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Susan Copeland



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

Tuesday December 5, 2017
Open Meeting Agenda

7:00 PM

Call to Order

Pledge of Allegiance; Review and Approve Agenda; Review of Warrant(s);
Announcements

7:05 PM*

Public Input

Chief William A. Murray, Ayer Police Department

1. Appointments of Patrol Officers and Per Diem Dispatcher
2. Speed Limit on Sandy Pond Road (Town Beach)

7:20 PM

Nasoya Odor Update

7:35 PM

Town Administrator's Report

1. Administrative Update
2. Appointments
3. 2018 License Renewals
4. MART Project Update

7:50 PM

New Business/Selectmen's Questions

7:55 PM

Approval of Meeting Minutes

November 21, 2017

***Adjournment**

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



AYER POLICE DEPARTMENT

54 Park Street · Ayer, Massachusetts 01432-1161
Tel. (978) 772-8200 · Fax (978) 772-8202



William A. Murray
Chief of Police

MEMORANDUM

To: Board of Selectmen
From: Chief William A. Murray
CC: TA Pontbriand, file
Date: November 27, 2017
Re: Appointments and Speed Limits

I respectfully request that the Board make the following three appointments:

Patrol Officer, Crystal L Heron. Crystal is a resident of Milford where she has been a Public Safety Dispatcher since 2012 and an Auxiliary Police Officer since Jan of this year. She is a recent graduate of the Reading Police Academy and is working on a degree from Southern New Hampshire College. Beyond her certifications as a Dispatcher and from the Academy she has received additional certifications in Dealing with Dealing with Difficult People, Domestic Violence, Stigma of Addiction, and Suicide Intervention. Crystal's appointment would be contingent on passing a physical and psychological exam. I recommend her conditional appointment be effective December 19, 2017 and that she be placed at a Step 2 of the APPOA step grid.

Patrol Officer, Christopher J. Rodgers. Christopher is a resident of Worcester and is currently employed as a Patrol Officer for the town of Wilbraham, since 2015. Prior to that he worked Patrol for the towns of Monson and Gosnold and served as Second Mate for the Crowley Maritime Corporation. He holds a BS degree in Maritime Transportation from the MA Maritime Academy and is a graduate of the Western MA Municipal Police Academy. Christopher's appointment would be contingent on passing a physical and psychological exam. I recommend his conditional appointment be effective December 19, 2017 and that he be placed at a Step 2 of the APPOA step grid.

Per Diem Dispatcher, Colleen M. Sheehy. Colleen is a resident of Lowell and has been employed as a Full-Time dispatcher for the town of Tyngsboro since 2015. Prior to that she dispatched for Lowell PD for 10 years and has spent some time as a part-time Dispatcher for the town of Shirley. Colleen holds an AS degree in Criminal Justice from Middlesex Community College, is certified NG911, is already proficient in the Department's CAD software, and would only need bridge training for her E911. I recommend her appointment be made immediate and that she be placed at Step 2 of the Dispatchers step grid.

At the May 8, 2017 Town Meeting the Town voted to adopt the provisions of M.G.L. c90, s17c. This vote was necessary to give the BOS the authority to then establish a Town wide speed limit of 25 MPH on any non-posted way in a thickly settled or business district that is not a state highway. These actions were all made possible with the passage of the MA Municipal Modernization Act of 2016. Should the Board set this speed limit, which I recommend it does, it would only be necessary to post a notice at all entrances of the Town and to notify MassDOT of the change so that the PD can conduct enforcement. I also recommend that this provision be made part of the Traffic Regulations of the Town.

Section 194 of Chapter 218 of the Acts of 2016, also created M.G.L. c90, s18B allowing municipalities to establish regulatory 20 mph safety zones. This establishment does not require Town Meeting vote nor MassDOT approval but does come with some guidelines. I recommend that the Board establish such a zone on Sandy Pond Road in the area of the beach. The area qualifies, per the law, for this posting and I will work with the DPW to see that the requirements of the law are met (engineering study,

Office of the Ayer Board of Selectmen
Office of the Ayer Town Administrator



Town of Ayer | Ayer Town Hall | 1 Main Street | Ayer, MA 01432 | 978-772-8220 | Fax 978-772-3017 | www.ayer.ma.us

MEMORANDUM

DATE: December 1, 2017

TO: Ayer Board of Selectmen

FROM: Robert A. Pontbriand
Town Administrator

SUBJECT: Town Administrator's Report for the December 5, 2017 BOS Meeting

Dear Honorable Selectmen,

I am pleased to transmit the following Town Administrator's Report for the December 5, 2017 BOS Meeting. If you have any questions prior to the meeting, please do not hesitate to contact me directly. Thank you.

