

RECEIVED
MAR 13 2020

TOWN OF AYER
TOWN CLERK

9:45am

Alice Opeland

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



Tuesday March 17, 2020
Open Session Meeting Agenda

6:00 PM

Call to Order

Pledge of Allegiance; Review and Approve Agenda; Announcements

Public Input

6:05* PM

**Application for Change of Manager – Ayer Gun & Sportsmen’s Club
– 225 Snake Hill Road**

6:10 PM

Mr. Mark Archambault, Town Planner

1. Update on Zoning Bylaw Amendment for Annual Town Meeting –
Downtown Parking

6:15 PM

Ms. Laurie Sabol, Ayer Recycling Committee

1. Discussion on Proposed Bylaw for Banning Plastic Bags

6:20 PM

Chief William A. Murray, Ayer Police Department

1. Downtown Parking Plan Implementation/Enforcement

6:25 PM

Ms. Alicia Hersey, Program Manager – Comm. Development Office

1. Refinance of Ayer LIP Unit, 13 Auman Street, Devens

6:30 PM

Town Manager’s Report

1. Administrative Update/Review of Warrant(s)
2. Coronavirus/COVID-19 Town Preparedness Update
3. Appointments – Cultural Council
4. Discussion on Bylaw Request Re: State Law and Potlucks
5. FY 2021 Budget Update and 2020 Annual Town Meeting Warrant Update

6:50 PM

New Business/Selectmen’s Questions

6:55 PM

Approval of Meeting Minutes

March 4, 2020

****Executive Session pursuant to MGL Chapter 30A, Section 21A**

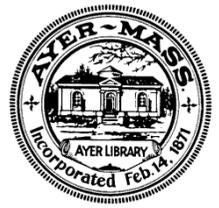
Exemption #3 (Contract Negotiations) Town Hall/Clerical Union Contract MOA
Exemption #2 (Non-Union Personnel) Finance Manager Personal Services Contract
Exemption #2 (Non-Union Personnel) Town Clerk Personal Services Contract
Exemption #2 (Non-Union Personnel) Police Chief Personal Services Contract

**Agenda times are for planning purposes only and do not necessarily constitute exact time*

*** The BOS will adjourn at the conclusion of the Executive Session*

The next regularly scheduled Board of Selectmen’s Meeting will be held on Tuesday April 7, 2020.

**Office of the Board of Selectmen
Office of the Town Manager**



Town of Ayer | Ayer Town Hall | 1 Main Street | Ayer, MA 01432 | 978-772-8220 | www.ayer.ma.us

Memorandum

To: Board of Selectmen
From: Carly Antonellis, Assistant Town Manager 
Date: March 13, 2020
Re: Change in Manager Request – Ayer Gun and Sportsmen’s Club

Greetings,

As you’ll remember on December 4, 2019, the BOS approved a “Change in Manager” for the Ayer Gun and Sportsmen’s Club. The ABCC returned the application to the Town, without approval, because the Club’s Officers and Directors were not current with the Secretary of State’s Office. This has been fixed by the Club and the ABCC requires a new vote by the BOS.

All Section 12 (pouring/drunken at premises) licensees are required to appoint a Manager, pursuant to G.L. c.138, sec. 26. The manager is an individual, twenty-one years of age or older, who is a citizen of the United States and has “vested in him [or her] by properly authorized and executed written delegation as full authority and control of the premises, described in the license of such corporation, and the conduct of all business therein relative to alcoholic beverages as the [corporate] licensee itself could in any way have and exercise if it were a natural person.” This license manager must be satisfactory to both the Alcoholic Beverages Control Commission (ABCC) and Local Licensing Authority (LLA) with respect to his or her character.

With respect to this application, I have sent this to all departments and no concerns have been brought forward. If you act favorably on this application, it will then be sent to the ABCC for review.

Thank you.



The Commonwealth of Massachusetts
 Alcoholic Beverages Control Commission
 95 Fourth Street, Suite 3, Chelsea, MA 02150-2358
 www.mass.gov/abcc

AMENDMENT-Change of Manager

Change of License Manager

1. BUSINESS ENTITY INFORMATION

Entity Name <u>Ayer Gun and Sportsman's Club</u>	Municipality	ABCC License Number <u>#00015-CL-0060</u>
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2. APPLICATION CONTACT

The application contact is the person who should be contacted with any questions regarding this application.

Name <u>CJ Moore</u>	Title <u>Treasurer</u>	Email [REDACTED]	Phone [REDACTED]
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3A. MANAGER INFORMATION

The individual that has been appointed to manage and control of the licensed business and premises.

Proposed Manager Name <u>Donald Anderson</u>	Date of Birth [REDACTED]	SSN [REDACTED]
Residential Address [REDACTED]	[REDACTED]	
Email [REDACTED]	Phone [REDACTED]	
Please indicate how many hours per week you intend to be on the licensed premises <u>20</u>	Last-Approved License Manager <u>Bob Briggs</u>	

3B. CITIZENSHIP/BACKGROUND INFORMATION

Are you a U.S. Citizen?*

Yes No *Manager must be U.S. citizen

If yes, attach one of the following as proof of citizenship US Passport, Voter's Certificate, Birth Certificate or Naturalization Papers.
 Have you ever been convicted of a state, federal, or military crime?

