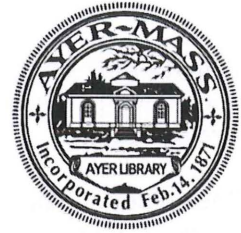


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Town of Ayer
Ayer Select Board
Ayer Town Hall – 1st Floor Meeting Room
Ayer, MA 01432



Broadcast and Recorded by APAC

Tuesday December 7, 2021
Open Session Meeting Minutes

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

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

Call to Order: S. Copeland called the meeting to order at 6:00 PM. Due to the ongoing COVID-19 Pandemic, in accordance with Chapter 20 of the Acts of 2021, suspending certain provisions of the Open Meeting Law (OML), public bodies otherwise governed by the OML are temporarily relieved from the requirement that meetings be held in public places, open and physically accessible to the public, so long as measures are taken to ensure public access to the bodies' deliberations "through adequate, alternative means." This meeting will be live on Zoom and Channel 8. S. Copeland stated that all votes will be taken by Roll Call.

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

Approval of Meeting Agenda: R. Pontbriand asked to add an item 6 under his report for consideration of a Reserve Fund Transfer for the Police Chief's cruiser due to recent mechanical issues.

Motion: A motion was made by S. Houde and seconded by J. Livingston to approve the meeting agenda, as amended.
By Roll Call Vote: J. Livingston, aye; S. Houde, aye; S. Copeland, aye. **Motion passed 3-0.**

Public Input: None

Alicia Hersey, Program Manager, Community Development Office - Over of Ayer Rental Assistance Program: A. Hersey stated that the Ayer Affordable Housing Trust (AAHT), with input from the Ayer Affordable Housing Committee (AAHC) developed an Ayer Rental Assistance Program. The first phase of this program will assist five of Ayer's most vulnerable families with rental assistance of \$500 per month for one year. The funding for this first year comes from CPC funds. At a recent meeting of the joint meeting of the AAHT and AAHC, the Affordable Housing Trust voted to approve the Ayer Rental Assistance guidelines, which have since been sent to Counsel for their review.

Board members agreed that this was a great program. S. Houde asked if the AAHT would be seeking additional funding in the future. A. Hersey said they will want to expand the program in the future. S. Copeland noted that there is an affordable housing crisis throughout Massachusetts and that this program is one tool the Town can use to assist those in need rental assistance.

Public Hearing – FY '22 Tax Classification Hearing: J. Livingston opened the public hearing by reading the public hearing notice as advertised on the Town's posting board and in the *Nashoba Valley Voice* on November 19, 2021 and November 26, 2021. Administrative Assessor Tom Hogan joined the SB for the classification hearing. T. Hogan presented four items as it relates to the FY' 22 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. He is recommending that the Town not adopt items 1-3. He noted that the total taxable value of the Town is up a little over 8% from last year. The tax rate dropped about 5% due to the healthy real estate market. He also stated that the Town's tax levy capacity of \$3 million dollars is the 46th highest in the state. He presented a table of FY '22 estimated tax rates with a recommended a CIP Shift Factor of 1.54 – 1.57.

Fred Meshna, 21 Prospect Street asked what shift factor that T. Hogan recommended. T. Hogan stated that he

presented a range, but 1.54 would be consistent with what was selected the past several years. F. Meshna stated that CIP should not pay less on taxes because industry affects quality of life. He believes that the shift factor of 1.56 or 1.57 is more equitable.

Pauline Conley, 40 Cambridge Street stated that the residential exemption applies to investor-owned property and would like T. Hogan's take on how excluding investor-owned property such as Devenscrest may have any impact on setting an exemption. She asked if there was any change in that property by not adopting a residential exemption. She wants people to understand that if the Select Board did vote in favor of this exemption, it would have no impact on Devenscrest.