Administrative Update:

- I will provide a brief Administrative Update on the various activities, projects, and initiatives of the Administration since the last BOS meeting on November 21, 2017.

Appointments:

- I am respectfully recommending Mr. Jon Schmalenberger of Ayer for appointment to an unexpired, three-year term on the Ayer Conservation Commission. Mr. Schmalenberger met with the Conservation Commission on November 30, 2017 where the Commission unanimously recommended him for appointment. Mr. Schmalenberger plans to attend the meeting on December 5, 2017.

2018 License Renewals:

- Please see the attached 2018 License Renewals for approval by the BOS. Per BOS Policy, no licenses will be released until all taxes and/or fees are current with the Town and payment for said license(s) is received. (See Attached)

MART Project Update:

- I will provide a brief MART project update for the Ayer Commuter Rail Surface Parking Facility and Access Improvement Project.

Thank you.

Attachment(s)

**Office of the Ayer Board of Selectmen
Office of the Ayer Town Administrator**



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Memorandum

To: Board of Selectmen
 From: Carly Antonellis, Assistant to the Town Administrator
 Date: December 1, 2017
 Re: 2018 License Renewals

The following is a list of the 2018 License Renewals. I am recommending approval of all license renewals listed below subject to successfully meeting all requirements as set forth by Ayer Bylaw XLII and relevant Massachusetts General Law(s).

Pursuant to Bylaw XLII, this list is currently under review for outstanding bills, taxes, fees, assessments, liens, betterments and any other municipal charges by the Tax Collector, Treasurer, and Department of Public Works.

In addition to the full payment due, the following list of requirements must be met before a license will be released.

Additional License Renewal Requirements, As set forth by Town of Ayer Bylaw XLII and Massachusetts General Law(s)		
Code	License Type	Requirements
Class 1	New/Used Motor Vehicle Dealership License	Proof of \$25,000 Surety Bond
Class 2	Used Motor Vehicle License	
Class 3	Junk Auto Dealer's License	n/a
CV	Common Victualler	n/a
BW	Beer/Wine	Completion of ABCC Form, proof of liquor liability insurance, Fire Inspection by AFD
AA	All Alcohol	
s15	Off Premise/Package Store	
s12	On Premise/Restaurant/Club	AFD
Amusement	Amusement License	n/a
Sunday Entertain	Sunday Entertainment License	n/a

2018 License Renewals		
Business Name	Business Address	License Type
Toreku Tractor & Equipment, Inc.	4 Littleton Road	Class 1
Gervais Inc.	5 Littleton Road	Class 1
Trailer Home Sales	1 Fitchburg Road	Class 1
L-3 Communications	90 Nemco Way	Class 1
Central Collision Center	121 Central Avenue	Class 2

