

RECEIVED
SEP 07 2018

TOWN OF AYER
TOWN CLERK

11:55AM *lf*

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



Tuesday September 11, 2018
Open Session Meeting Agenda

7:00 PM

Call To Order

Pledge of Allegiance; Review and Approve Agenda; Announcements

7:05 PM*

Public Input

Conservation Committee Appointment

7:10 PM

Town Clerk Susan E. Copeland

1. Board of Registrars Appointments
2. Approval of October 6, 2018 Special Election Warrant for ASRSD Field Project

7:15 PM

Sewer Abatement Request – 16 Gardner Lane

7:20 PM

Superintendent Mark Wetzel, Ayer Dept. of Public Works

1. PJ Albert – One Year Contract Amendment – Chapter 90 Contractor
2. Discussion of West Main Street Bridge Replacement Construction Options
3. Discussion of Street Opening and Driveway/Access way Bylaw

7:35 PM

MART Project Update

8:05 PM

Town Manager's Report

1. Administrative Update/Review of Warrant(s)
2. Declaration of Surplus Ambulance cots
3. Appointment of ADA Coordinator and Approval of ADA Grievance Procedure
4. Update of Fall Town Meeting Warrant

8:25 PM

New Business/Selectmen's Questions

1. Executive Bi-Board Meeting Update (Selectman Houde)
2. Planning Board Sidewalk Global Montello Update (Selectman Hillman)
3. Transfer Station Survey (Selectman Houde)

8:40 PM

Approval of Meeting Minutes

June 29, 2017; August 14, 2018

Executive Session pursuant to M.G.L Chapter 30A, Section 21A:

1. Review and Approval of Various Executive Session Minutes
2. Exemption #3 (Litigation Strategy) Tax Status of 139-141 Littleton Road

****Adjournment**

**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 meeting of the Ayer Board of Selectmen is Tuesday September 18, 2018 at 7:00 PM.

Mark A. Phillips

Ayer, MA 01432

August 23, 2018

Robert Pontbriand

Town Manager

Town of Ayer

1 Main Street

Ayer, MA 01432

Dear Robert Pontbriand:

I am writing in response to the Conservation Commission vacancy posting on the Town website. I know my professional experience and skills will allow me to provide positive contributions to the group.

I've been a resident of Massachusetts for nearly 10 years, the last 2 of them here in Ayer. After arriving in Ayer, I was interested in understanding some of the issues being grappled with in the town. It was about that time that the Conservation Commission was reviewing the Wetlands Bylaw. I decided to attend some of the meetings regarding the proposed changes since they could potentially impact me due to defined wetlands traversing my property.

I found the ConCom meetings interesting and expressed to the members that I was willing to help draft the Bylaw.

In my current professional role, I review capital projects proposals and provide recommendations for funding approval. Those recommendations focus on resourcing and the ability to complete the project within the budget and timeline proposed while following appropriate regulatory and company standards.

I've attached my resume and appreciate your time and consideration.

Sincerely,

Mark A. Phillips

ENCLOSURE

MARK A. PHILLIPS

[REDACTED]
Ayer, Massachusetts 01432
[REDACTED]

PROFESSIONAL SUMMARY

A results-oriented leader with exceptional technical, financial and organizational skills developed during a 26 year career in the electric utility business.

EXPERIENCE

National Grid 44 Sylvan Road Waltham, MA 02451

Manager of Resource Planning NE Trans Line & T&D Station Aug '13-Present

Manager of Program Management - NE & Upstate NY Nov '06 -Jul '13

Transmission Line and T&D Station - Waltham, MA 02451

Provide oversight for a \$300M portfolio of electrical station and transmission line projects across a three state service territory in New England. Manage a 10 person team that provide updates to multiple stakeholders on spending, schedule variances, and resource constraints by maintaining a rolling 24 month work plan window to allow allocation of ~350 internal, plus supplemental contractor, resources.

Manager of Distribution Engineering & Asset Management May '02 - Oct '06
Central New York - Syracuse, N.Y. 13202

Managed the Distribution & Subtransmission system for over 500,000 customers in the Central NY Division to improve reliability, increase customer satisfaction, and add economic value by deciding which capital investments best supported a \$30M - \$50M/year budget.