P. Conley asked about the excess levy capacity of \$3,000,000 and how it affects Free Cash. T. Hogan deferred to the Finance Director but stated that he doesn't believe it is related. T. Hogan said that if we don't raise the funds, then we don't spend it, therefore it would not end up in Free Cash. S. Houde stated that, for clarification, Free Cash is calculated by the difference in what is estimated to be spent minus what is actually spent. P. Conley asked if we could reduce the excess levy capacity to reduce the tax rate. T. Hogan stated that if it is not raised, and there is a reduction, it would net zero. He stated that excess levy capacity is money we could realize, if we needed to without needing an override. P. Conley then asked where the \$3 million would sit until the Town decides if they need it or don't need it. T. Hogan said at the Dept. of Revenue on the books as future potential taxing capacity. F. Meshna stated that P. Conley doesn't understand that the Town can only raise the taxes 2.5% without going to a Town meeting and that the money isn't really there because we don't need to raise it because the Town leaders are doing such an excellent job. P. Conley stated that she understands what Fred is saying and that we are not raising the money because we don't have to and the point is that we don't have to raise our taxes as much as that because we have so much money available now. S. Houde stated that as valuations go up, the Town still looks at their budget from a prior year's number and the Town's goal is to build a budget that doesn't exceed 4%.

Lisa Gabree, Finance Manager/Town Accountant stated that the unused levy capacity did not just happen this year but has been building overtime. She stated that because of conservative budgeting, we don't need to raise the total amount. T. Hogan stated that in FY '12 the Town's Free Cash was \$2,135.

P. Conley stated that she supports a 1.57 CIP shift factor.

S. Houde stated he is leaning towards a more equitable distribution, perhaps CIP of 1.56. J. Livingston stated that if you look over the years the SB has always tried to balance, and she understands that the 1.57 looks more equitable. She doesn't have a problem with 1.57. S. Copeland is inclined to the 1.57 CIP factor.

Motion: A motion was made by S. Houde and seconded by J. Livingston to not adopt the open space discount for FY '22. **By Roll Call Vote:** S. Copeland, aye; S. Houde, aye; J. Livingston, aye. **Motion passed 3-0.**

Motion: A motion was made by S. Houde and seconded by J. Livingston to not adopt the residential exemption for FY '22. **By Roll Call Vote:** S. Copeland, aye; S. Houde, aye; J. Livingston, aye. **Motion passed 3-0.**

Motion: A motion was made by S. Houde and seconded by J. Livingston to not adopt the small commercial exemption for FY '22. **By Roll Call Vote:** S. Copeland, aye; S. Houde, aye; J. Livingston, aye. **Motion passed 3-0.**

Motion: A motion was made by J. Livingston and seconded by S. Houde to adopt a residential factor of .744810 and 1.57 CIP shift factor. **By Roll Call Vote:** S. Copeland, aye; S. Houde, aye; J. Livingston, aye. **Motion passed 3-0.**

Motion: A motion was made by S. Houde and seconded by J. Livingston to close the Public Hearing at 7:04 PM. **By Roll Call Vote:** S. Copeland, aye; S. Houde, aye; J. Livingston, aye. **Motion passed 3-0.**

Dan Van Schalkwyk, Director, DPW - Vote to Authorize Usage of ARPA Funds for Westford Road Sewer Project: The SB was joined by D. Van Schalkwyk who is requesting authorization of up to \$700,000 in American Rescue Plan Act (ARPA) funding for the Westford Road Sewer project. D. Van Schalkwyk stated that the sewer pipe on Westford Road collapsed in March of 2021. The original pipe was installed in 1978 and services Mulberry Circle, Loon Hill, Nemco

Way, New England Way and the Groton interconnection. The flow for the sewer pipe is between 150,000 to 220,000 gallons per day. The estimated project cost is \$1.3 million. There is \$600,000 available in FY '22 Infiltration/Inflow Capital. The Executive Bi-Board met on October 12, 2021 and passed a motion to recommend the Select Board utilize (ARPA) funds for the Westford Road Sewer Replacement Project. The Town was awarded \$2.4 million dollars in ARPA funding which can be used for wastewater infrastructure projects. By using this funding, the repair project will not have an effect on sewer rate payers.

