

Town of Ayer  
Board of Selectmen  
Ayer Town Hall – 1<sup>st</sup> Floor Meeting Room  
Ayer, MA 01432



**Tuesday April 5, 2016**  
**Meeting Minutes**

*Broadcast and Recorded by APAC*

Present: Jannice L. Livingston, Chair; Gary J. Luca, Vice-Chair;  
Christopher R. Hillman, Clerk (Entered at 7:08 PM)

Robert A. Pontbriand, Town Administrator  
Carly M. Antonellis, Assistant to the Town Administrator

**Call to Order:** J. Livingston called the meeting to order at 7:00 PM.

**Review and Approve Agenda:** R. Pontbriand asked to amend the agenda by adding #4 under his report to consider a Purchase Order for the Wastewater Pumping Stations Wireless Monitoring and Control Systems. R. Pontbriand also mentioned that the Eagle Scout Recognition originally scheduled to take place for this evening was cancelled due to a scheduling conflict with the recipient.

**Motion:** A motion was made by G. Luca and seconded by J. Livingston to approve the agenda, as amended.  
**Motion passed 2-0.**

**Announcements:** J. Livingston made the following announcements:

- The second full week of April is National Public Safety Telecommunicators Week. J. Livingston thanked the following town employees for their service: Johnna Brissette, Victoria Roche, Judy Hadley, Christopher Herrstrom, Cailey McCarthy, Elaine Delorme.
- Tickets are now on sale for Ayer Shirley Regional High School Drama Club's spring musical, "Rodgers & Hammerstein's CINDERELLA," being performed April 29 at 7:00 PM and April 30 at 2:00 PM and 7:00 PM.
- Winter Parking Ban is in effect until April 15, 2016.

**Public Input:** None

**Chief William A. Murray, Ayer Police Department:** Chief Murray was in attendance to request the appointment of Ms. Heather Sherry to the position of part-time Records Clerk at the Ayer Police Department.

**Motion:** A motion was made by G. Luca and seconded by J. Livingston to appoint Ms. Heather Sherry to the position of part-time Records Clerk effective April 7, 2016. **Motion passed 2-0.**

**Town Administrator's Report:** Because the BOS was ahead of schedule, J. Livingston asked R. Pontbriand to begin his Administrative Report.

*Purchase Order for the Wastewater Pumping Stations Wireless Monitoring and Control Systems* - R. Pontbriand and DPW Superintendent Mark Wetzel presented a purchase order in the amount of \$36,282.20 for Hayes, Inc. for the wastewater pumping telemetry system.

*C. Hillman enters at 7:08 PM*

**Motion:** A motion was made by G. Luca and seconded J. Livingston to approve the purchase order in the amount of \$36,282.20 for Hayes, Inc. for the wastewater pumping telemetry system. **Motion passed 3-0.**

*Discussion on Underground Utilities East Main Street Project* – M. Wetzel presented a memo at the Board's request giving a general overview of relocating overhead utilities to below ground on East Main Street. M. Wetzel stated that the project would be paid for primarily by the Town at a cost of approximately \$4,000,000. The project would also take two years to complete, which would delay the implementation of the East Main Street Water and Sewer Main Replacement Project.

*ASRSD Sponsored Chapter 70 Resolution* – J. Livingston read the text of the Chapter 70 resolution as transmitted by the ASRSD School Committee Chairman Pat Kelly. The resolution calls for full funding of the Foundation Budget Review Commission recommendations.

**Motion:** A motion was made by C. Hillman and seconded by J. Livingston to approve the Chapter 70 resolution. **Motion passed 3-0.**

**Public Hearing – FY'17 Water and Sewer Rates:** At 7:18 PM, C. Hillman read the public hearing notice as advertised in the *Nashoba Valley Voice* on March 18, 2016 and March 25, 2016. Town Accountant Lisa Gabree and M. Wetzel gave a presentation that detailed the following: criteria for setting rates, evaluation of septage limits, future increased capacity, upcoming capital projects and the potential of a senior citizen discount.

L. Gabree stated that a recent study of the Wastewater Treatment Plant found that there were approximately \$7 million dollars' worth of upgrades needed. M. Wetzel stated that he and engineer D. Van Schalkwyk were currently reviewing the study to get a more accurate cost estimate.