2018 License Renewals

Business Name	Business Address	License Type
Don's Auto Sales	9 Bishop Road	Class 2
J.C. Madigan, Inc.	8 Shaker Road	Class 2
Terranova Auto Body	40 Littleton Road	Class 2
Sean's Auto & Truck Center, Inc.	42 Littleton Road	Class 2
Rt 2A Auto Sales, Inc.	77 Fitchburg Road	Class 2
Power of Honesty, Inc.	179 West Main Street	Class 2
Harry Schwartz & Sons, Inc.	20 Sandy Pond Road	Class 3
Subway	1 Mill Street	CV
Ayer Convenience	60 Park Street	CV
Deven's Pizza & Deli	210 West Main Street	CV
McDonald's Restaurant	2 Sandy Pond Road	CV
Wendy's Restaurant	2 Barnum Road	CV
Woo Jung Restaurant	174 West Main Street	CV
Verona Pizza & Seafood	18 Park Street	CV
Dunkin Donuts	18 Park Street	CV
Karyn's Kitchen (Formerly Dan's Place)	200 West Main Street	CV
Ayer Gulf	26 Park Street	CV
The Cottage Restaurant	18 Main Street	CV
Wok & Roll	49 Park Street	CV
Lazy Mary's	30 Littleton Road	CV
Taco Bell	4 Sandy Pond Road	CV
Union Coffee	25 Main Street #1	CV
Tipo Taco's	35 Main Street	CV
Lamp and Dragon	41 Main Street	CV
The Vineyard	63 Park Street	s15BW
Ayer Shop 'n Save	22 Fitchburg Road	s15BW
Ayer Package Store, Inc.	48 Main Street	s15AA
Traffic Circle Liquors, Inc.	2 Littleton Road	s15AA
Barnum Road Liquors, Inc.	1 Barnum Road	s15AA
Archer's Mobil	70 Main Street	s15BW; CV
Chung Ge Market	210D West Main Street	s15BW; CV
Pauline's Variety	67 1/2 East Main Street	s15BW; CV
Ayer Gun & Sportsmen's Club	225 Snakehill Road	s12BWC; CV
Carlin's	7 Depot Square	s12AA; CV; Amusement; Sunday Entertain;
Billiard's Café	39 Main Street	s12AA; CV; Amusement; Sunday Entertain;
Mango Grill* is renewing for purpose of selling building	38 Littleton Road	s12AA
Lucia's Tavola Ristorante	31 Main Street	s12AA; CV
Markoh's on Main	43 Main Street	s12AA; CV
Shaker Hills Country Club	146 Shaker Road	s12AA; CV
Tiny's Restaurant	2 Groton School Road	s12AA; CV; Amusement
Nashoba Club	14 Central Avenue	s12AA; CV; Amusement
Parthenon Pizza	60 West Main Street	CV; Amusement
Osawa Bistro	9 Main Street	s12AA; CV
The Revival Pub	25 Main Street	S12AA; CV

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



Broadcast and Recorded by APAC

Tuesday November 21, 2017
Open Session Meeting Minutes

Present: Christopher R. Hillman, Chair; Jannice L. Livingston, Vice – Chair;
Gary J. Luca, Clerk (*Participating Remotely via telephone*)

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

Call to Order: C. Hillman called the meeting to order at 7:00 PM.

C. Hillman announced that G. Luca is participating remotely via telephone because he is out of Town and his geographic distance is preventing him to attend. All votes involving Selectman Luca will be taken by Roll Call Vote.

J. Livingston asked for a moment of silence in memory of Mr. Neville Markham who was a former Superintendent of the Ayer Public Schools, a former Library Trustee and an Election Worker. BOS members and meeting attendees observed a moment of silence.

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

Announcements: C. Hillman announced the following:

- There will be an Election Tuesday November 28, 2017 from 7:00 AM – 8:00 PM to consider the adoption of a recreational marijuana general and zoning bylaw. More information can be found on the homepage on Town of Ayer's website www.ayer.ma.us.
- The 2nd Annual Downtown Ayer Winter Holiday Candlelight Stroll and Tree Lighting Ceremony will be held on Saturday December 2, 2017 from 5:00 PM – 6:30 PM. Pictures with Santa and Mrs. Clause will take place in the Town Hall after the tree lighting.
- The Nashoba Valley Concert Band Performance will be held at 2:00 PM on Saturday December 9th; the Tuba Christmas Concert will be held at 2:00 PM on Sunday December 10th.
- The winter parking ban will be in effect from November 15, 2017 – April 15, 2018. On street parking is prohibited between midnight and 6:00 AM and during active snowstorms.

Review and Approve Agenda: R. Pontbriand asked to add a 5th item under DPW Superintendent Wetzels' report regarding a transfer of equipment to the Town of Shirley.

Motion: A motion was made by J. Livingston and seconded by G. Luca to approve the agenda, as amended. **By Roll Call Vote: J. Livingston, aye; G. Luca, aye; C. Hillman, aye. Motion passed by Roll Call Vote 3-0.**

Review of Warrants: J. Livingston stated that she signed the following warrants on behalf of the BOS:

- 2017-11-7 Payroll 18-09 \$301,170.30
- 2017-11-14 Accounts Payable 18-09 \$5,799,239.67
- 2017-11-21 Payroll 18-08 \$308,449.67

Public Input: None

DPW Superintendent Mark Wetzel: BOS Disclosure Per 268A, sec. 20 – C. Hillman announced that his company is a sub-bidder for the HVAC work on the DPW Operations Center contract. He then recused and left the room.

J. Livingston served as Chair.

R. Pontbriand stated that for C. Hillman to bid on the contract he can file a Special Municipal Employee Financial Interest Disclosure pursuant to MGL c. 268A, sec. 20(d), which was filed previously with the Town Clerk.

