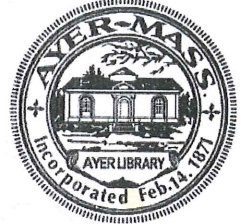


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TOWN OF AYER  
TOWN CLERK

*Shaun Copeland*

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



Broadcast and Recorded by APAC

**Tuesday December 1, 2020**  
**Open Session Meeting Minutes**

**SB Present:** Shaun C. Copeland, Chair; Scott A. Houde, Vice-Chair; Jannice L. Livingston, Clerk  
*All Via Remote Participation*

**Also Present:** Robert A. Pontbriand, Town Manager  
Carly M. Antonellis, Assistant Town Manager  
*Both Via Remote Participation*

**Call to Order:** S. Copeland called the meeting to order at 6:00pm.

**Remote Access:** S. Copeland stated that pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, MGL Chapter 30A, Section 18 and the Governor's March 15, 2020 Order imposing strict limitations on the number of people that may gather in one place, this meeting of the Ayer Board of Selectmen is being conducted via remote participation. No in-person attendance of members of the public will be permitted, but every effort has been made to ensure that the public can adequately access the proceedings as provided in the Order. 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:** S. Copeland asked to amend the agenda by adding a discussion about changing the 2<sup>nd</sup> December meeting date under New Business.

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

**Announcements:** None

**Public Input:** None

**FY '21 Tax Classification Public Hearing - Tom Hogan, Assessing Administrator and Board of Assessors:**  
J. Livingston opened the Public Hearing by reading the Public Hearing Notice as advertised in the Nashoba Valley Voice. The SB was joined remotely by Assessing Administrator T. Hogan and Board of Assessor Members John Kilcommins and Ed Cornellier. T. Hogan presented four items as it relates to the FY' 21 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 5.1%. T. Hogan gave a brief overview of the open space discount, the residential exemption and the small commercial exemption and reported that the Board of Assessor's are not recommending adoption of any of these.

J. Livingston asked what would happen if the Town adopted a single tax rate. T. Hogan stated that the pros and cons of going to a single rate is that the Town would have the highest residential rate allowed by law and conversely the lowest CIP rate allowed. It would lead to a severe increase to residential rates while the business tax bills would decrease slightly.

T. Hogan stated that the Board of Assessor's is recommending a CIP Shift Factor of 1.54. He also noted that the Town of Ayer has about \$2.5 million in excess levy capacity, which is the 39<sup>th</sup> highest in the State. There was no public input.

**Motion:** A motion was made by S. Houde and seconded by J. Livingston to not adopt the open space discount.

**Roll Call:** S. Copeland, aye; S. Houde, aye; J. Livingston, aye. **Motion passed by Roll Call Vote 3-0.**

**Motion:** A motion was made by J. Livingston and seconded by S. Houde to not adopt the residential exemption.

**Roll Call:** S. Copeland, aye; S. Houde, aye; J. Livingston, aye. **Motion passed by Roll Call Vote 3-0.**

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

**Motion:** A motion was made by J. Livingston and seconded by S. Houde to adopt a residential factor of .746434 and 1.54 CIP shift factor. **Roll Call:** S. Copeland, aye; S. Houde, aye; J. Livingston, aye. **Motion passed by Roll Call Vote 3-0.**

T. Hogan also noted that the upcoming tax bills will increase the CPA surcharge from 1% to 3%, as approved by Town Meeting.

**Motion:** A motion was made by S. Houde and seconded by J. Livingston to close the Public Hearing at 6:53PM.

**Roll Call:** S. Copeland, aye; S. Houde, aye; J. Livingston, aye. **Motion passed by Roll Call Vote 3-0.**

**Joint Meeting with Board of Health for Appointment of BOH Member:** The SB was joined by the two members of the Board of Health, Ms. Pam Papineau and Ms. Tricia Peters. P. Papineau called the Board of Health to Order at 6:55 PM. The SB and BOH are convening to fill a vacancy left by the resignation of Ms. Mary Spinner on the Board of Health. Two candidates submitted letters of interest: Mr. Steve Slarsky and Mr. Mark Wall. The Joint Boards interviewed both candidates.

