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TOWN OF AYER
TOWN CLERK

Town of Ayer
Community Preservation Committee

Town Hall * One Main Street * Ayer, MA 01432

Minutes for 2/1/2023

Location: Remote Meeting via Zoom, accessible to public, due to ongoing pandemic

Members present: Janet Providakes, Chair (Housing Authority); Julie Murray, Vice-Chair (Planning Board); Beth Suedmeyer (At Large); Jess Gugino, Clerk (Conservation Commission); Jason Mayo (Parks & Recreation); Colleen Krieser (At Large/Affordable Housing Trust)

Not present: Barry Schwarzel (Historical Commission)

APAC taped: Yes

7:02 PM – Open Meeting

• **Confirmation of Agenda**

- **VOTE:** C. Krieser moved to confirm the agenda as posted; J. Gugino 2nd.
 - Motion approved unanimously by Roll Call Vote 6-0.

• **Approval of Meeting Minutes**

- **VOTE:** C. Krieser moved to accept the minutes for 1/4/2023 as written; J. Murray 2nd.
 - Motion approved unanimously by Roll Call Vote 6-0.

• **Correspondence / Invoices**

- Community Preservation Coalition
 - J. Providakes said Ayer CPC's annual dues from the Community Preservation Coalition have risen from \$875 to \$2875 – the result of Ayer's CPA surcharge having risen from 1% to 3%.
 - After confirming that all members were in favor of keeping this membership, J. Providakes will go ahead and approve the invoice for payment.
- "Ayer Commons" Phase I (\$400,000, FTM 2022), Fitchburg Road
 - Annika Lambert, Project Manager from NOAH (Neighborhood of Affordable Housing, Inc.), contacted J. Providakes asking for a funding commitment letter from CPC for the CPA grant approved last fall.
 - This is to demonstrate local commitment which will aid in NOAH's process of securing state and federal funding for the Ch. 40B affordable housing project.
 - J. Providakes will prepare a draft letter for CPC members to review.
 - The letter will confirm the CPA funding, the only contingency being that the Grant Agreement will need to be finalized and executed, guaranteeing that the affordable housing will last in perpetuity.



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- **Public Input**

- Resident Dennis Curran was present via Zoom to himself raise the question – previously discussed at CPC’s 1/4 meeting – as to whether CPA funding could be used to remediate the contamination in Grove and Plow Shop ponds in order to expand use from Pirone Park.
- J. Mayo said that the contamination is not the responsibility of the Town given that most of it stems from leakage from the Shepley’s Hill Landfill created when Devens was an active U. S. Army fort.
 - This area is now an EPA Superfund site.
- It was reiterated that neither CPC nor the Town could come close to having sufficient funding to cover the enormous costs that would be involved.
 - The Army spent a considerable amount – in the millions – to clean up just two small cove areas in Plow Shop Pond in 2013.
- B. Suedmeyer said that these ponds are among the most studied ponds by the EPA in the country, and that while the area is still an active and ongoing site, the Army is no longer focused on cleaning up any new areas.
 - She also said a barrier was installed to prevent new contamination from the landfill and that monitoring this barrier is the current focus.
 - She offered to give Mr. Curran contact information to the Army and the consultants who have previously worked on the Devens clean-up effort.
 - She added that while Massachusetts has a Natural Resource Damages Program that goes through a legal process to have communities reimbursed for damages, this program does not apply where the federal government has been involved.
- Mr. Curran asked if CPC could provide funding for legal work to pursue compelling more cleanup.
 - J. Providakes said that would not be a legal/allowable use of CPA funding.
- J. Murray made clear that CPC was also not an advocacy group.
 - Mr. Curran was advised to talk to Laurie Nehring, President of PACE (People of Ayer Concerned about the Environment), as PACE has been involved with past advocacy actions with regards to Fort Devens-related contamination by the U.S. Army.

NEW BUSINESS

- **Pirone Park Playground Remediation and Restoration, Phase II**
 - CPC member Jason Mayo, as Chair of the Ayer Parks Commission, and Jeff Thomas, as Ayer Parks Director, presented the new application for CPA funding.
 - Previously, at Spring Town Meeting in 2022, a CPC grant for \$400,000 was approved by Ayer voters for Phase I of the project.



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- Much of that money was spent on the complete removal of the Kiddie Junction playground and the remediation of the arsenic contamination in the soil that had led to MassDEP ordering the closing of the playground in 2021.
- The remediation work is now complete; more soil had to be removed than anticipated but new soil samples are now clear.
 - Initially the Parks Department planned to do a partial rebuild under Phase I and then follow up in subsequent phases with a full rebuild.
 - Given the value of the playground to the Town, the trend in rising costs, and the increased lag-time in ordering various materials, the Parks Department is now seeking funding to complete the rebuild, including an “adventure/nature play area”, under a single Phase II.
- BETA, the consulting firm the Parks Department has been working with, gave an initial estimate of \$1.8 million for a full rebuild, but after being asked to recheck cost estimates, they came back with a revised cost of approximately \$1.5 million.
 - About \$500,000 is left over from the Phase I project, and costs were further reduced by looking at the things the Town could do more cheaply ‘in-house’.
 - As a result, the application estimates that approximately \$966,625 in funding still needs to be secured in order to move forward.
 - The application submitted seeks \$500,000 from CPC, and anticipates seeking the remainder of the funding from Capital Planning (which would need to be approved by Town Meeting vote) as well as from discretionary funds available to the Select Board.
 - While they will pursue seeking grant funding, Alan Manoian (Community & Economic Development) has indicated these are highly competitive and not at all a sure thing.
- Various details of the rebuild project were discussed, some highlights below:
 - play equipment would be sturdy, safe and durable, with a natural look;
 - the Parks Department will do its due diligence on equipment warranties;
 - play equipment has been shown at previous public meetings;
 - four-foot black vinyl fencing would be used around the original footprint;
 - a poured-in-place play surface has been chosen instead of wood chips that are 1) not ADA compliant and 2) shift under use presenting safety concerns;
 - Mr. Thomas will look into a new issue raised by B. Suedmeyer that there may be potential contaminants, such as PFAS, in poured-in-place materials.
- Discussion followed on the amount of money being requested from CPC.



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- To do this project, which is important to Town residents, and to have a chance at completing it within the proposed timeline (September 2023), means relying on the surety of Town funding to go forward this year.
 - If grant applications are successful, they would be used to reduce the need for Town funds.
- If funding is approved at Spring Town Meeting (April 24, 2023), the Parks Department will have the project ready to go out to bid immediately thereafter.
- J. Gugino was first to suggest raising the CPC grant request to \$600,000, followed later by C. Krieser suggesting raising it to \$750,000 instead.
- As members noted, this project is a major asset to the Town, and the ability to fund this kind of project is precisely why CPC sought to raise the surcharge from 1% to 3%.
 - It was also noted that funding requests can be reduced at Town Meeting but not raised.
- **VOTE:** With all members in agreement, J. Gugino moved to forward this project on to a Public Hearing to be held in March (22nd, see below) by CPC, with the funding request for the project to be amended to \$750,000; J. Murray 2nd.
 - Motion approved unanimously by Roll Call Vote 6-0.
- **To be submitted: Ayer Affordable Housing Trust Grant Application (\$90,000, STM 2023)**
 - At CPC's next meeting on March 1, the Affordable Housing Trust will have an application ready for review asking for \$90,000 in CPA funding to support the Rental Assistance Program.
 - Previously, Town Meeting voters have approved CPA grants supporting this program for \$30,000 (FTM 2020) and \$60,000 (STM 2022).
 - C. Krieser said after this, the Trust is now turning its attention to longterm projects.
 - The application for this grant will need to be ready for CPC's March 1 meeting so that CPC can schedule a Public Hearing for it later in the month.
 - The Warrant for Spring Town Meeting closes on March 31.
 - Per B. Suedmeyer's suggestion that the Public Hearing for this application as well as for the Pirone Park funding be held on the same night in order to perhaps see more public participation, CPC will aim to schedule the Public Hearings for Wednesday, March 22.
- **COMMITTEE UPDATES**
 - Due to the length of tonight's meeting, Committee reports were deferred to CPC's next meeting.



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- **8:36 PM – Adjourn Meeting**
 - CPC's Next Meeting: March 1, 2023, 7 p.m.
 - CPC Public Hearings for Pirone Park and Housing Trust applications: March 22, 2023, 7 p.m.
 - B. Suedmeyer moved to adjourn; C. Krieser 2nd.
 - Motion approved unanimously.

Minutes Recorded and Submitted by Jessica G. Gugino, Clerk

Date / Signature Indicating Approval: 3/1/2023 