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



Broadcast and Recorded by APAC

Wednesday July 13, 2022
Open Session Meeting Minutes

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

Also Present: Robert A. Pontbriand, Town Manager
Carly M. Antonellis, Assistant Town Manager (Via Zoom)

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

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 S. Houde and seconded by S. Copeland to approve the meeting agenda. **Motion passed 3-0.**

Moment of Silence: The Select Board observed a moment of silence in observation of Clark W. Paige, who recently passed away. He was both a member of the Ayer Fire Department and an elected Constable.

Public Input: None

Petition for Street Acceptance - Crabtree Development, LLC - Portions of Pingry Hill Subdivision: Mika Lassila was in attendance on behalf of Crabtree Development. Crabtree Development is petitioning for street acceptance for the October 2022 Fall Special Town Meeting for Woodland Way and the cul-de-sac of Hemlock Drive. The next process is for the DPW and the Planning Board to review and it will come back to the Select Board for approval to be placed on the Warrant.

Motion: A motion was made by S. Houde and seconded by S. Copeland to approve the intent to layout street acceptance for portions of Pingry Hill subdivision. **Motion passed 3-0.**

Chief Brian P. Gill, Ayer Police Department - Letter of Recognition for Ayer Public Safety Personnel: Chief Gill and Deputy Chief Bigelow were in attendance to recognize members of the Ayer Police Department, Ayer Fire Department, Ayer/Shirley Regional Dispatch, and the Department of Public Works. Members of the Town's public safety personnel were instrumental in a missing person's case on Friday July 1, 2022. The elderly gentleman was later found safe. Chief Gill, the Select Board, and Town Manager Pontbriand thanked all those involved.

Ayer PD Awarded Accreditation Status - Chief Gill announced that the Ayer Police Department has officially attained Accreditation Status. The Accreditation Status demonstrates that the Ayer Police Department has attained the highest level of professional police standards and best practices and policies. A lot of work went into this process and a special thanks to the Accreditation Team and former Chief Murray for all their work. The Accreditation is good for three years.

Katie Petrossi, Director, Ayer Council on Aging - Update on Senior Center Site Selection Process: R. Pontbriand introduced Katie Petrossi, COA Director and Dennis Curran from the COA for an update on the Senior Center Site Select Process. He also recognized and thanked all the members of the Senior Center Site Selection Working Group for their ongoing efforts.

A power point presentation was made highlighting the Senior Center Site Selection Working Group's work. The biggest challenge has been finding a viable site of approximately 1.5 acres in size to locate and construct the new Senior

Center. The Town of Ayer is only 9.5 square miles and land is at a premium. Unfortunately, the Town does not have any viable municipal land or former municipal buildings that could accommodate this project. Many potential sites are privately owned and not necessarily for sale. Other potential sites such as the West Main Street site proposed at the Fall 2020 Town Meeting have environmental issues/challenges. Some potential sites have logistical or conservation challenges. The Working Group has also approached MassDevelopment and has been open to looking at a site that is on Devens but that is adjacent and near Ayer. The Working Group also issued a formal Request for Proposals (RFP) for potential land sites or buildings and received only one formal response for a building on Devens which was deemed not to be suitable for this project. We have the project and the program, we do not have the site yet.

R. Pontbriand stated at the conclusion of the presentation that the next steps are for the Working Group to continue to work with the consultant to find a viable site for this project. This may require some additional funding for consultant services and due diligence costs. The next step would then be to acquire the site which would require authorization from Town Meeting. Timing is an issue here so it would be ideal if the Select Board would potentially consider calling a Special Town Meeting for the purposes of acquisition rather than be confined to either the Fall or Annual Town Meeting. The final step after acquisition will be to fund, procure, and construct the project.

J. Livingston thanked everyone for the presentation and stated that she and the Select Board are fully supportive of this important project. She stated that she would be open to calling a Special Town Meeting if needed for the purposes of this project. S. Houde and S. Copeland concurred with their support for the project and the potential for a Special Town Meeting if needed.