M. Wetzel stated that the senior citizen discount was still being developed and that he would present a proposal at the next Water and Sewer Rate Review Committee meeting in June.

J. Livingston asked if there was any public input. There was none.

**Motion:** A motion was made by G. Luca and seconded by C. Hillman to set the following Water Rates for FY 2017: Step 1: \$2.52; Step 2: \$3.12; Step 3: \$3.69 per 6,000 cubic feet. **Motion passed 3-0.**

**Motion:** A motion was made by C. Hillman and seconded by G. Luca to set the following Sewer Rates for FY 2017: Step 1: \$7.16; Step 2: \$8.20; Step 3: \$9.33. per 6,000 cubic feet. **Motion passed 3-0.**

**Motion:** A motion was made by G. Luca and seconded by C. Hillman to approve the proposed FY 2017 Water and Sewer Fees, as presented by the DPW Superintendent and Town Accountant. **Motion passed 3-0.**

**Motion:** A motion was made by G. Luca and seconded by C. Hillman to close the public hearing at 8:08 PM.  
**Motion passed 3-0.**

**Legislative Delegation Semi-Annual Legislative Update - Sen. James Eldridge, Rep. Jennifer Benson, Rep. Sheila Harrington:** J. Livingston and R. Pontbriand welcomed Senator Eldridge and Representative Benson. Representative Harrington was unable to make it due to a scheduling conflict. Senator Eldridge presented the BOS with a handout detailing his FY 2017 budget priorities. Representative Benson also spoke about her budget and legislative priorities.

G. Luca asked for the legislators' continued support of Chapter 90 Road and Bridge funding. M. Wetzel then stated that Ayer's Chapter 90 funding had decreased because jobs that were previously attributed to Ayer were now being attributed to Harvard. Rep. Benson and Sen. Eldridge said they would look into the matter further.

C. Hillman then asked about the recently passed opioid addiction legislation. Sen. Eldridge and Rep. Benson gave a brief overview of the legislation.

R. Pontbriand then stated the importance of the Nashoba Valley Medical Center, the MassWorks program, and state funding that can help municipalities repair bridges.

Mary Spinner, 18 Myrick Street, spoke about the inconsistencies in reimbursement rates between Boston based hospitals and community hospitals.

**Public Hearing – Application for License – Storage of Flammable and Combustible Liquids (MGL c.148 § 13) - 0 Littleton Road (Assessor's Map 35/Parcel 26) – Fifteen Littleton Realty Trust/Lessee: Global Montello Group Corp.:** At 8:45 PM, C. Hillman read the public hearing notice as advertised in the *Nashoba Valley Voice* on March 28, 2016. Mr. Huseyin Sevincgil from MHF Design Consultants and Mr. Daniel Barry from Global Montello Group Corp. were in attendance to present their application for a license for the storage of Flammable and Combustible Liquids at the proposed gas station located on Littleton Road. The applicant seeks the storage of up to 19,000 gallons of gasoline (regular and super), 17,000 gallons of diesel (retail and commercial) and 3,000 gallons of diesel exhaust fluid pursuant to MGL c. 148 sec. 13.

**Motion:** A motion was made by C. Hillman and seconded by G. Luca to approve the license as presented.

J. Livingston asked if there was public input. There was none.

**Motion passed 3-0.**

**Motion:** A motion was made by J. Livingston and seconded by C. Hillman to close the public hearing at 8:51 PM. **Motion passed 3-0.**

**Chairman Brian Gill, Personnel Board - FY' 17 COLA Discussion:** Personnel Board members were in attendance with Chairman Brian Gill to explain their recommendation of the 2% Cost of Living Adjustment. B. Gill gave a brief history of the recent non-union compensation plan update that was passed at the 2015 Fall Special Town Meeting. He stated further that when the Personnel Board made their recommendation of

a 2% COLA they used several factors including: the Consumer Price Index (CPI), other Massachusetts communities and COLA's negotiated by Town unions.

G. Luca stated that he was in favor of the 2% COLA for non-union personnel because of fairness.

C. Hillman spoke against the 2% COLA increase because of there are two employees on the Personnel Board and he didn't think it was fair. C. Hillman further stated that some people don't work to their full potential and shouldn't get a raise.