Yes No no

If yes, fill out the table below and attach an affidavit providing the details of any and all convictions. Attach additional pages, if necessary, utilizing the format below.

Date	Municipality	Charge	Disposition

3C. EMPLOYMENT INFORMATION

Please provide your employment history. Attach additional pages, if necessary, utilizing the format below.

Start Date	End Date	Position	Employer	Supervisor Name
<u>10/24/18</u>		<u>Custodian</u>	<u>Acton Boxboro schools</u>	<u>JD Reed</u>

3D. PRIOR DISCIPLINARY ACTION

Have you held a beneficial or financial interest in, or been the manager of, a license to sell alcoholic beverages that was subject to disciplinary action? Yes No If yes, please fill out the table. Attach additional pages, if necessary,utilizing the format below.

Date of Action	Name of License	State	City	Reason for suspension, revocation or cancellation

I hereby swear under the pains and penalties of perjury that the information I have provided in this application is true and accurate:

Manager's Signature <u>Donald Anderson</u>	Date <u>3/8/20</u>
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APPLICANT'S STATEMENT

I, Dennis Mahoney the: sole proprietor; partner; corporate principal; LLC/LLP manager
Authorized Signatory

of Ayer Gun & Sportsmen's Club
Name of the Entity/Corporation

hereby submit this application (hereinafter the "Application"), to the local licensing authority (the "LLA") and the Alcoholic Beverages Control Commission (the "ABCC" and together with the LLA collectively the "Licensing Authorities") for approval.

I do hereby declare under the pains and penalties of perjury that I have personal knowledge of the information submitted in the Application, and as such affirm that all statements and representations therein are true to the best of my knowledge and belief. I further submit the following to be true and accurate:

- (1) I understand that each representation in this Application is material to the Licensing Authorities' decision on the Application and that the Licensing Authorities will rely on each and every answer in the Application and accompanying documents in reaching its decision;
- (2) I state that the location and description of the proposed licensed premises are in compliance with state and local laws and regulations;
- (3) I understand that while the Application is pending, I must notify the Licensing Authorities of any change in the information submitted therein. I understand that failure to give such notice to the Licensing Authorities may result in disapproval of the Application;
- (4) I understand that upon approval of the Application, I must notify the Licensing Authorities of any change in the ownership as approved by the Licensing Authorities. I understand that failure to give such notice to the Licensing Authorities may result in sanctions including revocation of any license for which this Application is submitted;
- (5) I understand that the licensee will be bound by the statements and representations made in the Application, including, but not limited to the identity of persons with an ownership or financial interest in the license;
- (6) I understand that all statements and representations made become conditions of the license;
- (7) I understand that any physical alterations to or changes to the size of the area used for the sale, delivery, storage, or consumption of alcoholic beverages, must be reported to the Licensing Authorities and may require the prior approval of the Licensing Authorities;
- (8) I understand that the licensee's failure to operate the licensed premises in accordance with the statements and representations made in the Application may result in sanctions, including the revocation of any license for which the Application was submitted; and
- (9) I understand that any false statement or misrepresentation will constitute cause for disapproval of the Application or sanctions including revocation of any license for which this Application is submitted.
- (10) I confirm that the applicant corporation and each individual listed in the ownership section of the application is in good standing with the Massachusetts Department of Revenue and has complied with all laws of the Commonwealth relating to taxes, reporting of employees and contractors, and withholding and remitting of child support.

Signature:

Dennis Mahoney

Date:

3/9/2020

Title:

President

Amending Ayer Zoning Bylaw Section 9.1.2 A.2

Residential Parking Requirements for the T6 Transect of
the Downtown / Park Street Form-Based Code District