J. Livingston and G. Luca have also filed conflict of interest disclosures, as advised by Town Counsel.

Motion: A motion was made by G. Luca and seconded by J. Livingston to approve the Selectman Hillman's exemption disclosure pursuant to MGL c. 268A, sec. 20(d). **By Roll Call Vote: J. Livingston, aye; G. Luca, aye.**
Motion passed by Roll Call Vote 2-0.

DPW Operations Center Building Construction Contract – M. Wetzel stated that the DPW received 3 bids for the DPW Operations Center. The lowest responsive bidder was Triumph Modular from Littleton, MA. M. Wetzel is requesting approval of the contract in the amount of \$1,100,526.

Motion: A motion was made by G. Luca and seconded by J. Livingston to approve the contract between the Town of Ayer and Triumph Modular of Littleton MA in the amount of \$1,100,526 for the DPW Operations Center. **By Roll Call Vote: J. Livingston, aye; G. Luca, aye. Motion passed by Roll Call Vote 2-0.**

C. Hillman rejoined the BOS and resumed the Chair position.

LED Streetlight Purchase Order – M. Wetzel presented a Purchase Order in the amount of \$58,317 for the purchase of street light fixtures. The DPW has selected the Philips Road Focus fixture supplied by GrayBar. The DPW, under a grant from the Massachusetts Department of Energy Resources, worked with MAPC to obtain bids for the LED Streetlight Upgrade.

Motion: A motion was made by G. Luca and seconded by J. Livingston to approve the purchase order in the amount of \$58,317 for streetlight fixtures with GrayBar with signature by the Chair. **By Roll Call Vote: J. Livingston, aye; G. Luca, aye; C. Hillman, aye. Motion passed by Roll Call Vote 3-0.**

Snake Hill Road Water Service Replacement – M. Wetzel presented a contract for water service replacements on a portion of Snake Hill Road. The services were never connected to the newer water main when it was installed in the late 1970's. The contract amount is \$59,200.76.

Motion: A motion was made by G. Luca and seconded by J. Livingston to approve the contract between the Town of Ayer and Commonwealth Construction & Utilities, Inc. in the amount of \$59,200.76 for eight (8) Snake Hill Road water service connections with signature by the Chair. **By Roll Call Vote: J. Livingston, aye; G. Luca, aye; C. Hillman, aye. Motion passed by Roll Call Vote 3-0.**

Transfer of Equipment to Shirley – M. Wetzel stated that the DPW has a broken sidewalk tractor for snow plow/removal which no longer works and is beyond repair. The Town of Shirley has the same machine and is

interested in taking Ayer's for parts. Per consultation with Counsel, both Towns must enter into an Inter-Municipal Agreement.

Motion: A motion was made by J. Livingston and seconded by G. Luca to approve the inter-municipal agreement between the Town of Ayer and the Town of Shirley for the purposes of transferring unused DPW equipment to Shirley. **By Roll Call Vote: J. Livingston, aye; G. Luca, aye; C. Hillman, aye. Motion passed by Roll Call Vote 3-0.**

Alan Manoian, Director of Community and Economic Development: A. Manoian presented the final Preservation Restriction for the Pleasant Street School. He is recommending that it be approved and then put before the Historic Commission and the Ayer Housing Authority for signature. The document will then be recorded.

Motion: A motion was made by G. Luca and seconded by J. Livingston to approve the Preservation Restriction for the Pleasant Street School. **By Roll Call Vote: J. Livingston, aye; G. Luca, aye; C. Hillman, aye. Motion passed by Roll Call Vote 3-0.**

Public Hearing - FY' 18 Tax Classification: C. Hillman opened the Public Hearing at 7:34 PM, which was duly advertised. The BOS were joined by the Assessing Administrator and the Ayer Board of Assessors. T. Hogan presented four items as it relates to the FY' 18 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 property values in Ayer increased about 5.1%, which is similar to FY' 17. There was a bigger increase in the tax rate than usual because of onetime expenses incurred in the previous fiscal year, such as the snow and ice account and the clean-up of the former farm at 66 Westford Road.

Attorney Tom Gibbons stated that the Town should adopt the Small Commercial Exemption for small business owners who would qualify under the statute. T. Hogan stated that there are approximately 44 parcels in Ayer that would qualify and stated that the Board of Assessors recommended against adopting the Small Commercial Exemption.