B. Gill explained there are two employees and two non-employees on the Committee.

Personnel Board member Sam Goodwin stated that a COLA is not for merit and that it was based on the cost of living.

B. Gill further stated that if non-union employees are not given a COLA when employees in unions are, it creates compression in the grid, thereby narrowing the wage gap between superiors and those that work under them.

Michael Pattenden, Westford Road, stated that the COLA should be tied to Social Security, which hasn't gone up in years.

**Motion:** A motion was made by G. Luca and seconded by J. Livingston to recommend a 2% COLA.

**Motion passed 2-1.**

**Depot Square Access Property Update:** J. Livingston read a timeline of events that summarized the past three (3) years as it relates to the Town acquiring the access corridor through Depot Square. She stated that the Town has exhausted all options to acquire the access property and that she feels that the Town has to pursue the access property through eminent domain.

G. Luca stated that the Town has exhausted all options and that it is important the Town moves forward with eminent domain.

C. Hillman added more to the timeline read by J. Livingston highlighting several more meetings that had taken place over the past three years. He stated that he is fully supportive of moving ahead with eminent domain for the access property as well as taking the Advocates Building. He explained that taking the Advocates Building will create additional room to create a handicap accessible platform in the future.

Michael Pattenden, Westford Road asked how the Town has legal rights if it is a land dispute by the MBTA and the private property owner. J. Livingston stated that the delay in acquiring the access property has held up many things and the Town has to be involved in order to save the \$4.2 million dollar Rail Trail Parking Surface Lot.

James Stephen, 93 Groton School Road, asked how much time the Town had before the federal grant would expire. R. Pontbriand explained the funding sources for the project from the federal, state and local levels. He stated further that MART has to spend approximately \$80,000 before July 1, 2016.

Mary Spinner, 8 Myrick Street asked about funding for the eminent domain. R. Pontbriand explained that the funding amount will be determined by the appraisal and will be reflected in the Town Meeting Warrant Article.

J. Callahan asked at what Town Meeting the eminent domain article would be taken up. J. Livingston stated that it would be on the May 9, 2016 Annual Town Meeting Warrant. J. Callahan stated that he believes there will be support to take the property at Town Meeting.

**Motion:** A motion was made by J. Livingston and seconded by C. Hillman that the Board of Selectmen authorize the Town of Ayer to pursue Eminent Domain of the property known as the Depot Square Access Property as required by the FTA, MART, and the Town for the purposes of constructing the "\$4.2 Million dollar Ayer Rail Trail Commuter Parking Lot and MBTA Platform Access Improvement Project"; and that the legally required Article for Eminent Domain of this property be placed on the Annual Town Meeting Warrant for the May 9, 2016 Town Meeting.

C. Hillman asked for further clarification on the motion.

R. Pontbriand advised that there should be two votes: the first to authorize the eminent domain process and then a separate motion to authorize the appraisal.

The BOS and R. Pontbriand discussed whether or not to include the Advocates Building in the proposed land taking.

**Amended Motion:** C. Hillman offered an amendment to the motion on the table to include the Advocates Building. The motion was seconded by J. Livingston.

G. Luca stated that he would have to recuse him self because of the way the motion was worded because it mentions properties in which he has a close interest.

R. Pontbriand suggested taking out the reference to the \$4.2 million commuter rail improvement project out of the motion.

**Motion:** A motion was made by J. Livingston and seconded by C. Hillman to authorize an eminent domain taking for the Depot Square access property to include the Advocates Building. **Motion passed 3-0.**

**Motion:** A motion was made by G. Luca and seconded by C. Hillman to authorize an appraisal of Depot Square to be funded through the Town Counsel line item for both the Depot Square access property and for the Advocates Building. **Motion passed 3-0.**

**New Business/Selectmen's Questions:** None

**Approval Meeting Minutes:**

**Motion:** A motion was made by C. Hillman and seconded by J. Livingston to approve the meeting minutes of March 23, 2016. **Motion passed 3-0.**

**Adjournment:** A motion was made by G. Luca and seconded by J. Livingston to adjourn at 10:02 PM

Minutes Recorded and Submitted by Carly M. Antonellis

Date Minutes Approved by BOS: 4/19/16

Christopher R. Hillman, Clerk: Long Luca For  
Chris Hillman