Niagara Mohawk Power Corporation 300 Erie Boulevard West Syracuse, N.Y. 13202

Senior Performance Management Analyst - Syracuse, N.Y. 13202 Oct '99 – Apr '02

Regional Design Supervisor - Potsdam, N.Y. 13676 Oct '98 – Oct '99

Transmission Planning Engineer I, II, III - Buffalo, N.Y. 14203 Apr '92 – Sep '98

EDUCATION & LICENCES

MBA - Canisius College, Buffalo, N.Y. 14208
MEngEE & BSEE - SUNY at Buffalo, Buffalo, N.Y. 14260
Professional Electrical Engineer - New York State



Office of the Town Clerk
1 Main Street
Ayer, MA 01432

August 27, 2018

Dear Honorable Selectmen,

The Board of Registrars have 2 vacancies that need to be filled with the unexpected passing of Pauline Hamel (D) and the decision of Robert Hammond (D) to no longer continue in his capacity.

In accordance with MGL Chapter 51, Section 15, I respectfully recommend the following residents to be Board of Registrars for the Town of Ayer.

Ms. Carolyn McCreary is a registered democratic and will resume the term of Pauline Hamel. The remaining term for Ms. Hamels appointment is 6/30/2019 at which time Ms. McCreary can seek re-appointment from the Board of Selectmen.

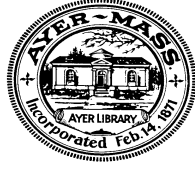
Ms. Kathleen O Connor is a registered democrat and taking the term of Robert Hammond that will run from now through June 30, 2021.

The remaining Board of Registrars are Barbara Wilson (R) and myself as Town Clerk.

Thank you for your time and consideration.

Sincerely,


Susan E. Copeland
Ayer Town Clerk



Town of Ayer, Massachusetts
Special Town Election
October 6th, 2018
Warrant

COMMONWEALTH OF MASSACHUSETTS
MIDDLESEX COUNTY, ss.

To any Constable of the Town of Ayer

Greetings:

In the name of the Commonwealth aforesaid, you are hereby required to notify and warn the inhabitants of said Town, qualified to vote in Town affairs, to assemble in the Great Hall 2nd Floor of the Town Hall at 1 Main Street on Saturday, the Sixth of October 2018, between the hours of 8:00 a.m. and 4:00 p.m. then and there to cast their votes on one ballot for the following Question:

Shall the Town of Ayer be allowed to exempt from the provisions of proposition two and one-half, so-called, the amounts required to pay the Town's allocable share of the bond issued by the Ayer Shirley Regional School District for the purpose of paying costs of designing, constructing, and originally equipping a new athletic field complex to be located at 141 Washington Street, Ayer, including the payment of all costs incidental or related thereto?

Yes ___

No ___

And you will serve this Warrant by posting true and attested copies in three (3) or more public places, one of which shall be the Town Hall, seven (7) days at least before the time appointed for said election.

Hereof fail not and make due return of this Warrant with your doings thereon to one of the Selectmen, on or before the date of the Election.

Given under our hands this 11th day of September 2018.

A true copy attest:

Susan E. Copeland, Ayer Town Clerk

Jannice L Livingston, Chairman

Christopher R Hillman, Vice Chair

Date: _____

Scott A Houde, Clerk

As directed in the foregoing warrant, I have this day posted three (3) attested copies in three (3) public places, one of which was the Town Hall at least seven (7) days before said election, all as herein directed.

Constable's Signature

Date

Constable's Printed Name

16 Gardner Ln
Ayer Ma. 01432
January 12, 2018



RE: Request to appeal Abatement decision

Board of Selectmen (Water & Sewage commissioners)

To Whom It May Concern,

I am writing today to appeal the decision that was made 1/08/2018 in my request for abatement of my water sewage bill from the July 2017 Quarter.

Looking back since the purchase of this home we have had very consistent quarters of 1-2k usage and as you can imagine my concern and alarm when I had received this bill on 7/25/2017 in excess of 7k.

I understand that a technician was sent to my home to inspect the meter to perform some functions tests and confirm it is in functioning order, however what I am being told 7 months later is that it was in fact functioning properly and that it was newly installed in April 2015, prior to my purchase of the home and that "if it was going to fail it would have failed back then and that it must be a leaking toilet or other water leakage somewhere". That statement in itself seems a bit strange, as if to say, "anything you purchase should stay new forever and over time would never have an issue." If this is the case then it can't be a leaking toilet since both my bathrooms have been completely remodeled since the purchase of the home. As well as the kitchen sink, dishwasher and laundry machine. Including both exterior water valves have been replaced along with all my hoses and irrigation timers.