Motion: A motion was made by G. Luca and seconded by J. Livingston to not adopt item #1, an open space discount up to 25%. **By Roll Call Vote: J. Livingston, aye; G. Luca, aye; C. Hillman, aye. Motion passed by Roll Call Vote 3-0.**

Motion: A motion was made by G. Luca and seconded by J. Livingston to not adopt item #2, a residential exemption up to 20%. **By Roll Call Vote: J. Livingston, aye; G. Luca, aye; C. Hillman, aye. Motion passed by Roll Call Vote 3-0.**

Motion: A motion was made by G. Luca and seconded by J. Livingston (for discussion) to not adopt item #3, a small commercial exemption up to 10%.

T. Gibbons urged the BOS to wait to take their vote. He thinks the BOS should think about the proposal between now and the next BOS meeting. He stressed that the small commercial exemption would have a positive impact for small businesses in Ayer.

T. Hogan stated that he believes that it doesn't benefit enough of the taxpayers, where only approximately 44 parcels would qualify.

Calvin Moore, business owner, said that we sit here every year and are trying to compete with internet sales, which is killing retail sales. He feels that the business community is unfairly burdened by the split tax rate.

Edward Kelly, 20 Oak Ridge Drive said that it would be cheaper for him to run a business in Westford and that his home and his downtown business are close in valuation, but he pays \$5,000 more for the Main Street commercial property.

G. Luca said we've tried to be fair to both groups and noted that businesses last year paid 55% of the taxes and this year it decreased to 53.05%.

C. Hillman called the question on the motion still on the table, which is to not adopt the small commercial exemption up to 10%. **By Roll Call Vote: J. Livingston, aye; G. Luca, aye; C. Hillman, aye. Motion passed by Roll Call Vote 3-0.**

Motion: A motion was made by G. Luca and seconded by J. Livingston to adopt the residential factor of 0.716706. **By Roll Call Vote: J. Livingston, aye; G. Luca, aye; C. Hillman, aye. Motion passed by Roll Call Vote 3-0.**

Town Administrator's Report: *Administrative Update* – R. Pontbriand thanked the American Legion and the Memorial Garden Committee for a successful Veteran's Day ceremony. He also thanked Ayer Fire Department, Ayer Police Department and the Ayer Department of Public Works for their quick action in fighting the fire that recently took place on Washington Street. R. Pontbriand also reported that the town government reorganization special acts have been submitted at the state house.

Regional Dispatch Update – R. Pontbriand stated that he and both Chiefs and the Shirley Town Administrator and the Shirley Chiefs recently had a very productive meeting relating to the DRAFT MOA between the two towns relating to regionalizing both town's dispatch to Ayer. Shirley will pay Ayer \$100,000 in FY '19 and \$120,000 in FY '20 to cover costs associated with the regionalization.

Town Counsel Disclosure Authorization for Regional Dispatch – R. Pontbriand stated that with respect to the proposed Ayer Shirley Regional Dispatch, since both Towns use KP Law as Town Counsel, both Towns need to sign a Town Counsel Disclosure Authorization form.

Motion: A motion was made by G. Luca and seconded by J. Livingston to approve the Town Counsel Disclosure Authorization pertaining to the proposed regional dispatch agreement. **By Roll Call Vote: J. Livingston, aye; G. Luca, aye; C. Hillman, aye. Motion passed by Roll Call Vote 3-0.**

R. Pontbriand then wished everyone a Happy Thanksgiving.

New Business/Selectmen's Questions: C. Hillman would like to invite the Board of Library Trustees to an upcoming meeting to discuss the Audit Management Letter.

Approval of Meeting Minutes:

Motion: A motion was made by J. Livingston and seconded by C. Hillman to approve the meeting minutes of November 7, 2017. **By Roll Call Vote: J. Livingston, aye; G. Luca, abstain; C. Hillman, aye. Motion passed 2-0-1.**

Adjournment:

Motion: A motion was made by J. Livingston and seconded by G. Luca to adjourn at 9:40 PM. **By Roll Call Vote: J. Livingston, aye; G. Luca, aye; C. Hillman, aye. Motion passed by Roll Call Vote 3-0.**

Minutes Recorded and Submitted by Carly M. Antonellis

Date Minutes Approved by BOS:

Signature Indicating Approval:
