

M. E. Capland

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



Tuesday April 3, 2018
Open Session 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**

Superintendent Mark Wetzel, Ayer DPW
1. Recognition of David Nelson Jr., Ayer Wastewater Treatment Operator

- 7:10 PM** **Chief William A. Murray**
1. Full Time Dispatch Appointment
2. Recognition of Telecommunicators Week
3. Tri Tech Purchase Order #2506

- 7:15 PM** **Public Hearing – FY’ 19 Water and Sewer Rate Public Hearing**

- 7:25 PM** **Ms. Lisa Gabree, Town Accountant**
1. Reserve Fund Transfer – Accounting

- 7:30 PM** **Request for Home Rule Petition- Additional Liquor License**

- 7:45 PM** **State Representative Jennifer Benson**

- 8:00 PM** **Town Administrator’s Report**
1. Administrative Update

- 8:15 PM** **New Business/Selectmen’s Questions**
1. Railroad Tie Fines (Selectman Hillman)

- 8:20 PM** **Approval of Meeting Minutes**
March 20, 2018; March 27, 2018

- 8:25 PM** **Executive Session pursuant to MGL Chapter 30A, Section 21A:**
1. Exemption #3 (Collective Bargaining) APPOA Contract MOA
2. Exemption #3 (Collective Bargaining) APPOA Communications MOA

- Adjournment***

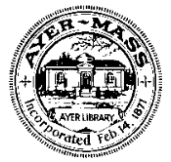
Agenda times are for planning purposes only and do not necessarily constitute exact time

The next regularly scheduled meeting of the Board of Selectmen is Tuesday April 17, 2018 at 7:00 PM



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: March 29, 2018
Re: Dispatcher Appointment

I respectfully request that the Board appointment **Donald J. Trinque** to the position of Full-time Dispatcher to fill the last remaining seat on the Regionalization of Dispatch.

Donald grew up in Ayer and currently resides on Grove Street. He is a graduate from Ayer High School and is currently enrolled at Middlesex Community College studying Liberal Arts. After a brief stint working at The Cottage, after high school, he joined the Navy and became an Aircraft Weapons Specialist. Upon being discharged Donald became a paper maker at Hollingsworth and Vose.

Donald has no previous Dispatch experience and will have to complete several certification classes as well as pass the Department's Dispatch Field Training. Normally new applicants would be sent to a Dispatch Academy but there are none being offered at this time and there is no indication when the next class will be. APD can provide a similar Academy experience that will give Danielle all the necessary certifications and training to perform the job.

I am recommending the Board appoint Donald, effective April 17, 2018, at a Step 1 Dispatcher grade. This appointment should be contingent upon successfully passing a background investigation, drug testing, and field training.




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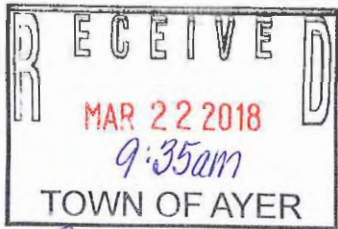


William A. Murray
Chief of Police

MEMORANDUM

To: Board of Selectmen
From: Chief William A. Murray 
CC: TA Pontbriand, file
Date: March 29, 2018
Re: National Public Safety Telecommunicators Week

April 8-14, 2018 is National Public Safety Telecommunicators Week. In recognition, I respectfully request that the Board of Selectmen publicly acknowledge the hard work and unceasing dedication of our Public Safety Dispatchers. In addition to the daily challenges they already face, the road to Regionalization that lays ahead is fraught with uncertainty and trials not experienced before. I know they will rise above the challenge but deserve to hear this from the elected leaders of the Town.



Susan Popelund



**Town of Ayer
Board of Selectmen
FY 2019 Water and Sewer Rate Public Hearing Notice
Public Hearing on April 3, 2018, 7:15 PM**

The Ayer Board of Selectmen (BOS) will be conducting a Public Hearing on Tuesday April 3, 2018 at 7:15 PM in the 1st Floor Meeting Room at the Ayer Town Hall, 1 Main Street Ayer, MA 01432. The BOS, in their legal capacity as the Town's Water and Sewer Commissioners, will hear the report and recommendation(s) of the Town's Water and Sewer Rate Review Committee; take public comment(s); and consider approval and adoption of the FY 2019 Water and Sewer Rates.

Christopher R. Hillman, Chairman
Jannice L. Livingston, Vice-Chairman
Gary J. Luca, Clerk

The Ayer Board of Selectmen



WATER & SEWER ENTERPRISE FUNDS



Rate Committee Members

- Selectman Jannice Livingston, Chair
 - Ms. Mary Spinner, Citizen Representative
 - Mr. Rick Skoczlas, Citizen Representative
 - Mr. Niel Middleton, Business Representative
 - Mr. Mark Wetzel, P.E., DPW Superintendent
 - Ms. Pam Martin, DPW Business Manager
 - Ms. Lisa Gabree, Finance Manager
 - Mr. Robert Pontbriand, Town Administrator
-



Criteria for Rates

- **Overall Goal** – to set rates to recover costs & avoid significant fluctuations

Criteria:

- Project expenses, including future capital needs in order to avoid spikes in rates
 - Continue to build stabilization reserve balances for each fund (for future capital needs)
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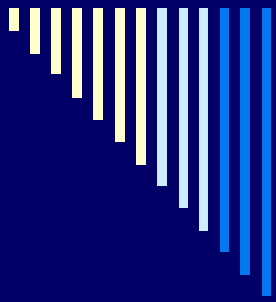
Discussion Points for FY2019

- Continue to monitor WWTP evaluation as a phased capital improvement plan for upgrading the 35 year old plant
 - Continue work on developing a special rate to encourage water conservation during the FY18/19 quarterly Rate Committee meetings
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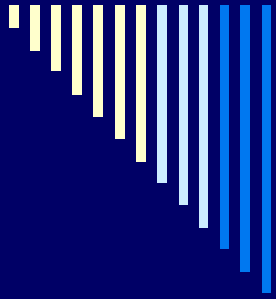
Discussion Points for FY2019

- Determine how to fund \$4,170,000 unforeseen capital improvement to Grove Pond water treatment plant to treat PFAS
-



SEWER EXPENSES

	FY2017 Actual	FY2018 Budget	FY2019 Budget
Wages	458,022	474,420	481,207
Expenses	740,132	762,200	750,227
Devens flow & admin	119,750	129,320	141,503
Devens capital invest.	125,735	125,000	124,727
Regular debt	755,597	1,043,324	1,161,417
Debt exclusion	23,769	22,819	21,869
Indirect costs	327,647	329,837	337,377
Capital stabilization		0	0
Operating reserve	0	20,000	20,000
Totals	2,550,652	2,906,920	3,038,327

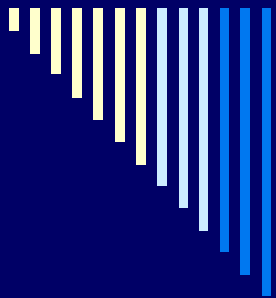


SEWER
MISCELLANEOUS
REVENUES

	FY2017 Actual	FY2018 Budget	FY2019 Budget
Interest	9,319	20,000	20,000
State Grants	7,676		
Permits & fees	103,705	50,000	50,000
Miscellaneous	53,213	20,000	20,000
Liens & lien interest	116,774		
Fines	3,745		
Retained Earnings			
Transfer from g/f - debt exclusion	23,769	22,819	21,869
Totals	318,201	112,819	111,869

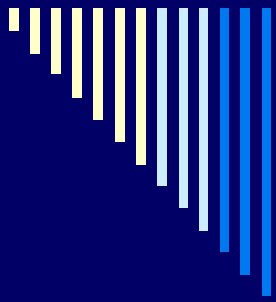
SEWER NET REQUIRED FROM RATES

	FY2017 Actual	FY2018 Budget	FY2019 Budget
Expenses	2,550,652	2,906,920	3,038,327
Less Misc. Revenue & Retained Earnings	(318,201)	(112,819)	(111,869)
Net Required from Rates	2,232,451	2,794,101	2,915,708



WATER EXPENSES

	FY2017 Actual	FY2018 Budget	FY2019 Budget
Wages	350,013	358,937	373,063
Expenses	483,469	521,106	521,100
Regular debt	554,646	556,076	838,143
Capital purchases	150,708	958,000	140,000
Indirect costs	264,184	270,009	278,604
Opertg reserve		30,000	30,000
Totals	1,803,020	2,694,128	2,180,910



**WATER
MISCELLANEOUS
REVENUES**

	FY2017 Actual	FY2018 Budget	FY2019 Budget
Interest	3,968	8,000	8,000
Permits & fees	32,839	80,000	80,000
Backflow & Xconnection fees	9,925	21,000	21,000
Miscellaneous	35,776	20,000	20,000
Liens & lien interest	62,647		
Prior year surplus Consumption Adj			
Totals	145,155	129,000	129,000

WATER

NET REQUIRED FROM RATES

	FY2017 Actual	FY2018 Budget	FY2019 Budget
Expenses	1,803,020	2,694,128	2,180,910
Less Misc. Revenues	(145,155)	(129,000)	(129,000)
Water Surplus		(778,000)	(500,000)
Net Required from Rates	1,657,865	1,787,128	1,529,485

WATER PROPOSED RATES

	Current	Proposed	% Increase
Step 1	2.52	2.57	2%
Step 2	3.12	3.18	2%
Step 3	3.69	3.76	2%

Current and proposed rate steps increase at 3,000 cubic feet.

SEWER PROPOSED RATES

	Current	Proposed	% Increase
Step 1	7.41	7.67	3.5%
Step 2	8.49	8.79	3.5%
Step 3	9.66	10.00	3.5%

Current and proposed rate steps increase at 3,000 cubic feet.
FY19 rates are in line with those projected in FY18.