**Motion:** A motion was made by P. Papineau and seconded by T. Peters to appoint Mr. Steve Slarsky to the vacant seat on the Board of Health until the Annual Town Election in May. **Roll Call:** S. Copeland, aye; S. Houde, aye; J. Livingston, aye; P. Papineau, aye; T. Peters, aye. **Motion passed by Roll Call Vote 5-0.**

**Motion:** A motion was made by P. Papineau and seconded by T. Peters to adjourn the Board of Health at 7:26 PM. **Roll Call:** P. Papineau, aye; T. Peters, aye. **Motion passed by Roll Call Vote 2-0.**

**Superintendent Mark Wetzel, DPW:** *Wastewater Treatment Plant Upgrade Change Order 1* – M. Wetzel joined the SB remotely and presented Change Order 1 for the Wastewater Treatment Plant Upgrade. The Change order totals \$76,684 and includes a contract time extension (due to COVID-19), additional conduit, wire and gas detection systems, structural steel modifications, and other items.

**Motion:** A motion was made by J. Livingston and seconded by S. Houde to approve Change Order 1 in the amount of \$76,684 as presented. **Roll Call:** S. Copeland, aye; S. Houde, aye; J. Livingston, aye. **Motion passed by Roll Call Vote 3-0.**

*Out of Town Water and Sewer Connection Policy* – M. Wetzel presented a DRAFT policy memo (see SB packet) relating to Out of Town requests to hook up to the Town's water and sewer. The SB and several residents expressed a desire to establish a procedure for the Town to weigh in before an article goes on the Town Meeting Warrant. He is suggesting that an application be filled out by an interested party at least 75 days prior to a Town Meeting and pay a \$1,000 application fee. The application would then go to the Town Engineer for review and the SB would hold a public hearing, which the applicant must attend. He is also proposing a requirement that a letter from the Town where the project is located be submitted, supporting the possibility of an Inter-

Municipal Agreement. S. Houde asked about the length of the application process considering the review and the public hearing. M. Wetzel stated approximately 60 days. S. Houde stated that he would like to see a date prior to Town Meeting to have everything finalized, likely causing the 75-day minimum to increase.

J. Livingston added that she would like the Rate Review Committee to review the application to see the effect on the rates.

R. Pontbriand stated the he and M. Wetzel will incorporate changes as requested this evening and bring back for review.

Sara Withee, 11 Groton Shirley Road asked when the Planning Board would be looped in. R. Pontbriand stated he would like to loop them in from the beginning. She then asked who would be facilitating the process. R. Pontbriand stated that the main point of contact will be the DPW. She also asked about the deadlines and notification to residents. R. Pontbriand stated that all information could be placed on the Town's website. S. Copeland also pointed out that it will be on all agendas of any board/committee that are discussing it.

David Bodurtha, 28 Coolidge Road stated that he would like to see an ad placed in the newspaper when the Town receives an application and that he feels the 75-day minimum is not long enough.

R. Pontbriand and M. Wetzel will continue to fine tune the application and present to the SB at a later date.

*Devens Wastewater Agreement Renewal* – M. Wetzel presented an overview of the process for renegotiating the Town's Wastewater Treatment Agreement with Devens, which expires in December of 2021. He said that according to his calculations the Town of Ayer does not need as much treatment capacity from Devens as it does now. M. Wetzel said the significant issues are length of the agreement, required flow amounts, fees and a termination mechanism.

**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 Capital Planning Committee is well underway and will be wrapping up the process by early January. He reported that FY'22 budgets are due Friday December 4, 2020.

*COVID-19 Update* – R. Pontbriand reported that things are mainly status quo and the Town of Ayer is listed as yellow on the State's COVID-19 map.

*Appointments* - R. Pontbriand is requesting that Ms. Lois Bisson be appointed to serve on the Cultural Council to fill a vacant term expiring on June 30, 2021. He is also requesting that Ms. Marianne Cooper be appointed to serve on the Cultural Council to fill a vacant term expiring on June 30, 2022

**Motion:** A motion was made by S. Houde and seconded by J. Livingston to appoint Ms. Lois Bisson to the Cultural Council, term to expire June 30, 2021. **Roll Call:** S. Copeland, aye; S. Houde, aye; J. Livingston, aye.