Presented to the Ayer Selectboard

By Mark Archambault, AICP

Ayer Town Planner

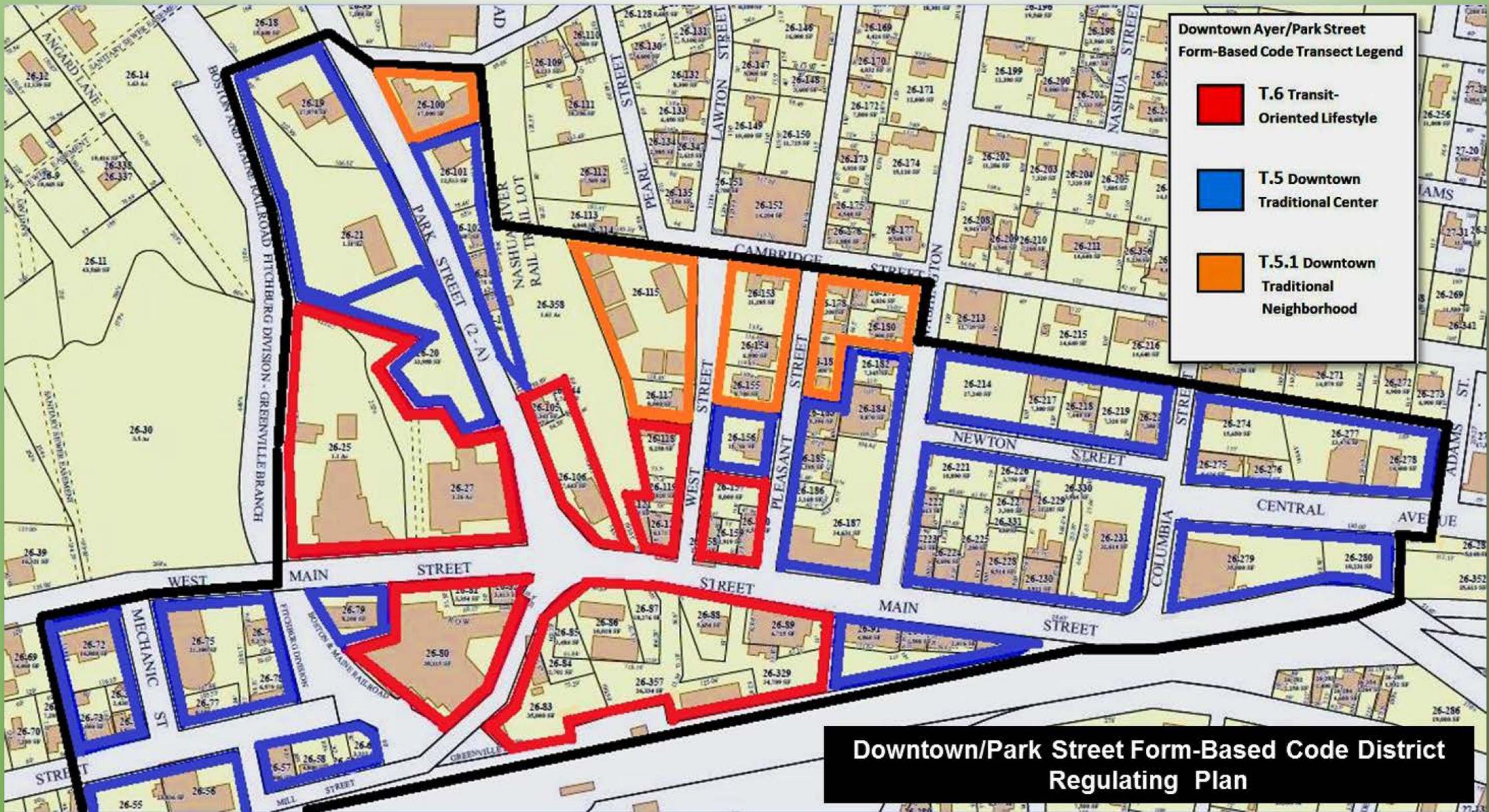
March 17, 2020



Pigeon's Eye View of Downtown Ayer



The Billiards Cafe





Zooming into the T6 Transect: Downtown Transit-oriented Lifestyle District.

The actual text of the amendment

Section 9.1.2 Off-Street Parking Requirements

Except as provided in Section 9.1.4, the minimum number of off-street parking and loading spaces shall be as set forth below. Where fractional spaces result, the minimum number of spaces shall be the next highest whole number. For certain uses, a maximum number also applies. Off-street parking requirements for a use not specifically listed below shall be as specified by the Building Inspector based on a listed use of similar characteristics of parking demand.

A. Residential Uses

1. Single-family or two-family dwelling: minimum 2 spaces per dwelling unit.
2. Multi-family dwelling: minimum 1 space per studio unit; 1.5 spaces per one-bedroom unit; and 2 spaces per unit with two or more bedrooms; plus five (5) percent additional spaces for visitor parking , or a minimum of one space. **In the T6 Zone (Downtown Transit-Oriented Lifestyle District) of the Downtown / Park Street Form-Based Code District (DPSFBC) District, dwelling units must provide 1 space per unit regardless of the number of bedrooms in the unit.**

What about the balance of the parking (.5 car)?

- The T6 transect of the DPSFBC district aims to promote the development of apartment housing in support of people seeking a transit-oriented lifestyle. The market for these units is people using the Commuter Rail.
- Studies have shown that the parking demand from such transit-oriented development is less than that of traditional apartments where public transportation is not available. Many residents of new housing in this transect will not have a car at all, or at most one per unit.
- Owners of such buildings can enter into shared parking arrangements with property owners within 1,000 feet of the location in question.
- New residents in downtown Ayer will help to support downtown businesses and encourage economic development and revitalization.
- The Public & Private sectors need to take ongoing efforts to make adequate parking available for those seeking a transit-oriented lifestyle.



Half Car, Slightly Used: \$2,000
or Best Offer



CONCEPTUAL
ILLUSTRATION

6

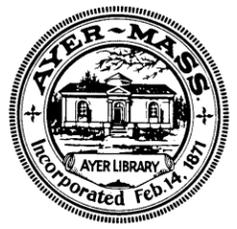
MIXED-USE DEVELOPMENT TO NORTHEAST
OF PARK AND MAIN STREET INTERSECTION

prepared by
Scott N. Collard Landscape Architecture LLC

Talking points for March 17 Board of Selectman's Meeting about Proposed Plastic Bag Reduction Bylaw

1. Identifying the problem
2. Identifying the goal and the steps to reach it
3. How businesses will be affected
4. Exemptions allowed in the bylaw

**Office of the Board of Selectmen
Office of the Town Manager**



Town of Ayer| Ayer Town Hall| 1 Main Street| Ayer, MA 01432|978-772-8220| www.ayer.ma.us

**Notice
Revised Ayer Downtown Parking Plan**

In an ongoing effort to improve the quality of life for all residents, the Town of Ayer is instituting a revised Parking Plan following the recent opening of the new Downtown Ayer MART Parking Facility. Resident Only* On-Street parking restrictions, which are already part of some streets, are going to be extended to the following:

- Pearl Street from Groton Street to Taft Street
- Lawton Street in its entirety
- Pleasant Street from Cambridge Street to Taft Street
- East Main Street from Linden Court to its end
- Tannery Street in its entirety
- Forest Street in its entirety
- Church Street in its entirety

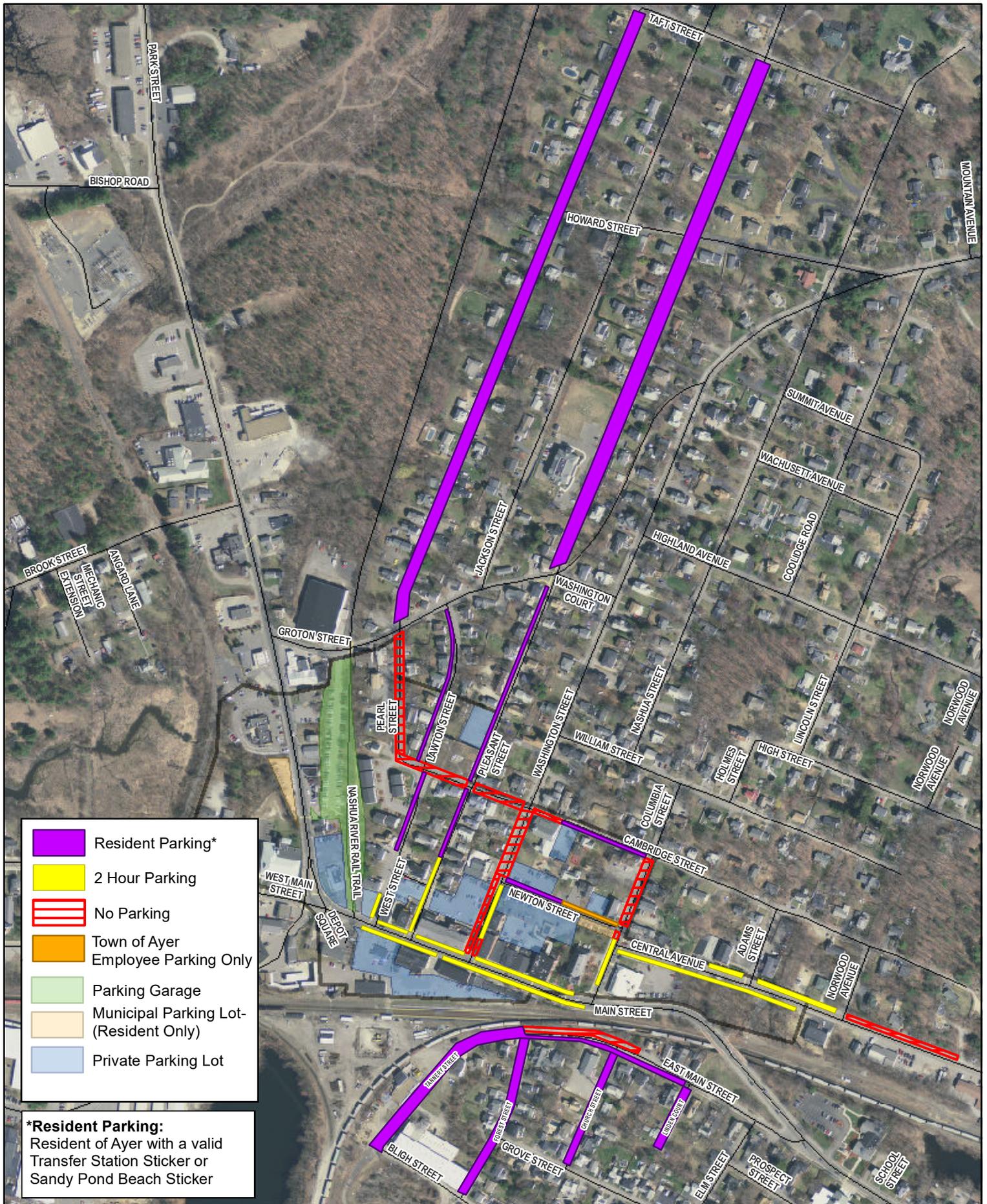
Additionally, the area in front of 20 Central Avenue will become 2-hour parking and a Town of Ayer Employee Parking zone has been implemented on the East Side of Newton Street (directly behind Town Hall). These parking restrictions will be enforced only during peak times, Monday – Friday from 5:00 AM – 6:00 PM.

The Municipal Parking Lot on Park Street will remain free of charge (until further notice) and is designated for Town of Ayer residents* only.

There are three (3) handicap parking spaces available in Depot Square at the MBTA Rail Station until construction begins in Spring 2020. There are also handicap spaces available at the Downtown Ayer MART Parking Facility.

Town officials will continue to monitor, review, and update this Parking Plan as necessary.

Any Ayer Resident with a current Transfer Station Sticker, available at the DPW **OR a current Sandy Pond Beach Sticker, available at Town Hall. Car registration must be brought in to verify address.*



- Resident Parking*
- 2 Hour Parking
- No Parking
- Town of Ayer Employee Parking Only
- Parking Garage
- Municipal Parking Lot - (Resident Only)
- Private Parking Lot

***Resident Parking:**
 Resident of Ayer with a valid Transfer Station Sticker or Sandy Pond Beach Sticker

**TOWN OF AYER, MASSACHUSETTS
 PARKING ZONES**

DATE: February 2020



Town of Ayer

Office of Community & Economic Development

Town Hall ♦ One Main Street ♦ Ayer, MA 01432 ♦ 978-772-8221 ♦ 978-772-3017(fax)



MEMORANDUM

TO: Board of Selectmen

CC: Robert A. Pontbriand, Town Manager

FROM: Alicia Hersey, Program Manager

DATE: March 12, 2020

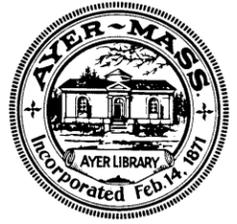
RE: Refinance of Ayer LIP unit

The Town have been notified by DHCD (Department of Housing and Community Development) of proposed refinance of the LIP unit at 13 Auman Street, Devens, MA. This is a LIP unit on Ayer's SHI (Subsidized Housing Inventory) List and the deed rider requires both DHCD and the Town's approval when the property is sold or refinanced.

The homeowners are refinancing to consolidate debt and to get a better interest rate.

Request the Board of Selectmen vote either to approve with contingency of DHCD's Approval or deny the Mr. & Mrs. Barbosa's request to refinance their property at 13 Auman Street, Devens, MA.

**Office of the Board of Selectmen
Office of the Town Manager**



Town of Ayer| Ayer Town Hall| 1 Main Street| Ayer, MA 01432|978-772-8220| www.ayer.ma.us

March 17, 2020

Marco A. and Bonnie S. Barbosa
13 Auman Street
Devens, MA 01434

Dear Mr. & Mrs. Barbosa:

At their meeting of March 17th, 2020 the Ayer Board of Selectmen voted to approve your request to refinance your home at 13 Auman Street, Devens, MA 01434, contingent on an approval from DHCD for both the refinance and the principal amount as stated below.

The vote by the Ayer Board of Selectman for approval, stipulates that the loan be at a fixed rate and the principal loan amount should not exceed \$138,000.

This consent is valid subject to obtaining the written approval of the Department of Housing and Community Development. By copy of this letter to that Agency, we are confirming that the City/Town of Ayer has approved your request.

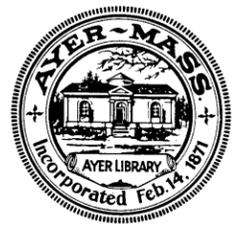
Sincerely,

Scott A. Houde, Chairman
Ayer Board of Selectmen

Enclosure

cc: Bertha Borin, DHCD

**Office of the Board of Selectmen
Office of the Town Manager**



Town of Ayer| Ayer Town Hall| 1 Main Street| Ayer, MA 01432|978-772-8220| www.ayer.ma.us

MEMORANDUM

DATE: March 13, 2020
TO: Ayer Board of Selectmen
FROM: Robert A. Pontbriand 
Town Manager
SUBJECT: **Town Manager's Report for the March 17, 2020 Board of Selectmen's Meeting**

Dear Honorable Selectmen,

I am pleased to transmit to you the following Town Manager's Report for the March 17, 2020 Board of Selectmen's Meeting. If you have any questions prior to the meeting, please do not hesitate to contact me directly. Thank you.

Administrative Update/Review of Warrant(s):

- I will provide a brief Administrative Update at the meeting of the various activities, initiatives, and projects of the Administration since the Board of Selectmen last met on March 4, 2020.

Review of Warrant(s):

- I have reviewed, approved and signed the following Town Warrants since the Board of Selectmen last met on March 4, 2020:

Accounts Payable Warrant #20-17 in the amount of \$1,821,095.74 was reviewed, approved and signed on March 3, 2020.

Accounts Payable Warrant #20-17A in the amount of \$54,490.14 was reviewed, approved and signed on March 4, 2020. *(Note: This Warrant was for the payments to the property owners for easements/takings on East Main Street as part of the East Main Street Project.)*

Payroll Warrant #20-18 in the amount of \$319,788.78 was reviewed, approved and signed on March 10, 2020.

Coronavirus/COVID-19 Town Preparedness Update:

- I will be joined by Chief Pedrazzi and Chief Murray to provide the Board of Selectmen with an update on the Town's ongoing preparedness with respect to the Coronavirus/COVID-19.

Appointments – Cultural Council:

- I hereby recommend the following individuals for appointment to the Ayer Cultural Council as follows:

Mr. Norman Carey of Ayer to a three-year term to expire on June 30, 2022

Mr. Henry L. (Mick) Pare of Ayer to a three-year term to expire on June 30, 2022.

Discussion on Bylaw Request Re: State Law and Potlucks:

- As the BOS is aware, at the March 4, 2020 BOS Meeting under Public Input, Ms. Cyndi Lavin presented a request for the BOS to consider including a warrant article on the Annual Town Meeting Warrant to see if the Town will adopt the test of the State Statute MGL. Chapter 94, Section 328A as a Town of Ayer Bylaw. As I recommended and indicated at the meeting on March 4, 2020 this need to be reviewed by Town Counsel. Town Counsel has reviewed and please see the attached memo regarding this request. (See attached)
- I have also contacted Ms. Cyndi Lavin directly to discuss the recommendation of Town Counsel and to advise her that the BOS will be discussing this on the BOS Agenda on March 17, 2020.

FY 2021 Budget Update and 2020 Annual Town Meeting Warrant Update:

- I would like to provide a brief update to the BOS at the meeting on the FY 2021 Budget and the 2020 Annual Town Meeting Warrant.

Thank you.

Attachments: March 13 Memo to the BOS from the Town Manager Re: Request for ATM Article for Bylaw Regarding State Law and Potluck Events

**Office of the Board of Selectmen
Office of the Town Manager**



Town of Ayer | Ayer Town Hall | 1 Main Street | Ayer, MA 01432 | 978-772-8220 | www.ayer.ma.us

MEMORANDUM

DATE: March 13, 2020

TO: Ayer Board of Selectmen

Cc: Ayer Board of Health and Nashoba Associated Boards of Health

FROM: Robert A. Pontbriand *R.A.P.*
Town Manager

**SUBJECT: Request for a Town of Ayer Bylaw Amendment Article for the Annual Town Meeting
Warrant Regarding MGL Chapter 94, Section 328A as a Town of Ayer Bylaw**

Dear Honorable Selectmen,

As the BOS is aware, at the March 4, 2020 BOS Meeting under Public Input, Ms. Cyndi Lavin presented the attached request for the BOS to consider including a warrant article on the Annual Town Meeting Warrant to see if the Town will adopt the text of the State Statute MGL. Ch. 94, s. 328A as a Town of Ayer Bylaw. (See attached)

Upon receipt of this request at the BOS Meeting on March 4, 2020, I recommended that this request be sent to Town Counsel for legal review which I did do. Town Counsel has reviewed the request and has offered the following legal concerns:

1. This statute is not a local acceptance statute, meaning that the provision of MGL Chapter 94, Section 328A govern regardless of whether the Town adopt a similar bylaw.
2. Town Counsel does not recommend that the Town adopt a bylaw echoing a non-acceptance statute as such adoption would not only be unnecessary but may lead to confusion.
3. The statute addresses regulation not only by local health officials but also the Commonwealth's Department of Public Health. Adoption of a bylaw would not result in an event having "the full protection of the Town of Ayer" as indicated in the letter of request provided to the Town. Additionally, such a "suggestion" is misleading as the Town would continue to monitor such events for full compliance with the state statute.
4. The terms of the state statute govern regardless of any local bylaw and the Town is not empowered to enact a bylaw that otherwise regulates this area contrary to the statutory provision.

It is respectfully recommended that the Board of Selectmen not grant this request. Additionally, it is important to note that The Stone Soup Kitchen Ministries current "Pot Luck Event" is and has been determined to be in compliance with the state statute by the Ayer Board of Health (See attached letter dated December 5, 2019) and that unless the meal service format changes in the future from the current "Pot Luck Event" no further action is required by the Ayer Board of Health.

Attachment(s): March 4, 2020 Letter to the Ayer Board of Selectmen

December 5, 2019 Letter from the Nashoba Associated Boards of Health on behalf of the Ayer Board of Health to Ms. Cyndi Lavin

Request to Codify MGL Ch 94, s. 328A as a Town of Ayer By-law

March 4, 2020

Dear Selectmen -

Last June, Stone Soup Kitchen, now Stone Soup Kitchen Ministries (SSKM), was forced to cease & desist from providing the potluck dinners it had served for over 5 years from the Apple Valley Baptist Church on Newton Street. Apple Valley Baptist Church had been serving potluck dinners at that location for over 20 years through what they named God's Kitchen.

With much help from the community, SSKM was able to continue its services, first as a tailgate meal, then from the Living Water Fellowship on Littleton Road in Ayer, where it continues today.

During the suspension, much effort was put into researching state laws for one under which SSKM's operations might continue. As luck would have it, Mass General Law, Part I, Title XV, Chapter 94, Section 328A, was adopted in 2014 and defined exactly what SSKM desired to do. After several email exchanges and meetings, this statute was ultimately recognized by town officials as the legal basis for SSKM and other organizations to provide 'potluck events'.

It is the hope of Stone Soup Kitchen Ministries, Living Water Fellowship, Apple Valley Baptist Church, Shepherd of the Valley Lutheran Church, and Saint Andrew's Episcopal Church that the Board of Selectmen will include on the Annual Town Meeting Warrant an article to adopt the text of MGL, Ch 94, s. 328A as a Town of Ayer By-law, with no amendments, so that any and all organizations hosting such potluck events might begin and/or continue to do so with the full protection of the Town of Ayer.

Thank you,
Cyndi Lavin
Pastor Bob Brachel
Pastor Stephen Wells
The Reverend Susan Gaeta
The Reverend Joyce Scherer-Hoock

The full text of MGL 94, Part 1, Title XV, Section 328A follows:

For the purposes of this section, 'potluck event' shall mean an event that meets all of the following conditions: (1) people are gathered to share food at the event; (2) there is no compensation provided to people for bringing food to the event; (3) the event is not conducted for commercial purposes; and (4) the participants at the event shall be informed that neither the food nor the facilities have been inspected by the state or a local public health department.

Notwithstanding any general or special law to the contrary, neither the department of public health nor any local board of health shall regulate the serving of food that is brought to a potluck event sponsored by a group of individuals or by a religious, charitable or nonprofit organization by individuals attending the potluck event for consumption at the potluck event. Individuals who are not members of the group or organization sponsoring the potluck event may attend the potluck event and consume the food at the event. A business establishment dealing in the sale of food items shall not sponsor a potluck event. Potluck event food shall not be brought into the kitchen of a business establishment dealing in the sale of food.



Nashoba Associated Boards of Health
Environmental Health Service
30 Central Avenue, Ayer, Ma. 01432

December 5, 2019

Cindy Lavin
2 High Street
Ayer, Ma 01432

Dear Ms. Cindy Lavin;

As you are aware the Ayer Board of Health consulted with Town Council regarding The Stone Soup Kitchen in reference to the Friday evening events that are conducted at the Living Water Church. In addition, we requested further guidance on this issue from the Department of Public Health and their General Counsel to thoroughly review this matter in its current format and ensure compliance with public health and safety regulations.

After reviewing the recent documents that you provided this office following the November 4, 2019 Board of Health meeting the Town determined that the new, modified format of meal service at Living Water Church on Friday evenings (different members bringing and sharing dishes) does meet the criteria of a "Pot Luck" event. Accordingly, no action is needed by the Ayer Board of Health at this time based on the modified format of the meals being provided at no charge by several individuals to share.

Please be advised that it was also determined by the Department of Public Health and their General Counsel that the previous format of the "Stone Soup Kitchen" meal service met the criteria of a soup kitchen and would not be considered a "Pot Luck Event". Therefore, in the event the meal service format changes in the future in any respect, further action may be appropriate depending on the nature and scope of the meal service to ensure compliance with applicable health and safety requirements in accordance with:

105 CMR 590.000: STATE SANITARY CODE CHAPTER X -MINIMUM SANITATION STANDARDS FOR FOOD ESTABLISHMENTS, and the 2013 Federal Food Code.

If you have any questions regarding the matter please contact me at the Nashoba Office.

Respectfully,

Bridgette Braley
Bridgette Braley R.S.
Senior Food Inspector

Cc:
Living Water Church
BOH

(978) 772-3335 (800) 427-9762 FAX (978) 772-4947

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



Broadcast and Recorded by APAC

Wednesday March 4, 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:

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

Announcements: S. Houde announced the following:

- The 2nd Public Budget Presentation will be held on Monday March 9, 2020 at 6:00 PM at the Town Hall
- The FY '21 Water and Sewer Rate Public Hearing will be held on Monday March 30, 2020 at 6:00 PM.
- The Ayer Police Department is currently accepting applications for our next Citizens Police Academy that starts March 25 and runs to May 27.
- The Lunenburg Ayer Shirley Men's Hockey Team will be competing in the Central MA State Championship game this evening.

Recognition of the Fab 5: The BOS recognized a group of sophomores from the Ayer Shirley Regional High School known as the "Fab 5". Members of the Fab 5 are: Gabby Holland, LeiLani Harmon, Tyler Bolton, Claire Hefti, and Brianna Byron. The group is part of the United Way Youth Venture program, a volunteer program that aims to help teens learn entrepreneurial skills while doing positive volunteer work for their communities. Last year the students collectively decided that they would like the Apple Valley Nursing facility to be the organization that benefited from their work.

Public Input: Cindy Lavin, 2 High Street read a letter requesting that the BOS codify MGL c.94 § 328A as a Town of Ayer Bylaw, which relates to potluck events. The request is coming from the Stone Soup Kitchen Ministries, Living Water Fellowship, Apple Valley Baptist Church, Shepherd of the Valley Lutheran Church, and Saint Andrew's Episcopal Church. C. Antonellis stated that rather than adopting this as a new bylaw, the Town would regularly adopt the provisions of the chapter and add to the list of state-adopted statutes by the Town. S. Houde stated that he had no issues with placing the item on the warrant. R. Pontbriand stated that he would like the Board of Health, Nashoba Boards of Health and Town Counsel to review as part of the Town's due diligence. J. Livingston stated that the Article could be submitted as is but is subject to amendments at Town Meeting. The BOS took the matter under review.

Application for Change of Manager – Shaker Hills Country Club: New Club Manager Andrew Jordan was in attendance. C. Antonellis explained that this information was sent to all Department Heads, and there were no issues with the Change of Manager request.

Motion: A motion was made by J. Livingston and seconded by S. Copeland to approve the Change of Manager to Andrew Jordan as submitted by Shaker Hills Country Club. **Motion passed 3-0.**

Ms. Jessica Strunkin, Senior Vice President, Devens: *Vicksburg Square Rezoning Update* – Ms. Strunkin was joined by Planner Ed Starzek from MassDevelopment. J. Strunkin stated that Devens is looking to have a Super Town Meeting in October to consider a zoning change for Vicksburg Square from Industrial/Technology to Housing. They are proposing 288 units of housing, with 20-25% being affordable. Additionally, up to 30% of the proposed space would be designated as ancillary use to the Housing Component. She said that formal hearings will be scheduled leading up to an October Super Town Meeting.

S. Houde asked if there was a particular project already in place. J. Strunkin said no that only a zoning change was being proposed. S. Houde asked if this was going to be an overlay district. E. Starzek said no, they are proposing to swap out the I/T district for a housing district. J. Strunkin stated that Devens feels that the best use for the property is housing and given that there is a lack of affordable housing options available in the region, Devens is looking to be part of the solution.

J. Strunkin and E. Starzek stated that there is a website dedicated to the rezoning effort: courb.co/vicksburg

Dan Van Schalkwyk, Town Engineer: *Execution of Contract for FY2020 Water and Drain Improvements* – D. Van Schalkwyk presented a contract between the Town of Ayer and Cedrone Corporation for the High Street Water and Drain Improvement Project. He reported that the Town received 13 bids and that Cedrone Corp. was the low bidder at \$254,947.52. They have performed acceptable work on projects for the DPW. He is recommending that the BOS execute the contract for the base bid plus add alternate 1. He stated the work will probably begin by mid-April.

Motion: A motion was made by S. Houde and seconded by S. Copeland to execute the contract between the Town of Ayer and Cedrone Corporation in the amount of \$254,947.52. **Motion passed 3-0.**

Central Massachusetts Regional Stormwater Coalition – D. Van Schalkwyk updated the BOS stating that the Town of Ayer has recently joined the Central MA Regional Stormwater Coalition. The Coalition is comprised of 31 communities and work together to obtain resources to meet the EPA MS4 Stormwater permit.

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 reported that Chief Murray will be attending the next meeting on March 17, 2020 to give an update on the downtown parking plan. He also thanked the Town Clerk's Office for hosting a very busy, but successful, Presidential Primary Election.

Appointments – Council on Aging Board of Directors – R. Pontbriand is recommending that Ms. Carole Tillis be appointed to the Council on Aging Board of Directors for an unexpired 3-year term expiring on June 30, 2021.

Motion: A motion was made by J. Livingston and seconded by S. Copeland to appoint Ms. Carole Tillis to the Council of Aging Board of Directors for the remainder of a 3-year term, to expire on June 30, 2021. **Motion passed 3-0.**

FY '21 Budget Update – R. Pontbriand was joined by Town Accountant/Finance Manager Lisa Gabree. R. Pontbriand gave an update on DRAFT 2 of the FY'21 budget highlighting changes from the first version compared to the second version. DRAFT 2 has an increase over the FY '20 budget of \$404,729, which represents about 2.68%. He reported that the assessments for both the Ayer Shirley Regional School District and Nashoba Valley Technical High School have come in at 3.92% and 12.3%, respectively. There was approximately \$12,500 in new spending since DRAFT 1, which is funding for the Digital Budget Book, General Code Annual Maintenance Fee and mandatory MCAD training. There is also funding for digitization of records and technical support for the DPW.

FY '21 Cost of Living Recommendation (COLA) - Benefits and Payroll Director Kevin Johnston joined R. Pontbriand to discuss the FY '21 COLA recommendation. K. Johnston reported that the CPI for Boston-Cambridge-Newton area has increased 2.2% from last year; surveys of neighboring Towns vary from under 2% to 2.5%; the Massachusetts Municipal Human Resources Association ranges from below 2% to over 2%. Most communities that responded were at 2%. Additionally, K. Johnston noted that all union contract have a 2% COLA. R. Pontbriand then reported that the cost to the Town would be approximately \$41,000.

Motion: A motion was made J. Livingston and seconded by S. Copeland to approve a 2% COLA for non-union personnel, elected officials, and call firefighters. **Motion passed 3-0.**

2020 DRAFT Annual Town Meeting Warrant Discussion – R. Pontbriand gave a snapshot as to where we are with the development of the warrant, currently at 27 articles and reminded the BOS that the warrant closes at 12:00 PM on Friday April 3, 2020. R. Pontbriand went over the list of known warrant articles. At Article 19, which was the funding for the retail marijuana host agreement, L. Gabree advised that the article wasn't necessary any longer because DOR now allows the Town to estimate the host agreement payments in the estimated local receipts.

Mr. Dave Bodurtha, 28 Coolidge Road stated that he has also made the Conservation Commission aware, that he will be looking to reduce the funding for Article 17, relating to aquatic weed treatment for Town ponds because 30% of Flannagan's Pond is owned by a private party.

Town Hall Training Schedule – R. Pontbriand discussed with the BOS a proposal for an Annual Town Hall Training schedule. He is proposing quarterly training and is asking the BOS for support to close the Town Hall to the public during the trainings. This is to increase participation for all staff. He said the closures would be advertised well in advance. BOS members had no issues with the proposal.

New Business/Selectmen's Questions: None

Approval of Meeting Minutes:

Motion: A motion was made by S. Copeland and seconded by S. Houde to approve the meeting minutes from February 18, 2020. **Motion passed 3-0.**

Executive Session: A motion was made by S. Houde and seconded by S. Copeland at 7:04 PM to enter into Executive Session pursuant to MGL Chapter 30A, Section 21A Exemption #3 (Contract Negotiations) Fire Contract; Exemption #3 (Contract Negotiations) Town Hall/Clerical Union Negotiations Update 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: _____

Signature Indicating Approval: _____

DRAFT