Motion: A motion was made by S. Houde and seconded by J. Livingston to authorize the use of up to \$700,000 in ARPA funding for the Westford Road Sewer Project. **By Roll Call Vote:** S. Copeland, aye; S. Houde, aye; J. Livingston, aye.
Motion passed 3-0.

Town Manager's Report: *Administrative Update/Review of Town Warrant(s)* - R. Pontbriand provided the Select Board with an update on the various activities, initiatives, and projects of the Administration since the Select Board last met. He also provided a list of signed Town Warrants in the meeting packet. He reported that the Holiday Stroll was very successful and thanked those all involved. He noted that the ice sculptures will be delivered to Town Hall on Saturday December 18, 2021, around 5:00 PM. R. Pontbriand welcomed Christina Zoller who is the new Assistant Town Clerk. He stated that contract negotiations are underway, as well as the Capital Planning Committee process.

FY '23 Budget Update - R. Pontbriand stated that the FY '23 budgets are due by December 30, 2021. He encouraged the public to look at the Town's budget webpage, which is www.ayer.ma.us/budget. He stated that the first budget forum will be held on January 26, 2022. He noted that the Capital Planning Committee will be meeting with the last two departments, police and fire, tomorrow. He and the Finance Manager are prioritizing minimizing debt in the coming year. He stated that there are staffing needs within the Town Hall and would like to give a very preliminary view of identified staffing needs. Over the past ten years, the Town of Ayer has had an increase in population to over 8,000 residents. Additionally, the rate of growth and building/development has been unprecedented. He is recommending several positions be added to the FY '23 budget. Town Administration has found the need to fund a social worker position, administrative support/benefit specialist in the Town Manager's Office; administrative support for the Conservation and Planning Offices and Administrative Support for the Building Department and ZBA. He would also like to increase funding dedicated to Zoning Enforcement for the Assistant Building Inspector. The Benefits and Payroll Director will be retiring in March of 2022. R. Pontbriand is proposing that benefit administration be moved into Select Board's Office, while payroll functions be moved to the Treasurer's office. This complete staffing proposal for FY 2023 would be a total of three (3) new-full time positions for the Town as follows: Benefits & Payroll Manager (Existing Position) will retire; Administrative Coordinator (Existing Position) will be integrated into new proposal. Town Social Worker (New Position); Administrative Support/Benefits Specialist (New Position); Administrative Support for Conservation and Planning (New Position); 19 hours of dedicated Zoning Enforcement added to existing Assistant Building Inspector.

S. Houde asked about the retirement of the Benefits and Payroll Director. He asked if Payroll was now going to the Treasurer's Office and the benefits administration was going to the Select Board's Office. R. Pontbriand confirmed.

J. Livingston stated that she thinks it is great that we are discussing this issue. She noted that the Administrative Coordinator position was created about 6-7 years ago and that the Town has grown. She is asking the Administration to prioritize the most important positions.

R. Pontbriand stated that J. Livingston had great points and that the budget is a process. R. Pontbriand said he is estimating about a \$240,000 proposal and understands that there is additional refinement to be done. He stated that ultimately approval lies with Town Meeting.

Sarah Withee, 11 Groton Shirley Road, stated she has comments but will hold them.

Authorization for Burial in Town Section of Woodlawn Cemetery - R. Pontbriand stated that the Trustees of the Woodlawn Cemetery have received a request for an individual to be buried in the Town Section of the Woodlawn Cemetery. This section of Woodlawn Cemetery is reserved for certain hardship burials and per the Woodlawn Cemetery Trustees requires authorization from the Town.