S. Houde stated that in terms of additional funding for consultant services and due diligence costs, perhaps the Fall Town Meeting this October would be an opportunity assuming that free cash is certified. He stated that he is supportive of the project. R. Pontbriand also referenced a letter from the Council on Aging in the meeting packet which expresses their support for the project.

Acceptance of Anonymous Donation - K. Petrossi presented an Anonymous Donation in the amount of \$1,500 that was made to the Senior Center/COA and requested that the Select Board vote to accept the donation. The donation will be deposited into the COA Donation Account.

Motion: A motion was made by S. Houde and seconded by S. Copeland to accept the Anonymous Donation in the amount of \$1500 to the Ayer COA/Senior Center. **Motion passed 3-0.**

Dan Van Schalkwyk, Director, Dept. Of Public Works - Agreement for Wastewater Treatment and Disposal Services – MassDevelopment: D. Van Schalkwyk advised that the Town just got back the agreement from MassDevelopment and that Town Counsel needs to do a final review before it is ready for approval. As such he presented another amendment to extend the existing agreement through September. He stated that this should be the last extension amendment and that he hopes to have the final agreement before the Board in August for approval.

Motion: A motion was made by S. Houde and seconded by S. Copeland to approve the amendment for extension of the current agreement for wastewater treatment and Disposal Services as presented by the DPW Director. **Motion passed 3-0.**

Drought Status - D. Van Schalkwyk provided the Select Board with an update on the current Drought Status. Ayer is currently at a Level 2 – Significant Drought Status. He made a brief power point presentation to the Select Board. He is recommending that all residents and business practice voluntary water conservation measures during this time. The DPW is closely monitoring the water supply and water system during this time, and he will continue to keep the Select Board and Town updated.

Converting the Town's Vehicle Fleet to Electric - D. Van Schalkwyk advised that the Town recently participate in the National Grid Massachusetts Fleet Advisory Services Program. The program provided a final report with recommendations to convert a vehicle fleet to electric. The DPW, Fire, Police, and Parks Department participated, and a final report is available. D. Van Schalkwyk made a brief power point presentation on the findings and recommendations of the report which included replacing vehicles with electric when possible and practical; look to

installing the appropriate electric charging infrastructure when possible and subject to funding (ideally grant funding); and continue to update the fleet report.

J. Livingston stated that though she is not opposed to electric vehicles, we need to be aware that in many instances electric vehicles use just as much if not more energy to produce and use.

DPW Project Status Update - D. Van Schalkwyk provided a brief update to the Select Board on various ongoing DPW projects which included the Spectacle Pond Water Treatment Plant PFAS Treatment System which is operations; various Wastewater Treatment Plant Improvements; the ongoing MassWorks West Main Street Infrastructure project; and the new hours of operation at the Transfer Station.

Peter Lowitt, Devens Enterprise Commission - Legislation to Eliminate the Devens Commercial Development Cap: Peter Lowitt and Neil Angus of the Devens Enterprise Commission appeared before the Select Board along with DEC Representatives, Bill Marshall, Judge Bob Gardiner and Marty Poutry to request the Select Board's support in requesting the State Legislature to raise the development cap at Devens by the end of the current Legislative Session on July 31, 2022. P. Lowitt provided a detailed power point presentation on approaching the development cap at Devens and why it should be lifted. Every five years the Devens Enterprise Commission conducts a progress review of the development cap. Recent analysis showed Devens approaching 6 million sq. ft of commercial development. The 2021 Annual Report of the DEC showed an additional 1 million sq.ft. during that calendar year. Devens is currently approaching 7.7 million square feet of commercial development and we expect to reach the 8.5 million square feet commercial development cap sometime in late 2022 or early 2023 based on projects in the development pipeline.

P. Lowitt further advised that the possible impacts of leaving the commercial development cap in place would be that Salerno Circle, Shirley Village Growth, and the North Post's future redevelopment would be in jeopardy. Some properties have existing master plans showing additional development over 1.28 million square feet of which would be put at risk by the cap. MassDevelopment has calculated that there is another 2 million plus square feet of development potential within the Devens Regional Enterprise Zone. Devens role as an economic development destination for the Commonwealth would be at risk.

