed 3-0.**

Opening of Annual Town Meeting (5/11/20) Warrant: R. Pontbriand stated that pursuant to the FY' 21 Budget Calendar, he is requesting that the Board of Selectmen open the Warrant for the Annual Town Meeting being held on May 11, 2020. The warrant will close on April 3, 2020 at 12:00 PM for warrant article submissions and Citizen's Petitions.

Motion: A motion was made by J. Livingston and seconded by S. Copeland to Open the Annual Town Meeting (5/11/2020) Warrant until 12:00 PM on Friday April 3, 2020 for Citizen's Petitions and warrant article submissions. **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. R. Pontbriand then gave an update on the new downtown parking plan, stating now that it has been a few weeks, the Police Department will start to ramp-up enforcement. He then he stated that he had recently met with MART to discuss Phase 2 of the Depot Square design. He then reported that he is awaiting the two appointees from the Planning Board for the Ayer Devens Jurisdictional Disposition Committee.

FY 2021 Budget Update – R. Pontbriand reported that the Ayer Shirley Regional School District would be presenting the FY '21 budget on Tuesday February 25, 2020. The next public budget presentation will be held on March 9, 2020.

Proposal for Compensated Balances Budget Line Item – Town Accountant/Finance Director Lisa Gabree joined R. Pontbriand to discuss a proposal that would create a new line item in the budget for compensated absences. They stated that as many 30 people will be retiring from the Town within the next 5 years and to plan for those

retirements, it would be prudent to start to fund the compensated balances due to the employee at the time of separation/retirement. R. Pontbriand stated that the goal is to reduce the reliance on the Reserve Fund and to increase transparency in the process. The Town is aware of three (3) retirements coming in the coming year and will be budgeting for them in the FY '21 budget. S. Houde stated that everyone on the Bi-Board was very supportive when they were presented with this concept. The Town Manager and Finance Director are recommending funding \$50,000 from Free Cash for FY '21.

Proposal for Forward Funding the Town's Pension Assessment – Benefits and Payroll Director Kevin Johnston joined R. Pontbriand and presented a proposal for forward funding the Town's pension assessment. The Town can save significant money over time if additional payments are made. Due to the high amount of Free Cash, K. Johnston is recommending a \$200,000 contribution in 2020 and 2021, which would realize approximately \$860,000 in savings over time. He stated that making these extra payments could expedite funding the Town's pension liability, which helps strengthen the Town's bond rating. BOS members agreed that due to the Town's strong financial position, that this should be included as a use of Free Cash at the Annual Town Meeting.

Discussion on Proposed/Potential uses for "Free Cash" in FY 21 – R. Pontbriand presented a slide on potential uses for the FY '19 Certified Free Cash, which totaled \$1,727,437. At this time the potential uses and amounts are recommended as follows: UDAG Replenishment \$230,000 Worthendale Law Suit; OPEB Funding \$170,300; Forward Funding of the Pension (discussed earlier) \$200,00; Compensated Balances Special Revenue Fund (discussed earlier) \$50,000; extraordinary increase in school assessments \$50,000; Capital Stabilization Funding (\$1,000,000) and Stabilization Funding \$27,137. R. Pontbriand then reported that as the budget picture becomes even more clear, these amounts may change.

Rescheduling of March 3, 2020 BOS Meeting – BOS members discussed rescheduling of the March 3, 2020 BOS Meeting, due to the Presidential Primary Election. BOS members agreed on March 4, 2020 at 6:00 PM.

Review and Approval of U.S. Census Boundary Validation Program – R. Pontbriand presented the maps that were provided by the US Census Bureau and reported that the Town Engineer, Assessor and Town Planner reviewed the maps and agree with the boundaries as presented.

Motion: A motion was made by S. Houde and seconded by S. Copeland to approve the US Census Boundary Validation program with Signature by the Chair. **Motion passed 3-0.**

New Business/Selectmen's Questions: *Rate Review Committee Update (Selectman Livingston)* – J. Livingston reported that earlier in the day, the Rate Review Committee met. Following up on last meeting's discussion about holding the Water and Sewer Rate Public Hearing on a separate evening, J. Livingston suggested either March 24, 2020 or March 31, 2020. She asked other BOS members to notify her of their availability by Friday February 21, 2020.

Approval of Meeting Minutes:

Motion: A motion was made by S. Copeland and seconded by J. Livingston to approve the meeting minutes from February 4, 2020. **Motion passed 3-0.**

Executive Session: A motion was made by S. Copeland and seconded by J.S. Copeland at 6:59 PM to enter into Executive Session pursuant to MGL Chapter 30A, Section 21A Exemption #3 (Litigation Strategy) *Riley Jayne Farm, LLC and Cowfield Realty Trust II v. Diesel Direct Inc., et al. and Diesel Direct, Inc. v. Ayer Shirley Regional School District, et al.* and to adjourn at the conclusion of Executive Session. S. Copeland stated further that to discuss these items in Open Session would be detrimental to the Town's negotiating strategy. **By Roll Call Vote:** S. Houde, aye; J. Livingston, aye; S. Copeland, aye. **Motion passed by Roll Call Vote 3-0.**

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

Date Minutes Approved by BOS: 3/4/2020

Signature Indicating Approval: 