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Impact on Ave Resident

	Proposed Quarterly FY2019	Quarterly FY2018	Quarterly Increase	Annual Increase
Water	\$25.70	\$25.20	\$.70	\$2.80
Sewer	\$76.70	\$74.10	\$2.60	\$10.40
Total	\$102.40	\$99.30	\$3.30	\$13.20

Impact on single family residential quarterly bill based on average quarterly usage of 1,000 cubic feet



Rate Committee Recommends

- Water & Sewer Commissioners vote to increase water & sewer rates as proposed by the rate committee
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RESERVE FUND TRANSFER REQUEST

Section I (Completed by Elected Official or Department Head)

This request for a transfer from the Reserve Fund is being made in accordance with M.G.L., Chapter 40, Section 6:

- 1. Amount requested: \$21,320.00
- 2. To be transferred to:
 - A. Account Name Town Accountant
 - B. Account #: 01135-
- 3. Present balance in budget \$32,937.13
- 4. The amount requested will be used for (please attach supporting information):
To pay for wages remaining in FY18, additional cost of FY17 audit, cash audit due to turn over in Treasurer and balance of FY18 expenses. (See attachment)
- 5. The expense is extraordinary or unforeseen for the following reason(s):
Costs incurred due to unforeseen retirement of Assistant Accountant and unforeseen cost of audits. (See attachment)

Date 3/30/2018

Lisa Galree
Elected Official or Department Head

Section II Action by Board of Selectmen or Appointing Authority when Section I not completed by an Elected Official

Transfer Approved: YES NO

Amount Approved: \$ _____

Date of Meeting: _____

Number Present/Voting _____

Chairman

Section III Action by Finance Committee

Transfer Approved: YES NO

Amount Approved: \$ _____

Date of Meeting: _____

Number Present/Voting _____

Chairman

Balance remaining in Town Accountant appropriation as of March 30, 2018 (see budget report attached)	\$32,937.13
Funds needed for remainder of FY2018:	
Finance Manager/Accountant wages	\$29,044.14
Assistant Accountant wages	\$13,587.84
Audit fees: remainder on original contract for audit of FY17	\$2,891.37
additional audit fees requested by Auditor re: additional work needed for FY17 audit (single audit work re: federal grants, refunded bond issue work, close out of Stormwater Fund)	\$5,000.00
Cash audit due to turnover of Treasurer (Elected to Appointed)	\$3,000.00
Other expenses:	
Office supplies	\$300.00
Other charges	\$433.82
	<u>\$54,257.17</u>
Shortfall of funds (amount of RFT requested)	<u>(\$21,320.04)</u>

Shortfall due to the following unforeseen costs:

Payout upon retirement of Assistant Accountant:	
Unused vacation	\$7,548.80
Unused sick buyback	\$5,000.00
Employee ads for replacement of Assistant Accountant	\$540.00
On the Job training costs	\$861.00
	<u>\$13,949.80</u>
Additional unforeseen audit costs:	
Audit of FY17 financial statements - additional work required	\$5,000.00
Cash audit due to turnover in Treasurer	\$3,000.00
	<u>\$8,000.00</u>

Total unforeseen costs	\$21,949.80
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 TOWN OF AYER
 BUDGET REPORT

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 glytdbud

FOR 2018 12

ACCOUNTS FOR: 001 GENERAL FUND	ORIGINAL APPROP	TRANFRS/ ADJSTMTS	REVISED BUDGET	YTD EXPENDED	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
<u>01135 TOWN ACCOUNTANT</u>							
01135 51100 TOWN ACCOUNTANT SALARY	104,378	0	104,378	80,405.93	.00	23,972.07	77.0%
01135 51110 TOWN ACCT ASSIST-WAGES	49,261	0	49,261	46,648.18	.00	2,612.82	94.7%
01135 51140 LONGEVITY	2,050	0	2,050	2,050.00	.00	.00	100.0%
01135 51150 COLLEGE INCENTIVE	5,200	0	5,200	.00	.00	5,200.00	.0%
01135 52000 SERVICES	3,000	0	3,000	5,317.08	.00	-2,317.08	177.2%*
01135 53000 PROFESSIONAL SERVICES	8,400	0	8,400	8,400.00	.00	.00	100.0%
01135 53020 AUDIT SERVICES	22,000	0	22,000	19,108.63	.00	2,891.37	86.9%
01135 54200 OFFICE SUPPLIES	600	0	600	227.05	.00	372.95	37.8%
01135 57000 OTHER CHARGES & EXPENS	700	0	700	495.00	.00	205.00	70.7%
TOTAL TOWN ACCOUNTANT	195,589	0	195,589	162,651.87	.00	32,937.13	83.2%
TOTAL GENERAL FUND	195,589	0	195,589	162,651.87	.00	32,937.13	83.2%
TOTAL EXPENSES	195,589	0	195,589	162,651.87	.00	32,937.13	

Ayer Town Hall
Board of Selectmen
1 Main Street
Ayer, MA 01432
March 28, 2018



Dear Ayer Board of Selectmen,

My name is Jeffrey P. Gendron, President of the Ayer Vineyard LTD. I want to apply for an **All Alcoholic Retail License**, awarded through the **Home Rule Petition**. I would like this item to be included on the agenda for the April 3, 2018 Selectmen's Meeting.

I want to take this opportunity to tell you about myself. I have been in the liquor industry for over forty years. As an entrepreneur, I began building this business in July of 2003. I have built up this business over of the past fifteen years doubling its size, because my loyal customers. Being on Route 2A, my customer base is not only Ayer residents, but they are also from neighboring towns: Lunenburg, Shirley, Groton, Townsend and many others. As you know I am on the opposite side of town than the other liquor stores, and I strive on knowing my products, customer service, and safety for all of my customers.

The quest goes on, with many of my customers asking for "sprints." The Vineyard only carries beer and wine, soda, and snacks, thus we need a full liquor license to survive in this economy. My location has no liquor stores in the vicinity. The Vineyard's location borders on the Shirley and Groton lines, and being a commuter's route for many would bring business and employment that would benefit The Vineyard, as well as the Town of Ayer. I ask that we go forward to the Town of Ayer and let the voters decide.

If you have any questions, please do not hesitate to contact me at 978-772-0696.
Thank you in advance for this opportunity to better serve the Town of Ayer.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeffrey P. Gendron".

Jeffrey P. Gendron
Ayer Vineyard LTD
DBA, The Vineyard
63 Park Street
Ayer, MA 01432

* Attachments enclosed

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



Broadcast and Recorded by APAC

Tuesday March 20, 2018
Open Session Meeting Minutes

Attendance: Christopher R. Hillman, Chair; Jannice L. Livingston, Vice Chair; Gary J. Luca, Clerk

Also in Attendance: Robert A. Pontbriand, Town Administrator

Call to Order: The meeting was called to order at 7pm by C. Hillman.

MOTION: A motion was made by J. Livingston and seconded by G. Luca to amend the meeting agenda to move the DPW Superintendent's Report to before the Town Administrator's report and to approve the agenda. **Motion Passed 3-0.**

Public Input: Town Clerk, Susan Copeland appeared before the BOS to make several announcements related to her Office including the deadline for auto excise bills is March 28th; Dog tags are due March 30th; the last day to register to vote for the Town Election and Annual Town Meeting is April 3rd at 8pm; the Town Election will be on April 23rd. Ms. Copeland also stated how great the 1st Floor Meeting Room looks since it has been repainted and all of the photos and certificates professionally displayed.

Chief William Murray appeared before the BOS for the following Dispatcher appointments and presented the following candidates for appointment:

Ms. Darlene A. Buelow was presented for appointment as a full-time Dispatcher at Step 2 effective April 2, 2018 contingent upon passing a background investigation, drug test and field training.

MOTION: A motion was made by G. Luca and seconded by J. Livingston to appoint Ms. Darlene Buelow as a full-time Dispatcher at Step 2 effective April 2, 2018 contingent upon passing a background investigation, drug test and field training. **Motion Passed 3-0.**

Ms. Janet K. Providakes was presented for appointment as a full-time Dispatcher at Step 1 effective April 2, 2018 contingent upon passing a background investigation, drug test, and field training.

MOTION: A motion was made by G. Luca and seconded by J. Livingston to appoint Ms. Janet Providakes as a full-time Dispatcher at Step 1 effective April 2, 2018 contingent upon passing a background investigation, drug test and field training. **Motion Passed 3-0.**

Mr. Matthew A. Cauley was presented for appointment as a full-time Dispatcher at Step 1 effective April 2, 2018 contingent upon passing a background investigation, drug test and field training.

MOTION: A motion was made by G. Luca and seconded by J. Livingston to appoint Mr. Matthew A. Cauley as a full-time Dispatcher at Step 1 effective April 2, 2018 contingent upon passing a background investigation, drug test and field training. **Motion Passed 3-0.**

Chief Murray presented the names of Ms. Jennifer J. Law and Mr. Kyle R. Gordon for the appointments of Per-Diem, Dispatcher. Neither candidate could be present do to work commitments.

MOTION: A motion was made by G. Luca and seconded by J. Livingston to appoint Ms. Jennifer J. Law to the position of Per-Diem Dispatcher effective April 2, 2018 contingent upon passing a background investigation, drug test and field training. **Motion Passed 3-0.**

MOTION: A motion was made by G. Luca and seconded by J. Livingston to appoint Mr. Kyle R. Gordon to the position of Per-Diem Dispatcher effective April 2, 2018 contingent upon passing a background investigation, drug test and field training. **Motion Passed 3-0.**

Police Lieutenant Position Compensation Adjustment: Chief Murray and Lt. Brian Gill appeared before the BOS to discuss the matter of adjusting the compensation of the Police Lieutenant position.

R. Pontbriand outlined the existing structural inequity between the position of Police Sergeant and Police Lieutenant. A top step Sergeant who reports to the Police Lieutenant is being compensated higher than the Police Lt. Additionally, this structural inequity has existed for several years and when the Town created the compensation grid with the consultant, despite the Town identifying this issue, the consultant did not account/correct this issue. Finally, the job description and job responsibilities of the position of Police Lieutenant have expanded.

Chief Murray referred to his March 7, 2018 Memo to the BOS regarding this matter and further expanding upon the internal inequity for compensation for the position and that this needs to be corrected. He further stated, per his memo that he is recommending the placement of the current Police Lieutenant (Lt. Gill) at a Grade 15, Step 9: \$106,655 effective immediately. Chief Murray explained that the current police budget due to a manpower shortage can support this request.

Chief Murray further stated that the position of Police Lieutenant needs to be the position of Deputy Chief in the future.

The BOS concurred with the presentation of the Town Administration and Police Chief.

MOTION: A motion was made by G. Luca and seconded by J. Livingston to classify the Police Lieutenant Position (Lt. Brian Gill) at a Grade 15, Step 9: \$106,655 effective immediately. **Motion Passed 3-0.**

Reserve Fund Transfer for Unemployment Compensation: Mr. Kevin Johnston, Benefits and Payroll Manager appeared before the BOS for approval of a Reserve Fund Transfer (RFT) in the amount of \$7,500 for Account 01913-51740, Unemployment Compensation.

Mr. Johnston explained that the current balance in the account is \$2,424.36 and the most recent Department of Unemployment Assistance monthly invoice is \$6,682. The expense is extraordinary and unforeseen because the actual amount of the FY 2018 Unemployment Expenses were not known when the FY 2018 Budget was prepared.

MOTION: A motion was made by G. Luca and seconded by J. Livingston to approve the Reserve Fund Transfer for Unemployment Expenses in the amount of \$7,500. **Motion Passed 3-0.**

DPW Superintendent's Report: DPW Superintendent Mark Wetzel appeared before the BOS for the following sewer abatement requests:

New England Hydro Transmission – Raddison Road in the amount of \$1,387.11 for the June 2017 Sewer Bill and in the amount of \$1,381.99 for the July 2017 Sewer Bill both due to leaks discovered by the DPW.

MOTION: A motion was made by J. Livingston and seconded by G. Luca to approve the sewer abatement in the amount of \$1,387.11 for the June 2017 Sewer Bill and approve the sewer abatement in the amount of \$1,381.99 for the July 2017 Sewer Bill for New England Hydro Transmission as recommended by the DPW Superintendent. **Motion Passed 3-0.**

125 Willard Court – Sewer Abatement in the amount of \$779.85 due to a leak discovered and repaired in the crawl space of the property.

MOTION: A motion was made by J. Livingston and seconded by G. Luca to approve the sewer abatement in the amount of \$779.85 for 125 Willard Court as recommended by the DPW Superintendent. **Motion Passed 3-0.**

Hillside Mobile Home Park – Sewer Abatement in the amount of \$3,648.38 due to a leak from a frozen pipe.

MOTION: A motion was made by G. Luca and seconded by J. Livingston to approve the sewer abatement in the amount of \$3,648.38 for Hillside Mobile Home Park as recommended by the DPW Superintendent. **Motion Passed 3-0.**

48 Pearl Street – Sewer Abatement in the amount of \$497.19 due to leaks from frozen pipes; the leakage did not enter the sewer system.

MOTION: A motion was made by G. Luca and seconded by J. Livingston to approve the sewer abatement in the amount of \$497.19 for 48 Pearl Street as recommended by the DPW Superintendent. **Motion Passed 3-0.**

Discussion of Changes to the Town’s Water Rules and Regulations: The DPW Superintendent discussed and recommended the following changes to the Town’s Water Rules and Regulations:

Change Section 7B Abatements: Change this section to allow the DPW Superintendent to review and grant abatement requests in writing to the customer. If an abatement request is denied by the DPW Superintendent it will be in writing to the customer and copied to the Board of Selectmen. Customers have the right to appeal the DPW Superintendent’s decision to the Board of Selectmen.

Change Section 10 – Fire Service, Subsection A to read: Private fire service pipes **and hydrants** may be installed at the customer’s expense including the connection to the water main.

G. Luca stated that he had no issues with the proposed changes.

J. Livingston stated that it is important that all decisions to customers are in writing with a copy to the Board of Selectmen.

MOTION: A motion was made by G. Luca and seconded by C. Hillman to approve the two changes to the Town’s Water Rules and Regulations as presented and recommended by the DPW Superintendent. **Motion Passed 3-0.**

Grove Pond Well No. 8 PFAS Contamination Update: The DPW Superintendent updated the Board on the ongoing Grove Pond Well No. 8 PFAS Contamination. The updated consisted of a review of the DEP’s letter to

the Town on March 1, 2018 (included in BOS Packet); the issue of public notification (included in BOS Packet); actions to date by the DPW (included in BOS Packet); and a recommendation for treatment and request for funding for treatment.

In terms of the recommended treatment to resolve this issue, the Town would construct a special carbon filtration plant that would remove the PFAS contaminates. The DPW Superintendent has been working with the consultant CDM Smith and at this time is recommending a borrow authorization funding article for the Annual Town Meeting on May 14, 2018 in the amount of approximately \$4.2 million dollars.

The BOS concurred with the recommendation for the warrant article at the Annual Town Meeting on May 14, 2018 for the borrow authorization for the carbon plant in the amount of approximately \$4.2 million dollars.