**Motion passed by Roll Call Vote 3-0.**

**Motion:** A motion was made by J. Livingston and seconded by S. Houde to appoint Ms. Marianne Cooper to the Cultural Council, term to expire June 30, 2022. **Roll Call:** S. Copeland, aye; S. Houde, aye; J. Livingston, aye.

**Motion passed by Roll Call Vote 3-0.**

On behalf of the Historic Commission, R. Pontbriand is requesting that Ms. Margaret Durand be appointed to serve on the Historic Commission to fill a vacant term expiring on June 30, 2021.

**Motion:** A motion was made by S. Houde and seconded by J. Livingston to appoint Margaret Durand to the Historic Commission, term to expire June 30, 2021. **Roll Call:** S. Copeland, aye; S. Houde, aye; J. Livingston, aye. **Motion passed by Roll Call Vote 3-0.**

*Town Counsel Disclosure for Town of Westford Inter-Municipal Agreement* - R. Pontbriand reported that the Ayer Fire Department would like to garage the Town's old Engine #2 at the Town of Westford Fire Station due to insufficient space at the AFD. This arrangement will be codified in an Inter-Municipal Agreement subject to review and approval by the Ayer Select Board and the Westford Select Board. KP Law represents both the Towns of Ayer and Westford, so the Select Board must consent to Town Counsel's representation regarding the proposed intermunicipal agreement.

Ms. Withee asked how many IMA's the Town of Ayer has. R. Pontbriand stated he will review and follow-up.

**Motion:** A motion was made by S. Houde and seconded by J. Livingston to consent to KP Law representation of the Town of Ayer and Westford regarding the proposed intermunicipal agreement. **Roll Call:** S. Copeland, aye; S. Houde, aye; J. Livingston, aye. **Motion passed by Roll Call Vote 3-0.**

*2021 License Renewals* - C. Antonellis presented the list of 2021 License Renewals (see below). She noted that Carlin's has opted not to renew their licenses, due to the impact of the COVID-19 crisis.

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
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
Alltown Fresh Ayer	28 Harvard Road	35-53	CV
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
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. Houde to approve the 2021 License Renewals as presented, so long that applicants meet all state and local requirements. **Roll Call:** S. Copeland, aye; S. Houde, aye; J. Livingston, aye. **Motion passed by Roll Call Vote 3-0.**

*128 Washington Street Commitment of Tax Lien for Property Enforcement/Clean-Up* – C. Antonellis stated that the Town paid over \$20,000 to have the structures located at 128 Washington Street boarded and secured due to a several violations of the State Sanitary Code. There was a lien placed on the property, which now totals \$27,600.75. She is asking that the Select Board to vote to commit this lien (\$27,600.75 through December 31, 2020) to the property tax rolls.

**Motion:** A motion was made by S. Houde and seconded by J. Livingston to commit the lien to the Town of Ayer Tax Rolls. **Roll Call:** S. Copeland, aye; S. Houde, aye; J. Livingston, aye. **Motion passed by Roll Call Vote 3-0.**

**New Business/Selectmen's Questions:** *Reschedule of December 15, 2020 SB Meeting* – S. Copeland asked to move the SB meeting scheduled for 12/15/20, due to a prior conflict. The SB agreed to move the next meeting to Monday December 21, 2020 at 6:00 PM.

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

**Motion:** A motion was made by S. Houde and seconded by J. Livingston to approve the Meeting Minutes from November 2, 2020. **Roll Call:** S. Copeland, aye; S. Houde, aye; J. Livingston, aye. **Motion passed by Roll Call Vote 3-0.**

#### **Adjournment:**

**Motion:** A motion was made by J. Livingston and seconded by S. Houde to adjourn at 8:27 PM. **Roll Call:** S. Copeland, aye; S. Houde, aye; J. Livingston, 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: 21 December 2020

Signature Indicating Approval: 