Motion: A motion was made by J. Livingston and seconded by S. Houde to approve the burial request from Woodlawn Cemetery. **By Roll Call Vote:** S. Copeland, aye; S. Houde, aye; J. Livingston, aye. **Motion passed 3-0.**

2022 Annual License Renewals - C. Antonellis presented the following list of license renewals for 2022. She is recommending approval of all license renewals subject to successfully meeting all requirements as set forth by Ayer Bylaw XLII and relevant Massachusetts General Law(s). Pursuant to the Town of Ayer Bylaw XLII, this list is currently under review for outstanding bills, taxes, fees, assessments, liens, betterments and any other municipal charges by the Treasurer/Tax Collector and the Department of Public Works.

<u>Business Name</u>	<u>Business Address</u>	<u>Map and Parcel</u>	<u>License Type</u>
Toreku Tractor & Equipment, Inc.	4 Littleton Road	35-9	Class 1
Gervais Inc.	5 Littleton Road	35-24/25	Class 1
JP Rivard Trailer Sales, Inc.	15 Westford Road	23-16	Class 1
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
Devens 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
Alltown Fresh Ayer	28 Harvard Road	35-53	CV
Digitzal Cloudz, LLC	38 Main Street	26-91	Amusement
Ayer Shop 'n Save	22 Fitchburg Road	18-2	s15BW
Ayer Beer and Wine	210D West Main St.	32-30	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
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
Next Stop Pub & Grill	7 Depot Square	26-329	s12AA; CV
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
Osawa Bistro	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. Houde to approve 2022 License Renewal list as presented. **By Roll Call Vote:** S. Copeland, aye; S. Houde, aye; J. Livingston, aye. **Motion passed 3-0.**

Discussion on January 2023 Meeting Schedule –R. Pontbriand stated he would like to discuss the January 2022 meeting schedule. In past years, because the first meeting of the Select Board would take place on January 4, 2022, close to the holidays, the Select Board has historically agreed to meet once in January 2022. The Select Board would meet the third Tuesday of January (January 18, 2022). Board members agreed and that if something time sensitive came up, a meeting could be scheduled in the interim.

Police Department Reserve Fund Transfer –R. Pontbriand was joined by Police Chief Gill. He stated that the Chief had requested a new car in last year's capital process, but it was deferred by the Committee, due to the uncertainty around COVID-19. The car has been out of service several times due to electrical issues. The length of time between ordering a vehicle and getting the vehicle in service is about 8-12 months. R. Pontbriand stated that obviously, the Chief of Police needs a safe reliable vehicle. The approval of the RFT will allow the Town to begin the lengthy process much sooner. Chief Gill stated that he is not making the request lightly and he had every intention of going through the Capital process. The car has recently been towed out of the lot and will very likely not pass inspection. S. Houde asked a follow-up question on the amount remaining in the reserve fund due to \$122,000 of CARES act funding being under appeal. If the Town was not successful in that appeal and granted this request, the reserve fund would have about \$98,000 for the remainder of the year.

Motion: A motion was made by S. Houde and seconded by J. Livingston to approve the RFT in the amount of \$76,701 for account 01210-58590. **By Roll Call Vote:** J. Livingston, aye; S. Houde, aye; S. Copeland, aye. **Motion passed 3-0.**

New Business/Selectmen's Questions: None

Approval of Meeting Minutes:

Motion: A motion was made by J. Livingston and seconded by S. Houde to approve the meeting minutes from November 16, 2021. **By Roll Call Vote:** J. Livingston, aye; S. Houde, aye; S. Copeland, aye. **Motion passed 3-0.**

Adjournment: A motion was made by J. Livingston and seconded by S. Houde to adjourn at 8:06 PM. **By Roll Call:** J. Livingston, aye; S. Houde, aye; S. Copeland, aye. **Motion passed 3-0.**

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

Date Minutes Approved by SB: 12/21/2021

Signature Indicating Approval: James Lee Ring