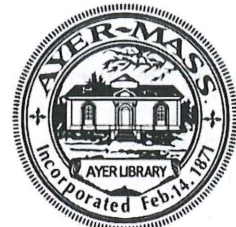


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TOWN OF AYER
TOWN CLERK



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



Broadcast and Recorded by APAC

Tuesday March 15, 2022
Open Session Meeting Minutes

SB Remotely Present: Shaun C. Copeland, Chair; Jannice L. Livingston, Clerk; Scott A. Houde, Vice-Chair

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

Call to Order: S. Copeland called the meeting to order at 6:00 PM. Due to the ongoing COVID-19 Pandemic, in accordance with Chapter 20 of the Acts of 2021, suspending certain provisions of the Open Meeting Law (OML), public bodies otherwise governed by the OML are temporarily relieved from the requirement that meetings be held in public places, open and physically accessible to the public, so long as measures are taken to ensure public access to the bodies' deliberations "through adequate, alternative means." This meeting will be live on Zoom and Channel 8. S. Copeland stated that all votes will be taken by Roll Call.

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

Approval of Meeting Agenda:

Motion: A motion was made by J. Livingston and seconded by S. Houde to approve the meeting agenda. **By Roll Call**

Vote: S. Copeland, aye; S. Houde, aye; J. Livingston, aye. **Motion passed 3-0.**

Public Input: None

Reappointment of the Ayer NVTHS School Committee Representatives by the NVTHS Appointing Committee - Mr. Chris Prehl, Representative and Mr. Cory Prehl, Alternate Representative: Town Moderator James O'Connor convened the NVTHS Appointing Committee to consider the reappointment of Mr. Chris Prehl, Representative and Mr. Corey Prehl, Alternate Representative both for 3-year terms effective April 1, 2022 - March 31, 2025. In addition to the Select Board and Moderator the appointing committee was joined by Ayer Shirley Regional School Committee Member Michelle Granger. Representative Chris Prehl stated that the Town of Ayer has made great strides at Nashoba Tech, and he enjoys serving on the Committee. He is part of the Budget Finance Committee, Facilities Committee and Contract Negotiating Committee. He noted that enrollment was up this year and urged residents to take advantage of the open houses and tours. Alternate Representative Corey Prehl is a 2021 graduate of Nashoba Tech and recently joined the Curriculum Subcommittee. There were no other candidates for consideration.

Motion: J. O'Connor stated that the Appointing Committee could take a vote for reappointment. **By Roll Call Vote:** S. Copeland, aye; S. Houde, aye; J. Livingston, aye; M. Granger, aye; J. O'Connor, aye. **Motion passed 5-0.**

J. O'Connor adjourned the NVTHS Appointing Committee at 6:12 PM.

Public Hearing: FY 2023 Water and Sewer Rate Recommendations: J. Livingston opened the public hearing at 6:15 PM by reading the Public Hearing Notice. DPW Director Dan Van Schalkwyk was in attendance and gave a presentation on the FY '23 Water and Sewer Rates. D. Van Schalkwyk recognized the members of the Rate Review Committee. He stated that the meeting goals were to set both the water and sewer rates for FY '23. Relating to water rates, D. Van Schalkwyk stated that the PFAS treatment costs are very large, and that the overall cost for the Grove Pond and Spectacle Pond Treatment facilities has been about \$11.5M. Relating to sewer rates, he noted an aging system and the strict adherences to water quality standards set by the federal and state governments. He said that the overall goal in setting rates is to recover costs and avoid significant fluctuations. D. Van Schalkwyk also presented both the Water and Sewer Department's 5-year capital plans. The proposed water rates for FY '23 are Step 1 at

\$3.01/hundred cubic feet (increase of \$.06); Step 2 at \$3.72/hundred cubic feet (increase of \$.07); Step 3 and Conservation Rate \$4.42/hundred cubic feet (increase of \$.09). The proposed sewer rates for FY '23 are Step 1 at \$8.78/hundred cubic feet (increase of \$.21); Step 2 at \$10.06/hundred cubic feet (increase of \$.25); Step 3 at \$11.44/hundred cubic feet (increase of \$.28). This will impact an average Ayer resident by about \$10.44 total in FY '23.

S. Houde asked about the cost of hauling sludge and an aerobic digester at the Wastewater Treatment Plant. D. Van Schalkwyk referred the question to DPW Project Manager Mark Wetzel. M. Wetzel stated that wastewater sludge does not produce enough energy to make it efficient, so it needs to be augmented with food waste. He stated that the project cost would exceed \$15 million dollars. He has looked into privatizing the service, but it needs to be looked at further.

Motion: A motion was made by S. Houde and seconded by J. Livingston to approve the FY '23 Water and Sewer Rates as presented. **By Roll Call Vote:** S. Copeland, aye; S. Houde, aye; J. Livingston, aye. **Motion passed 3-0.**

Motion: A motion was made by J. Livingston and seconded by S. Houde to close the Public Hearing at 6:33 PM. **By Roll Call Vote:** S. Copeland, aye; S. Houde, aye; J. Livingston, aye. **Motion passed 3-0.**

Alan Manojan, Director, Office of Community and Economic Development: *Inclusion in the MRPC Regional Trucking/Freight Impact Study* – A. Manojan stated that he has been in conversations with Montachusett Regional Planning Commission regarding the possibility of Ayer being included in the Towns of Shirley and Lunenburg Regional Trucking/Freight Impact Study. He is requesting that the Select Board support the inclusion of Ayer in the study, due to the increase in intensity of heavy trucking in the downtown. There is no direct cost to the Town.