My first concern would be why did this take 7 months to address if it is as simple as "the meter is fine and it must be some other reason". The only changes made here in the home during this quarter that would have affected the water would be firstly the obvious addition to the watering of the lawn. However, we installed a timed irrigation system to be sure there would be no over watering or running on off days of the water ban. We had a pool installed, but we had the water delivered from an outside delivery company and did not use the city water for this. This was also proven to the technician when he came to inspect the issue as we have documentation.

In conclusion, I understand that utilities can be a hard thing to track with pretty constant fluctuations from season to season; however this was not just a minor difference and it appears to have only happened this one time in over 2 years of owning this home. If that's not a glitch on an electrical component I don't know what is! With this being said, if it is to be some sort of water leakage on my end which I would imagine I would notice a leak of such a significant size, I would feel that the water delivery charge of the \$201 would be suffice considering it is assumed that the water leaked somewhere and never made it to the sewage treatment system. At the very least maybe the \$560.66 sewage charge could be waived.

DEPARTMENT OF PUBLIC WORKS

Mark L. Wetzels, P.E., Superintendent
Daniel S. Van Schalkwyk, P.E., Town Engineer



Water, Wastewater, Highway & Solid Waste Divisions

25 BROOK STREET
AYER, MASSACHUSETTS 01432
T: (978) 772-8240
F: (978) 772-8244

January 8, 2018

RE: Request for Sewer Bill Abatement

Mr. Cory Ruffo
16 Gardner Lane
Ayer, MA 01432

Dear Mr. Rufo:

As requested in your letter I have reviewed your request for an abatement of your Water and Sewer bill dated July 25, 2017. The bill showed 6866 cubic feet (51,360 gallons) of usage.

On August 1, 2017, our meter technician inspected the meter and found that there was no observed leak and the meter was functioning properly. His report also states that you had said the pool was filled by the pool contractor and you had not been watering your lawn. This was also stated in your letter.

Our review of your water usage from July 2015 to date showed that this is abnormally high usage. A new water meter was installed in April 2015 and if there was a defect in the meter, it would have been observed in the period right after installation. All of the usage up to July 2017 are relatively consistent. The most recent meter reading is similar to past readings, indicating that the meter is reading accurately.

Based on my review of the information available, I do not see any justification for abating this bill. It was most likely due to some type of leak or unsuspected water use, such as a running toilet.

You have the right to an appeal of this decision. Any such request shall be made in writing through the Town Administrator to the Board of Selectmen (Water & Sewer Commissioners). The request shall clearly illustrate the amount you wish to have abated and any reasons why such abatement shall be granted.

Should you have any questions or comments, please do not hesitate to contact this office.

Regards,

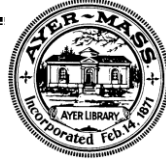
AYER DEPARTMENT OF PUBLIC WORKS

Mark L. Wetzels, P.E.
Superintendent



DEPARTMENT OF PUBLIC WORKS

Mark L. Wetzel, P.E., Superintendent
Daniel Van Schalkwyk, P.E., Town Engineer



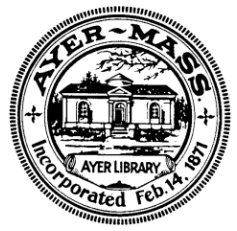
25 BROOK STREET
AYER, MASSACHUSETTS 01432
T: (978) 772-8240
F: (978) 772-8244

MEMORANDUM

Date: September 6, 2018
To: Board of Selectmen
From: Mark Wetzel, P.E. Superintendent of Public Works
Subject: **September 11, 2018 Meeting Agenda Items**

1. **PJ Albert -One Year Contract Amendment** – PJ Albert Inc is the Chapter 90 Paving Contractor for the Town. This was bid for FY 17 with two one year extensions. The amendment for the final one year extension is attached for execution by the Chairman. This is a unit price contract with an approximate value of \$400,000 per year. Upcoming projects include:
 - Repaving of Washington Street, between Nashua St and Highland Ave with granite curbing and new sidewalks
 - Repaving Pleasant Street between Howard and Taft Streets with new sidewalk
 - Repaving of lower Mulberry Circle
2. Discussion of West Main Street Bridge Replacement Construction Options
3. Discussion of Street Opening and Driveway /Accessway 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