C. Hillman asked if the Army has taken responsibility for the contamination since it is originating from Devens.

M. Wetzel stated that the Army is aware as is the EPA and DEP and they are currently investigating the matter.

R. Pontbriand advised the BOS that he and M. Wetzel have been in consultation with Town Counsel regarding the Town's legal rights, legal options, and how to proceed in terms of ultimately the Army paying for the contamination. R. Pontbriand stated that he would keep the BOS updated.

M. Wetzel stated that the Grove Pond Well No. 8 is off-line and that the mandatory public notification will go out the end of the week of March 27th. He stated that he will continue to keep the BOS updated.

Director of Community & Economic Development Report: Mr. Alan Manoian, the Director of Community and Economic Development appeared before the BOS regarding the following items: Lien Subordination Request CASE # 03-243 for 98 West Main Street. The subordination of The Town's lien conditioned upon a new mortgage not to exceed \$60,000.

MOTION: A motion was made by G. Luca and seconded by J. Livingston to approve the lien subordination with signature by the Chair. Motion Passed 3-0.

Historic Ayer Central Fire Station RFP: Mr. Manoian presented the recommendation of the Historic Ayer Central Fire Station RFP Committee (as provided in the BOS Meeting Packet).

The Town received six proposals ranging in monetary value from \$10,000 to \$100,000 which were all reviewed by a Committee consisting of the Director of Community and Economic Development; the Assessing Administrator; the Town Planner; and a Member of the Planning Board. In addition to the price of each proposal the Committee ranked the proposals using a set of established comparative criteria. The Committee recommended the proposal from Mr. Calvin Moore in the amount of \$50,000 to the BOS for award of the RFP.

C. Hillman stated that he did submit an initial bid and that he has no desire to continue and is withdrawing his bid and will not be recusing from the discussion.

J. Livingston confirmed with C. Hillman that he is withdrawing his bid.

C. Hillman stated that he has a hard time going with the Committee's recommendation when there is another proposal that is \$100,000 in value. It is hard to walk away from \$50,000.

J. Livingston stated that she read all of the proposals and if it was just a monetary factor she would go with the \$100,000 proposals. However, the proposal recommended by the Committee from Mr. Moore had more substance to it.

Mr. Calvin Moore asked to address the BOS. He stated that he has a record of achievement in Town and he is looking to tie this project into the whole downtown and with his other projects in close proximity. He is the only person that can best do this project. He is ready to hit the ground running.

R. Pontbriand asked if Mr. Moore can close on the property within 60 days. C. Moore stated yes.

R. Pontbriand asked if Mr. Moore will move forward with the project regardless of receiving any grants and/or other assistance from the Town. R. Pontbriand clarified that currently there are no Town grants or other incentives readily available but that the Town would work with Mr. Moore. The key point is that the closing should not be contingent on grants or other assistance.

C. Moore stated that the closing would not be contingent on grants or other assistance but that he looked forward to working with the Town.

Mr. Manoian explained that the building should not be surrounded by cars and that the Moore proposal scored the highest because he currently owns the adjacent parking lot. Additionally Mr. Moore is willing to have low income units.

G. Luca stated that he agreed with C. Hillman that it is hard to walk away from \$50,000.

C. Moore stated that he is the 5th generation in Ayer and that he won't walk away from the project or the Town. He has a proven record of historic rehabilitation as in the Spaulding Building and Page Moore Block.

G. Luca stated that he could not find much information on the firm from Chelsea that bid \$100,000 and that is concerning.

J. Livingston stated that she agreed about the \$100,000 point. However because of Mr. Moore's "arrogance" and that his proposal's tone was like "being hit over the head" and was "rude"; that is why he will succeed.

Mr. Ken Diskin, the Planning Board Member on the evaluation committee asked to address the BOS. He stated that the scoring system was very objective and fair. Mr. Moore got the highest score because his proposal was superior compared to the other proposals. We only used the criteria not price in making our recommendation.

G. Luca stated that he came into this not wanting to give away \$50,000 but Mr. Moore does do a good job and I have no problem with him being awarded the RFP.

C. Hillman stated that Mr. Moore does have the adjacent parking which is unique but all of the proposals were very similar in what they planned to do. The most important thing is that the closing and sale are expedited so that we can move forward.

MOTION: A motion was made by J. Livingston and seconded by G. Luca to award the Historic Fire Station RFP in the amount of \$50,000 to Mr. Calvin Moore. Motion Passed 3-0.

Town Administrator's Report: The Town Administrator provided the BOS with a brief Administrative Update on various initiatives, projects, and activities of the Administration since the last BOS Meeting on March 6, 2018.

Approval of the FY 2019 Capital Budget: The Town Administrator presented the FY 2019 Capital Budget (provided in the BOS Meeting Packet) as recommended by the Capital Planning Committee for review and approval.

MOTION: A motion was made by G. Luca and seconded by J. Livingston to approve the FY 2019 Capital Budget as recommended by the Capital Planning Committee and as presented by the Town Administrator. **Motion Passed 3-0.**

Special Town Meeting Update: The Town Administrator reported that both Article 1: The Zoning Bylaw Update and Article 2: The Solar Bylaw passed the Special Town Meeting on Monday, March 18, 2017. He stated that this is a positive achievement for the Town in terms of land use, planning, and economic development. He thanked all of the Departments, Boards, and Committees involved in making the Special Town Meeting a success.

FY 2019 Budget Update: The Town Administrator gave a brief FY 2019 Budget Update. He stated that the FY 2019 Budget remains under development. The Water and Sewer Rate Hearing will be held by the BOS on Tuesday, April 3, 2018. The deadline for all warrant articles and citizens' petitions is Friday, April 13, 2018 at noon. There will be a Joint Meeting of the BOS and Fin Com on Tuesday, April 17, 2018 to review and approve the warrant and budget. The warrant must be posted and go out to print by 12pm noon on Friday, April 20, 2018.

Government Reorganization Update: The Town Administrator provided an update on the Town Government Reorganization as the result of Town Meeting's passage of four Special Acts back at the Fall Special Town Meeting of 2017. The Special Acts have been approved by the State House of Representatives and are now in the State Senate pending approval. Once approved by the Senate, they will be signed by the Governor and will go into effect.

Per the Special Acts passed by Town Meeting, the Town Clerk will become a full-time, appointed position with the incumbent Town Clerk serving in that capacity. The Town Administrator will be coming with the Town Clerk before the BOS for the approval of a personnel services contract. The position is already classified on the Town's Classification and Compensation System.

The Treasurer/Tax Collector position will become a combined, full-time, appointed position. Since there will be no incumbent serving in that capacity upon passage of the Special Act, the Town will initiate a hiring process to fill the position. The position is already classified on the Town's Classification and Compensation System.

The Town Administrator position will transition to the Town Manager position. The incumbent Town Administrator will serve as the first Town Manager. There is no added additional compensation.

The Tree Warden position will go from elected to appointed upon passage of the Special Act. The appointed Tree Warden will report to the Town Manager at this time. The incumbent Tree Warden will serve as the Appointed Tree Warden. There is no change in the compensation at this time and a job description will be formally developed.

The Town Administrator presented the creation of the position of Assistant Town Manager. He stated that the current position of Assistant to the Town Administrator has evolved over the last several years from a traditional clerical position to that of a professional administration position. Additionally, the creation of an Assistant Town Manager will provide a clear succession and contingency plan for the Town. The trend in municipal government in Massachusetts is for the creation of an Assistant Town Manager and this is an industry best practice and is consistent with the intent of both the Massachusetts Municipal Modernization Act and the intent of the Special Acts to reorganize the Ayer municipal government.

The Town Administrator stated that the incumbent Assistant to the Town Administrator, Ms. Antonellis is the logical choice for Assistant Town Manager. This qualification is based on her professional education, thorough knowledge of the operations and administration of municipal government (specifically Ayer), her extensive experience in state and local government, and she is currently performing the majority of duties of an Assistant Town Manager informally and/or as delegated by the Town Administrator.

The Town Administrator is recommending that the BOS approve the job description and reclassification of the position of Assistant to the Town Administrator to the position of Assistant Town Manager with a classification of Grade 14, Step 2 for the incumbent effective July 1, 2018.

C. Hillman stated that this is a good decision and a natural decision in terms of succession and planning for the Town. J. Livingston agreed that this is the natural evolution of the Town's Government. G. Luca concurred that this makes great sense and that the incumbent has demonstrated her ability to do an excellent job as Assistant Town Manager.

MOTION: A motion was made by G. Luca and seconded by J. Livingston to approve the position of Assistant Town Manager and to reclassify the incumbent Assistant to the Town Administrator as the Assistant Town Manager at a Grade 14, Step 2 on the Town's Classification and Compensation Plan effective July 1, 2018. **Motion Passed 3-0.**

Approval of Meeting Minutes for February 13, 2018 and February 20, 2018:

MOTION: A motion was made by J. Livingston and seconded by G. Luca to approve the meeting minutes for February 13, 2018 and February 20, 2018 as presented. **Motion Passed 3-0.**

Executive Session:

MOTION: A motion was made by C. Hillman and seconded by J. Livingston to enter into Executive Session pursuant to MGL Chapter 30A, Section 21A for the following reasons: Exemption #3 (Collective Bargaining) PEC Section 21 MOA; Exemption #3 (Collective Bargaining) Regional Dispatch Impact Bargaining MOA; Exemption #3 (Collective Bargaining) Police and Dispatch Contract Negotiations Update; Exemption #3 (Litigation Strategy) *Worthen Dale, Inc. v. Town of Ayer* and to adjourn for the evening at the conclusion of the Executive Session. C. Hillman further stated that to conduct these matters in open session would be detrimental to the Town's bargaining positions.

Roll call vote to enter Executive Session: G. Luca, Yes; J. Livingston, Yes; C. Hillman, Yes. 3-0 the BOS entered into executive session.

The Ayer Board of Selectmen entered into Executive Session.

Minutes Recorded and Submitted by: Robert A. Pontbriand, Town Administrator

Date Minutes Approved by BOS: _____

Signature Indicating Approval: _____

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



Broadcast and Recorded by APAC

Tuesday March 27, 2018
Open Session Meeting Minutes

Present: Christopher R. Hillman, Chair; Jannice L. Livingston, Vice – Chair; Gary J. Luca, Clerk

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

Call to Order: C. Hillman called the meeting to order at 7:01 PM.

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

Review and Approve Agenda: R. Pontbriand stated that there were several amendments to the agenda: the Reserve Fund Transfer for the Accounting Department will be moved to April 3, 2018; the Form-Based Code Presentation by the Economic Development Director will be moved to May 1, 2018; and the DRAFT BOS Minutes from March 20, 2018 will be presented at the April 3, 2018 meeting.

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

Motion passed 3-0.

Announcements: C. Hillman stated that the FY 2019 Water and Sewer Rate Public Hearing will take place on Tuesday, April 3, 2018 at 7:15pm in the 1st Floor Meeting Room of the Ayer Town Hall as part of that evening's Board of Selectmen Meeting.

Public Input: None

MART Project Update for the Commuter Rail Parking/Access Improvement Project: MART Deputy Director Bruno Fisher and MRPC Transportation Planner George Kahale were in attendance to answer questions from the BOS.

C. Hillman stated that the Town approved the conceptual plan in October and we still don't have the finalized design. B. Fisher stated that when the project was originally discussed, the Depot Square side of the project consisted of only the access corridor. According to the project engineer, Weston and Sampson, the addition of the Advocates Building and further design on Depot Square has caused delay with the project.

C. Hillman then asked if the work on both the Depot Square and the Rail Trail side of the project would happen simultaneously. B. Fisher stated that he thinks most of it can go on at the same time.

C. Hillman asked about the definitive schedule for awarding the bid. B. Fisher stated that the bid should be awarded by July 16, 2018.

Attorney Tom Gibbons, Park Street, asked about the retaining wall at the rear of his property. B. Fisher said he would contact Attorney Gibbons to further discuss.

Chief Robert Pedrazzi, Ayer Fire Department: *Recommendation to Increase the Town's Ambulance Rates* – Chief Pedrazzi stated that the Town has not raised the ambulance rates substantially since 2011. He is recommending that the Board increase the rate to Medicare plus 150%.

Motion: A motion was made by G. Luca and seconded by J. Livingston to set the Town of Ayer's Ambulance Rates to Medicare plus 150% effective immediately. **Motion passed 3-0.**

Mr. Kevin Johnston, Benefits and Payroll Manager: *Approval of Pregnant Workers Fairness Act Policy* – K. Johnston presented the Pregnant Workers Fairness Act Policy, as promulgated by the Massachusetts Commission Against Discrimination which takes effect on 4/1/18. K. Johnston explained that the presented policy codifies what the Town of Ayer already practices.

Motion: A motion was made by J. Livingston and seconded by G. Luca to approve the Pregnant Works Fairness Act Policy as presented. **Motion passed 3-0.**

Ms. Alicia Hersey, Community Development Program Manager: *Approval of Community Development Grant Extension and Office Budget* – A. Hersey was in attendance to request approval of using Program Income to support the Office of Community Development through August 2018.

Motion: A motion was made by G. Luca and seconded by J. Livingston to approve the extension of \$20,982 in Program Income to support the Office of Community Development through August 2018. **Motion passed 3-0.**

Host Community Agreement with Central Ave Compassionate Care, Inc.: John Hillier, Mark Hillier and Attorney Chris Lilly were in attendance on behalf of Central Ave. Compassionate Care. R. Pontbriand and C. Antonellis presented the DRAFT Host Community Agreement between the Town of Ayer and Central Ave. Compassionate Care. Provisions of the five year agreement include: funding the Youth Works Program (\$30,000.00); funding of additional charities for the benefit of the Town and surrounding communities (\$2,500.00); funding of the DARE program for the Ayer Shirley Regional School District (\$6,500); funding of SAFE (Student Awareness of Fire Safety Education) program (\$1,500); funding of a "Welcome to Ayer" sign in the general vicinity of the Ayer Rotary (\$12,000); collaboration with Town officials to develop the Devenscrest Emergency Housing Rehabilitation Program; hiring preference to residents of the Town.

The BOS and Central Ave. Compassionate Care had a general discussion about Cannabis Control Commission regulations and site requirements. BOS members thanked Mr. Hillier for all the work and commitment he has shown to the Town of Ayer.

Motion: A motion was made by J. Livingston and seconded by G. Luca to approve the Host Community Agreement as presented. **Motion passed 3-0.**

New Business/Selectmen's Questions: G. Luca presented photos of railroad ties being left around Town in proximity to the railroad tracks. G. Luca also asked about staff turnover at APAC, he would like further information.

Executive Session pursuant to G.L. c. 30A, sec. 21(a): A motion was made by G. Luca and seconded by J. Livingston at 8:54 PM to enter into Executive Session pursuant to G.L. c. 30A, sec. 21 (a) Exemption #2 (Non-Union Personnel Negotiations) Fire Chief Contract Renewal and to adjourn at the conclusion of the Executive Session. G. Luca further stated that to discuss these matters in Open Session would be detrimental to the Town's negotiating strategy. **By Roll Call:** C. Hillman, aye; J. Livingston, aye; G. Luca, 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: _____

DRAFT