S. Copeland asked how this was different than a traditional traffic study. A. Manojan stated that this study is to establish baseline data on the amount of trucking in our downtown.

Dennis Curran, 51 Pleasant Street asked how long the study would take. A. Manojan anticipated between 12-18 months. A. Manojan also noted that the study will also look at air quality.

Motion: A motion was made by J. Livingston and seconded by S. Houde to approve the Town of Ayer's inclusion in the Lunenburg Shirley Trucking/Freight Study. **By Roll Call Vote:** S. Copeland, aye; S. Houde, aye; J. Livingston, aye. **Motion passed 3-0.**

Dan Van Schalkwyk, Director, Department of Public Works: *Award of Westford Road Water and Sewer Replacement Project* – D. Van Schalkwyk stated that the Town received 7 bids on the project ranging from \$572,500 - \$950,050. The low bidder is Joseph P. Cardillo & Son, Inc. He is recommending that the contract be awarded to Cardillo and Son, Inc. in the amount of \$572,500.

J. Livingston asked when the project would start. D. Van Schalkwyk stated that it would start and end during this upcoming construction season.

Motion: A motion was made by S. Houde and seconded by J. Livingston to execute the contract between the Town of Ayer and Joseph P. Cardillo and Son, Inc. in the amount of \$572,500 with signature by the Chair. **By Roll Call Vote:** S. Copeland, aye; S. Houde, aye; J. Livingston, aye. **Motion passed 3-0.**

Execution of Contract - Birch & McDowell St. Water and Drain Improvements – D. Van Schalkwyk stated that this project is part of the DPW's annual improvements for water infrastructure. He presented a contract for execution for water and drain improvements on Birch and McDowell Streets. The Town received 9 bids for the project ranging from \$168,845 to \$277,356. The low bidder is CHB Excavating of Westford, MA. He is recommending that the contract with CHB Excavating in the amount of \$168,845.

Motion: A motion was made by J. Livingston and seconded by S. Houde to execute the contract between the Town of Ayer and CHB Excavating in the amount of \$168,845. **By Roll Call Vote:** S. Copeland, aye; S. Houde, aye; J. Livingston, aye. **Motion passed 3-0.**

West Main Street Bridge Replacement Update – DPW Special Projects Manager Mark Wetzel gave a presentation to the Select Board on the status of the West Main Street Bridge replacement. Town Meeting appropriated \$1.2 million at the 2018 Annual Town Meeting. The Town also received a grant under the Small Bridge Program from MassDOT in the amount of \$500,000. The Town went out to bid in October of 2020 and the low bid was \$2.5 million; the Town only has \$1.7 million in available funding. After the bids were received, DPW did a peer review to determine the disparities in cost differences. The neighboring Shirley Street Bridge has been closed for some time and is unable to be used as a detour. Detouring traffic through Devens/McPherson Road could reduce the project cost by \$750,000, however it would add substantial length and time to public safety vehicles and travelers.

J. Livingston asked how long the Shirley Street bridge had been closed, thinking it had been about 6 years. Then asked if anyone missed it? M. Wetzel stated that the Town couldn't just close the bridge but would have to put in a pedestrian bridge and possibly some bank restoration. J. Livingston stated she is very concerned about delaying either bridge any longer.

M. Wetzel would like to wait until the federal infrastructure money is available, hoping that at least one of the bridges would qualify for funding.

S. Copeland asked how long construction would take on the West Main Street Bridge? M. Wetzel stated with a total detour through Devens/McPherson, it would be about one construction season. With the staged construction having one lane open at a time would be two construction seasons.

Dennis Curran, 51 Pleasant Street asked when the Shirley Street bridge was closed were the abutters upset or out of sorts. M. Wetzel said that some neighbors were happy there was no through traffic, and several were upset about the road closing.

Police Chief Gill stated that as far as a detour he prefers the one lane closure with the traffic lights.

S. Houde asked if the Shirley Street bridge replacement and the West Main Street bridge replacement would cost about the same. M. Wetzel said that Shirley St. would be less money because it is smaller.

There was additional discussion about the both the Shirley Street Bridge and the West Main Street bridge. R. Pontbriand stated that we'll look at the federal infrastructure money and then determine if there is a need for additional local funds.

Pauline Conley, 40 Cambridge Street, said she agreed with Robert's plan and Dennis' comments. She would like the Town to explore the cost of replacing the Shirley Street Bridge while also working on the West Main Street Bridge plan.

J. Livingston stated that she thinks there may be an estimate for Shirley Street from when the Town looked at it previously. J. Livingston stated that because the Town already appropriated money for the West Main Street Bridge, it would be possible to reauthorize the funding for Shirley Street bridge, if the Town chose to take that route.

There was additional discussion on options for the two bridges. R. Pontbriand and DPW will put together a plan/options for both bridges and come back to the Select Board.

Town Manager's Report: *Administrative Update/Review of Town Warrant(s)* - R. Pontbriand provided the Select Board with an update on the various activities, initiatives, and projects of the Administration since the Select Board last met. He also provided a list of signed Town Warrants in the meeting packet. Relating to the Woodlawn Cemetery, the Registry of Deeds has reopened, and the title examiner has begun working on the remaining title issues. Additionally, the members of the Woodlawn Cemetery have signed the license agreement and the Town is ready to take over the cemetery on April 4, 2022.

FY 2023 Budget Update – R. Pontbriand stated that the 2nd presentation of the FY '23 budget will be held tomorrow night March 16, 2022, at 6:00 PM. He will be presenting DRAFT #3 of the budget.

Town Meeting Warrant Update – R. Pontbriand stated that he included an outline of the Annual Town Meeting Warrant in the meeting packet. The deadline for all warrant article submissions and citizen's petitions is Friday April 1, 2022, at 12:00 PM. He is anticipating about 31 articles.

Authorization for ARPA Funds for ARPA Consultant - \$15,000 – R. Pontbriand is seeking authorization to use ARPA funding, up to \$15,000 to hire an ARPA consultant to assist with all federal reporting requirements. He is recommending entering a contract with CliftonLarsonAllen LLP (CLA) to provide professional financial assistance for the Town's ARPA Funds.

S. Copeland asked if the Town looked at several different firms. R. Pontbriand stated that he and Lisa Gabree did look over several companies and both felt comfortable moving forward with CLA.

Pauline Conley, 40 Cambridge Street asked about the omission of an article on the ATM warrant for revolving funds. R. Pontbriand stated that with the passage of the Municipal Modernization Act several years ago, the Town only has to act on revolving funds if the limit is changed or a new fund is added or deleted.

Motion: A motion was made by J. Livingston and seconded by S. Houde to authorize the use of ARPA funds to hire an ARPA consultant, CliftonLarsonAllen, LLP not to exceed \$15,000. **By Roll Call Vote:** S. Copeland, aye; S. Houde, aye; J. Livingston, aye. **Motion passed 3-0.**

Proposed Plan for Public Meetings – R. Pontbriand reported that effective April 1, 2022, public bodies may choose to return to in-person meetings or continue to conduct remote meetings in accordance with the emergency provisions of the Open Meeting Law, which have been extended to July 15, 2022. The I.T. Director will be surveying all Boards, Commissions, and Committees regarding their preference to either return to in-person meetings or to remain remote until July 15, 2022. Public Bodies who opt to continue remote meetings until July 15, 2022 must continue to follow all of the Emergency Open Meeting Law Requirements with respect to posting and reading the notice on all meeting agendas; as well as reading the notice at the beginning of the remote meeting and conducting all votes by roll-call vote. Public Bodies who opt to return to in-person meeting must continue to follow all the requirements of the Open Meeting Law. Members of the Public Bodies are not required to wear masks but may choose to continue. Members of the Public attending in-person meetings cannot be required to wear masks and they may also choose to continue to wear masks.

J. Livingston stated she would like to see microphones in the first-floor meeting room for in-person attendees. Scott Kurland from APAC said that they have ordered a microphone and speakers for the room that will be in place by April 5, 2022.

Dennis Curran, 51 Pleasant Street said it was an unreasonable request to have a single zoom line for all Boards and Committees. He said that having the Zoom feature helps enhance the democratic process.

James O'Connor, 12A Turtle Hill Road asked about having meetings in the Great Hall because there is additional space. J. Livingston stated that the acoustics in the Great Hall make it hard to have meetings up there.

New Business/Select Board Member Questions: None

Approval of Meeting Minutes:

Motion: A motion was made by S. Houde and seconded by J. Livingston to approve the meeting minutes of February 15, 2022. **By Roll Call Vote:** S. Copeland, aye; S. Houde, aye; J. Livingston, aye. **Motion passed 3-0.**

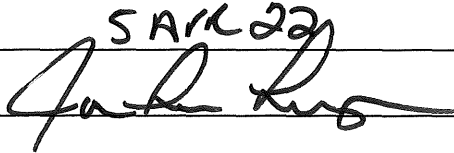
Executive Session: At 8:03 PM, a motion was made by J. Livingston and seconded by S. Houde to enter into Executive Session, pursuant to MGL c.30A, sec. 21A Exemption #3 (Union Contract Negotiations) Review/Ratification of DPW Contract MOA and to adjourn from Executive Session. J. Livingston further stated that the discuss these items in Open Session would be detrimental to the Town's negotiating strategy. **By Roll Call Vote:** S. Copeland, aye; S. Houde, aye; J. Livingston, aye. **Motion passed 3-0.**

Minutes Recorded and Submitted by Carly M. Antonellis, Assistant Town Manager

Date Minutes Approved by SB: _____

5 APR 22

Signature Indicating Approval: _____

A handwritten signature in black ink, appearing to read "Jack Russo", written over a horizontal line.