MEMORANDUM

DATE: September 7, 2018

TO: Ayer Board of Selectmen

FROM: Robert A. Pontbriand
Town Manager

SUBJECT: Town Manager's Report for the September 11, 2018 BOS Meeting

Dear Honorable Selectmen,

I am pleased to transmit to you the following Town Manager's Report for the September 11, 2018 BOS 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 last BOS meeting on August 14, 2018.
- I have reviewed, approved, and signed the following Town Warrants since the last BOS meeting on August 14, 2018:
 - Payroll Warrant #19-03 in the amount of \$338,683.73 was reviewed, approved and signed on August 14, 2018
 - Accounts Payable Warrant #19-03 in the amount of \$1,857,802.58 was reviewed, approved and signed on August 21, 2018
 - Payroll Warrant #19-04 in the amount of \$330,449.08 was reviewed, approved and signed on August 28, 2018
 - Accounts Payable Warrant #19-04 in the amount of \$299,998.78 was reviewed, approved and signed on September 4, 2018

Declaration of Surplus Ambulance Cots:

- I am respectfully recommending that the BOS vote to declare two spare ambulance cots as surplus property per Chief Pedrazzi's memo (See Attached). These two cots will then be sold to JJJ Stretchers for the total amount of \$3,000.

Appointment of ADA Coordinator and Approval of ADA Grievance Procedure:

- As the Town prepares to update its ADA (Americans with Disabilities Act) Plan, the Town needs to update its appointment of the Town's ADA Coordinator which is the Town Manager as well as update and approve its ADA Grievance Procedure (See Attached).
- I am respectfully requesting that the BOS vote to appoint the Town Manager as the Town's ADA Coordinator (See Attached) and vote to approve the ADA Grievance Procedure (See Attached). Both of these actions are required for the Town to update its ADA Plan as well as to apply for a planning grant from the State for the purposes of updating the Town's ADA Plan. The deadline for the State's ADA Planning Grant is October 1, 2018.

Update of the Fall Town Meeting Warrant:

- As the BOS is aware the deadline for all Articles and Citizens Petitions for the Fall Town Meeting Warrant is Friday, September 28, 2018. The DRAFT of the Fall Town Meeting Warrant is being developed with a DRAFT to be provided to the BOS for the September 18, 2018 BOS Meeting. The BOS is scheduled to review and finalize the Warrant at the October 2, 2018 BOS Meeting. As of September 7, 2018, I offer the following update on the potential Articles for the Fall Town Meeting:

Article to Amend the Zoning Bylaw.

This Article will propose additional provisions as recommended by the Building Commissioner and Town Planner to the Zoning Bylaw. This Article is still under development but will include proposed changes to zoning definitions; changes to site plan review; calculating the number of units in site plans; setback changes; location of accessory structures; off-street parking design standards, etc.

Article for the Acceptance of a Portion of Norwood Avenue as a Public Way.

The BOS voted on August 14, 2018 the intent to layout this portion of Norwood Avenue as a Public Way which has been sent to the Planning Board and will come back to the BOS for final approval and inclusion on the Warrant.

Debt Exclusion Article for the ASRSD Field Project

This Article would seek Town Meeting approval for the authorization of a debt exclusion for the Town's portion of debt for the ASRSD Field Project. A debt exclusion ballot will be put before the Voters at the October 6, 2018 special election for the ASRSD Field Project.

Article for Acceptance of Gift of Land on Hemlock Drive

This Article would authorize the BOS to acquire a gift of land on Hemlock Drive from Ridgeview Realty Trust.

Thank you.

Attachments: Fire Chief's Memo for Declaration of Surplus Ambulance Cots
Appointment of Town Manager as ADA Coordinator
Town of Ayer ADA Grievance Procedure

AYER FIRE DEPARTMENT

Robert J. Pedrazzi
Chief

1 West Main Street
Ayer, Massachusetts 01432
Tel. (978) 772-8231
Fax (978) 772-8230



September 4th 2018

Re: Surplus ambulance cots

Dear Robert,

With the purchase of the new ambulance and the trade in of the 2005 Ford Horton Ambulance we now have two spare ambulance cots that are surplus. Due to the configuration of the cots in the two current ambulances these surplus cots cannot be used. These two cots still have some value and I have found a company that deals in used cots that will purchase them. The company is JJJ Strechers and they are offering a price of \$3,000 total for both. I am asking for these two cots be deemed as surplus so that I can dispose of them.

Sincerely;

Robert J. Pedrazzi
Fire Chief
Emergency Management Director

**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

ADA Coordinator Designation Form

ADA Coordinator Name: Robert A. Pontbriand, Ayer Town Manager

Job Title: Town Manager

E-Mail: tm@ayer.ma.us

Phone: 978-772-8220

Address: Ayer Town Hall
One Main Street
Ayer, MA 01432

Date Appointed: September 11, 2018

This is a permanent Appointment. The ADA Coordinator reports directly to the Ayer Board of Selectmen. The ADA Coordinator duties are part-time.

Appointing Authority Signature:

Jannice L. Livingston, Chair
Ayer Board of Selectmen

Date: _____

ADA Coordinator Signature:

Robert A. Pontbriand
Ayer Town Manager

Date: _____



TOWN OF AYER

GRIEVANCE PROCEDURE UNDER THE AMERICANS WITH DISABILITIES ACT

- This Grievance Procedure is established to meet the requirements of the Americans with Disabilities Act of 1990 ("ADA"). This may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in the provision of services, activities, programs, or benefits by the Town of Ayer
- The Town of Ayer's Personnel Policy governs employment-related complaints of disability discrimination. The complaint should be in writing and contain information about the alleged discrimination such as name, address, phone number of complainant and location, date, and description of the problem. Alternative means of filing complaints, such as personal interviews or a tape recording of the complaint, will be made available for persons with disabilities upon request. The complaint should be submitted by the grievant and/or his/her designee as soon as possible but no later than 60 calendar days after the alleged violation to: Charles Schultz, Building Commissioner, One Main Street, Ayer, MA 01432.
- Within 15 calendar days after receipt of the complaint, the Building Commissioner or their designee will meet with the complainant to discuss the complaint and the possible resolutions.
- Within 15 calendar days of the meeting, the Building Commissioner or their designee will respond in writing, and where appropriate, in a format accessible to the complainant, such as large print, Braille, or audio tape. The response will explain the position of the Town of Ayer and offer options for substantive resolution of the complaint.
- If the response by the Building Commissioner or their designee does not satisfactorily resolve the issue, the complainant and/or his/her designee may appeal the decision within 15 calendar days after receipt of the response to the Town Manager or their designee.
- Within 15 calendar days after receipt of the appeal, the Town Manager or their designee will meet with the complainant to discuss the complaint and possible resolutions. Within 15 calendar days after the meeting, the Town Manager or their designee will respond in writing, and, where appropriate, in a format accessible to the complainant, with a final resolution of the complaint.
- All written complaints received by the Building Commissioner or their designee, appeals to the Town Manager or their designee, and responses from these two offices will be retained by the Town Clerk for at least three years.

Comments from DPW Supt.
9/7/2018

At the Annual Town Meeting on May 14, 2018, a non-binding citizen's petition was passed to extend the Transfer Station hours until 3pm. The current schedule of hours is Wed, Sat, & Sun 6am – 2pm in the summer and 7am – 3pm in the spring, fall and winter. The Board of Selectmen wants feedback from the greater population regarding the Transfer Station hours before making any decisions.

1. The current schedule of hours is Wed, Sat, & Sun 6am – 2pm in the summer and 7am – 3pm in the spring, fall and winter. Are you happy-satisfied with the current schedule?
 - a. Yes
 - b. No
2. Currently, the Transfer Station is open for a total of 24 hours per week. ~~a~~Are you in favor of expanding the total hours the Transfer Station is open. Please note that this will be an additional cost to the town and taxpayers.
 - a. Yes
 - b. No
3. The BOS, in its initial discussion on the matter, touched upon the possibility of having the Transfer Station open longer on some days and earliershorter on other days. Please select which option you prefer.
 - a. Have the TS open shorter on Wednesdays but longer each day Saturday and Sunday
 - b. Have the TS open shorter on Wednesdays and Sunday but longer on Saturday
 - c. Have the TS open until 3pm each day regardless of the opening time (note: this will incur additional cost)
 - d. Eliminate the summer hour change and set the TS hours at 7-3 Wednesday, Saturday, and Sunday.
 - e. Keep the hours we have in place now.

Comment [MW1]: Options a.,b.,c. will all result in additional costs

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



Thursday June 29, 2017
Open Session Meeting Minutes

Present: Jannice L. Livingston, Vice – Chair; Gary J. Luca, Clerk
Robert A. Pontbriand, Town Administrator; Carly M. Antonellis, Assistant to the
Town Administrator

Absent: Christopher R. Hillman, Chair

Call To Order: J. Livingston called the meeting to order at 6:00 PM.

Approval of Agenda: R. Pontbriand asked to amend the agenda by adding the Approval of the Constellation Energy Contract.

Motion: A motion was made by G. Luca and seconded by J. Livingston to approve the agenda as amended. **Motion passed 2-0.**

128 Washington Street, 14 Williams Street and 66 Westford Road: R. Pontbriand is recommending that the BOS vote to execute the statement of claims to establish liens on the following properties: 128 Washington Street, 14 Williams Street and 66 Westford Road. This is for the Town to secure reimbursement for expenses incurred in remedying nuisance conditions and Sanitary Code violations.

Motion: A motion was made by G. Luca and seconded by J. Livingston to approve the statement of claims for 128 Washington Street, 14 Williams Street and 66 Westford Road.

Motion passed 2-0.

Authorization to Negotiate Special Tax Assessment Agreement 14 Sandy Pond Road/ 114 East Main Street: The BOS was joined by Assessor Tom Hogan and Community and Economic Development Director Alan Manoian to discuss the Special Tax Assessment Agreement between the Town of Ayer and GFI Partners and their tenant. R. Pontbriand is seeking authorization to negotiate the Agreement on behalf of the Town, along with T. Hogan, A. Manoian and Town Accountant Lisa Gabree. Once the terms of the agreement are worked out and approved by the BOS, a Special Town Meeting will be called for the voters to consider the proposed agreement.

Motion: A motion was made by G. Luca and seconded by J. Livingston to authorize the Town Administrator, Town Assessor, the Economic Development Director and the Town Accountant

to begin negotiating a Special Tax Assessment Agreement with GFI Partners. **Motion passed 2-0.**

Authorization of Electric Contract: R. Pontbriand asked for authorization to enter into a three year agreement with Constellation Energy for electric rates. The contract will lock the Town in at a rate of .889/kwh. R. Pontbriand stated this would be in the Town's best interest for price stability.

Motion: A motion was made by G. Luca and seconded by J. Livingston to approve the three year contract between the Town of Ayer and Constellation Energy. **Motion passed 2-0.**

Executive Session:

Open Session Motion: At 6:14 PM, a motion was made by J. Livingston to enter into Executive Session pursuant to MGL Chapter 30A, Section 21A, Exemption #2 Non-Union Personnel Negotiations (Police Chief MOA) and to adjourn at the conclusion of the Executive Session. J. Livingston further stated that to discuss these items in Open Session would be detrimental to the Town's negotiating strategy. **By Roll Call Vote:** G. Luca, aye; J. Livingston, aye. **Motion passed by Roll Call Vote 2-0.**

The BOS entered into Executive Session.

Adjournment:

Minutes Recorded and Submitted by Carly M. Antonellis

Minutes Approved for Public Release by the BOS on: _____

Signature by the Clerk of Board of Selectmen: _____

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



Broadcast and Recorded by APAC

Tuesday August 14, 2018
Open Session Meeting Minutes

BOS Present: Jannice L. Livingston, Chair; Christopher R. Hillman, Vice – Chair (Entered at 7:15 PM); Scott A. Houde, Clerk

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

Call to Order: J. Livingston called the meeting to order at 7:00 PM.

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

Review and Approve Agenda:

Motion: A motion was made by S. Houde and seconded by J. Livingston to approve the agenda. **Motion passed 2-0.**

Announcements: None

Public Input: None

Sewer Abatement Request – 16 Gardner Lane: The applicant for the sewer abatement request was not in attendance.

Joint Appointment of Ayer Shirley Regional School Committee Member: Mr. Dan Gleason, Ayer member of the Ayer Shirley Regional School Committee joined the BOS to make a joint appointment filling the vacancy caused by the resignation of Mr. Pat Kelly. There were originally four applicants, Mr. Joe Leone, Ms. Cheryl Alfieri-Simmons, Mr. Kevin Bresnahan, and Mr. Allan Peterson. Mr. Peterson has withdrawn his name for consideration and Mr. Leone did not attend the meeting. The term will expire at the next local election which will be April of 2019. Board members thanked Mr. Kelly for his 10 years of service serving on the School Committee.

The Joint Committee interviewed Ms. Alfieri-Simmons and Mr. Bresnahan. Ms. Alfieri-Simmons is a former member of the School Committee. She stated that she's been very happy with the school system and wants to be a part in continuing the District's growth. Two of her three children are heading to college and she will have more time to volunteer. Mr. Bresnahan has prior experience on the school building committee and the Janis Bresnahan Run for Education Committee. He also has children in the school district and would like to volunteer by serving on the School Committee.

C. Hillman enters at 7:15 PM

BOS members and Mr. Gleason thanked all the applicants for submitting their resumes and were very impressed with the response.

Motion: A motion was made by D. Gleason and seconded by S. Houde to nominate Ms. Cheryl Alfieri-Simmons to the vacant Ayer seat on the Ayer Shirley Regional School Committee. **Motion passed 4-0.**

S. Houde asked D. Gleason to give an update on the proposed field project and the school committee's plan for the aging elementary schools in both Ayer and Shirley. After general discussion on the topic, both D. Gleason and the BOS agreed to communicate openly and professionally about both issues.

Office of Community and Economic Development: *Lien Subordination Request Case # 15-395* – Ms. Alicia Hersey, Program Manager for the Office of Community Development presented Lien Subordination Request #15-395 (16 Pond Street). The homeowner is refinancing to consolidate loans. She is recommending approval.

Motion: A motion was made by C. Hillman and seconded by S. Houde to approve Lien Subordination Request #15-395, as presented. **Motion passed 3-0.**

CDBG Grant Award & Upcoming Project Brief Overview – Mr. Alan Manoian and Ms. Alicia Hersey gave an overview of the successful Grove Pond neighborhood \$750,000 CDBG Grant award.

MART Project Update: Mr. Mo Khan from MART and Mr. George Kahale from MRPC were in attendance to discuss the MART project update. There were only two bidders on the project and both bids came in over budget. BOS members and R. Pontbriand expressed grave concern over the fate of the project. MART and MRPC maintain that the project consultant Weston & Sampson had over complicated the environmental analysis of the project which caused uncertainty with bidders. Both M. Khan and G. Kahale also said the timing of the bid was not optimal.

S. Houde stated that a visual aid would have been helpful to see where the project costs are coming from. He would also like MART and MRPC to present the BOS with a list of items and costs associated with those items, so the Town can make an informed decision.

J. Livingston stated to MART and MRPC that they need to be the leader on the project and she is very concerned because nothing has been accomplished. The expectation of the BOS is that the project gets rebid as soon as possible and that MART and MRPC take the lead on ensuring the project's completion.

Superintendent Mark Wetzel, Ayer Dept. of Public Works: *Vote of Intent to Layout Norwood Avenue* – M. Wetzel presented the BOS with the Intent to Layout Road for Acceptance for a portion of Norwood Avenue, within the Elizabeth Estates Subdivision (between Highland Avenue and Washington Street). Upon affirmative vote, the DPW will notify the Planning Board to consider a non-binding approval to ultimately go before the Fall Town Meeting.

Motion: A motion was made by S. Houde and seconded by J. Livingston to approve the Intent to Layout Norwood Avenue as presented by the DPW Superintendent. **Motion passed 3-0.**

Approval of Change Orders 2 & 3 – M. Wetzel presented Change Orders 2 & 3, between the Town of Ayer and Triumph Modular of Littleton relating to the DPW Administrative Building. Change Order 2 is for a floor hatch crawlspace in the amount of \$901.43 and Change Order 3 is for additional network and TV wiring in the amount of \$1,298.85.

Motion: A motion was made by J. Livingston and seconded by S. Houde to approve Change Orders 2 & 3 as presented by the DPW Superintendent. **Motion passed 3-0.**

Approval of Change Order 1 – M. Wetzel presented Change Order 1 between the Town of Ayer and J D'Amico Inc. relating to the Pearl Street Water and Sewer Relining Contract. The Change Order is in the amount of \$48,579.81, which is for the replacement of 5 catch basins and connecting drain piping at two locations where the existing drainage infrastructure is deteriorated.

Motion: A motion was made by C. Hillman and seconded by S. Houde to approve Change Order 1 as presented by the DPW Superintendent. **Motion passed 3-0.**

DPW Project Updates – M. Wetzel gave updates on the following projects: Water supply status and conservation efforts; PFAS Water Treatment at Grove Pond Wellfield; LED Streetlight Conversion; East Main Street Transportation Improvement Project; West Main Street Bridge; Main Street TIP Application and Sculley Road.

Town Manager's Report: *Administrative Update/Review of Warrant(s)* – In the interest of time, R. Pontbriand referred BOS members to the meeting packet to review the signed warrants. R. Pontbriand also gave a brief administrative update.

BOS Opening of the 2018 Special Fall Town Meeting Warrant – R. Pontbriand is requesting that the BOS open the Special Fall Town Meeting Warrant with the deadline for all warrant articles and Citizens Petitions due by 12:00 PM on Friday September 28, 2018.

Motion: A motion was made by C. Hillman and seconded by S. Houde to open the Special Fall Town Meeting Warrant with the deadline for all warrant articles and Citizens Petitions due by 12:00 PM on Friday September 28, 2018. **Motion passed 3-0.**

Approval of Title Affidavit – Ridge View Heights – R. Pontbriand presented a Title Affidavit, as drafted by Town Counsel, relating to Lots 109 & 114 on Fox Run Drive, which is necessary to clear title to both Lots.

Motion: A motion was made by C. Hillman and seconded by S. Houde to approve the Title Affidavit as presented by R. Pontbriand. **Motion passed 3-0.**

Approval of the FY' 20 Budget Calendar – R. Pontbriand presented the latest update to the DRAFT FY 20 budget calendar. C. Hillman requested moving the FY'19 Tax Classification Hearing to the first meeting of December.

Motion: A motion was made by J. Livingston and seconded by S. Houde to approve the FY' 20 Budget Calendar as presented, except for moving the FY' 19 Tax Classification Hearing to the first meeting in December. **Motion passed 3-0.**

Approval of MART/Council on Aging Contract – R. Pontbriand and C. Antonellis presented the MART Council on Aging contract. C. Antonellis stated that MART has never had a contract with any of their member towns and that this contract codifies past practice, with the exception of some reporting and insurance requirements. C. Antonellis and R. Pontbriand are recommending approval.

Motion: A motion was made by C. Hillman and seconded by S. Houde to approve the Contract between the Town of Ayer and MART for COA transportation services. **Motion passed 3-0.**

September BOS Meeting Schedule – BOS members discussed the September 2018 meeting schedule. The BOS is unable to meet on Tuesday September 4, 2018 because of the State Primary Election. Board members agreed to meet on September 11, 2018 and their regularly scheduled meeting of September 18, 2018.

New Business/Selectmen's Questions:

Debrief of Aug. 7, 2018 ASRSD Field Meeting (Selectman Houde) – S. Houde handed out his notes from the recent meeting regarding the Ayer and Shirley Elementary Schools and Field Complex. S. Houde gave a brief overview of the meeting.

Homeless/Loitering Downtown (Selectman Hillman) –C. Hillman stated that he received complaints about a homeless man hanging his laundry out downtown and wants to make sure the police are aware of the issue.

Tax Status of Emmanuel Lutheran Church (Selectman Hillman) – C. Hillman would like the Town's property enforcement team to revisit the Emmanuel Lutheran Church because he believes there are no services being held there and that the property should pay taxes.

Next Steps Re: Form Based Code for Park Street (Selectman Hillman) – A. Manoian gave a brief update on proposed plan for Form Based Code on Park Street. He would like to present it to Town Meeting for adoption in the Spring of 2019.

Approval of Meeting Minutes:

Motion: A motion was made by J. Livingston and seconded by S. Houde to approve the meeting minutes from July 17, 2018. **Motion passed 3-0.**

Executive Session pursuant to M.G.L Chapter 30A, Section 21A: A motion was made by C. Hillman and seconded by S. Houde at 10:20 PM to enter into Executive Session pursuant to G.L. c. 30A, sec. 21 (a) Exemption 3 (Litigation

Strategy) *United States of America v. Boston and Maine Corporation v. Town of Ayer* and to review and approve various Executive Session Minutes and to adjourn at the conclusion of the Executive Session. C. Hillman further stated that to discuss these matters in Open Session would be detrimental to the Town's negotiating strategy. **By Roll Call:** J. Livingston, aye; C. Hillman, aye; S. Houde, 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