P. Lowitt concluded the presentation by stating that Devens success is equal to local, regional, and state success. The request to lift the development cap will correct a change that should have been made in 2008; it is consistent with the Final Environmental Impact Report; consistent with the Devens Sustainable Redevelopment goal in the Devens Reuse Plan; will continue economic, social, and environmental successes of Devens for the region and Commonwealth; and is consistent with Devens continues leading by example as a National and International model of successful and sustainable military base and community redevelopment.

P. Lowitt thanked the Select Board and requested that they support lifting the commercial cap as presented.

J. Livingston thanked Peter Lowitt and the DEC for their excellent work. She appreciated Mr. Dan Rivera, CEO of MassDevelopment for being at the meeting via Zoom. She had asked that he be here. The DEC has done an excellent job in making the case and request to lift the commercial cap and their efforts are on behalf of MassDevelopment. The issue, Mr. Rivera is that MassDevelopment has been silent for months on the Devens Framework Committee. This is the first time we have heard your voice and I thank you for being here.

D. Rivera (via Zoom) thanked J. Livingston and apologized that he could not be at the meeting in person. The DEC is the honest broker, and we take their guidance on the development cap. The question before you is to raise the development cap so that Devens can continue to do great work. MassDevelopment supports this and stands behind the request.

J. Livingston stated that as pointed out the DEC needs Ayer, Harvard, and Shirley and MassDevelopment. Speaking for Ayer, we would like a relationship with MassDevelopment. I would like to invite you to attend our next meeting on August 16. We have met all the other heads of MassDevelopment through the years, but we have yet to meet directly with you. D. Rivera stated that short of a force majeure, I will attend your next meeting on August 16, 2022.

S. Houde asked what the total potential development build out of Devens is? P. Lowitt stated that it is estimated to be 12 million square feet.

N. Angus stated that the 12 million is an estimate and that there are various variables that can impact that number in terms of types of development, etc.

R. Pontbriand through the Chair thanked P. Lowitt and the DEC for all their work on this and their presentation this evening. He addressed D. Rivera directly that the Town of Ayer is concerned that there is not a true relationship at this time with MassDevelopment. The fundamental concern is that up until a few months ago, MassDevelopment was an active partner on the Devens Framework Committee and then abruptly left the Committee with no explanation. Numerous letters have been sent directly to MassDevelopment from the Towns and others involved on the Framework Committee and there has been no response. Now, tonight, there is suddenly an urgency for the Town's to support lifting the development cap at Devens and the Town's are being asked to act immediately but on the issues of disposition of Devens, MassDevelopment has not only not been at the table but has yet to explain their reasons why and respond. I look forward to discussing this further with you at the August 16 meeting, and I hope that you actually come.

D. Rivera stated that we have some work to do to focus on the right things at Devens. We have to fix a bridge, build a new public safety building, fund education. It is not that disposition and jurisdiction are less important.

R. Pontbriand stated that the most important question facing Devens, MassDevelopment, the DEC, Ayer, Harvard, and Shirley is the question of future disposition. We have developed a framework committee consisting of the Towns, the DEC, MassDevelopment, and Devens residents and were working through a pandemic and making progress and then your agency (MassDevelopment) just walked away with no explanation and no explanation to date after numerous formal inquiries. I deal with bridges and municipal issues everyday, but I am at the table, we don't know where you are and why MassDevelopment has left this important collaborative effort dealing with the issue of disposition.

D. Rivera stated that he understands the frustration and we have until 2030 or so and I don't want to be cavalier.

J. Livingston stated that the letter you sent explaining why MassDevelopment was stepping away is not good. It covers some of the basic facts from your perspective, but you have received numerous requests for further explanation and to meet and to return to the table and it appears you have filed that in "cabinet 13". It comes across that you are not a good neighbor. I feel someone got offended and decided to leave. I am a straight shooter. This is very important. We have been ignored and it only take five minutes to acknowledge and respond. This is what has upset many not only in Ayer but in Harvard, Shirley, on Devens, and on the Framework Committee. I hope you will come to our meeting on August 16.

S. Houde asked if the 12 million square feet for the estimated development cap build out considers housing. P. Lowitt stated that is a good point and that the DEC only looked at the commercial development cap. This recommendation and analysis have to do with the commercial development cap and does not factor in housing.

S. Houde clarified that the DEC is seeking a vote of support and has Shirley and Harvard weighed in. P. Lowitt stated that they are looking for a vote of support. Shirley voted to support, and we meet with Harvard next week.

Motion: A motion was made by S. Houde and seconded by S. Copeland to support lifting the Devens commercial development cap as presented and requested by the Devens Enterprise Commission. **Motion passed 3-0.**

Town Manager's Report - Administrative Update/Review of Town Warrant(s): R. Pontbriand provided a brief Administrative Update to the Select Board on the various activities, initiatives, and projects of the Town since the Select Board last met and referenced the Town Warrants that are in the Select Board's packet that were approved since the Select Board last met. In the interest of time, he asked if there were any specific questions from the Select Board in terms of the Administrative Update before he moved onto the action items under his report. There were no questions from the Select Board.

Appointments: Cemetery Commission and Cable Contract Committee - R. Pontbriand reviewed the appointment process for the Cemetery Commission as approved by the Select Board on June 7, 2022 and accordingly the Town advertised the positions from June 8 to June 24 2022 on the Town's website; social media and on the exterior Town Hall posting board. The Town originally received four applicants for three positions: Betsy Diskin; Sam Goodwin; Ed Orr; and Susan Tordella-Williams. Their letters of intent are in the Select Board's meeting packet and all candidates were invited to appear tonight before the Select Board to be interviewed.

R. Pontbriand further advised that he received an email that Ed Orr was withdrawing from consideration. Additionally, Betsy Diskin contacted him that she could not be here tonight due to an unforeseen matter out of town and would be happy to meet with the Select Board at a future meeting. Susan Tordella-Williams is currently out of the country. Sam Goodwin is in attendance this evening. The process was followed, there are three interested candidates for three positions, Sam Goodwin is here tonight, what is the will of the Select Board?

S. Houde stated that we have three candidates who are willing to serve, and I have no issue with appointing them. He asked about the candidates' preferences for the length of each term.

R. Pontbriand stated that Susan Tordella-Williams expressed interest in the one-year term. The other candidates did not express a preference.

S. Houde asked Sam Goodwin his preference and he responded the three-year term.

Motion: A motion was made by S. Copeland and seconded by S. Houde to appoint the following three individuals to the Ayer Cemetery Commission as follows: Sam Goodwin to a three-year term; Betsy Diskin to a two-year term; and Susan Tordella William to a one-year term. **Motion passed 3-0.**

R. Pontbriand presented the candidates for appointment to the Cable Advisory Committee which is charged with negotiating the Town's cable license with Comcast and bringing the license before the Select Board for review and final approval. The Committee consists of five members which serve a three-year term of which one is a Select Board representative which the Select Board should decide this evening.

The candidates for approval are Janet Providakes; Scott Kurland; Julie Murray; and Police Chief Brian Gill. J. Livingston volunteered to be the Select Board representative to the Committee.

Motion: A motion was made by S. Copeland and seconded by S. Houde to appoint Janet Providakes; Scott Kurland; Julie Murray; Chief Gill; and Select Board Member Livingston to the Cable Advisory Committee for three-year terms. **Motion passed 3-0.**

Continued Discussion of FY 2023 Goals and Objectives - R. Pontbriand suggested that in the interest of time, that the continued discussion of the FY 2023 Goals and Objectives be deferred to the next meeting. The Select Board concurred.

R. Pontbriand was joined by Alan Manoian, Director of Community and Economic Development to provide a brief update on the Town's plans to restore the cannon (howitzer) on the grounds of Town Hall. The three major components of this project will be to move the historic marker for the howitzer from the back of Town Hall to be placed by the howitzer as it was historically located; historically restore and repair the howitzer; and build the appropriate base for the howitzer to be placed on. Additionally, the Community Preservation Committee Chair has expressed support for an application for funding for the historic restoration component of the project.

Alan Manoian provided the Select Board with an overview of the history of the howitzer and stressed the importance of restoring and preserving it. He also stated that there should be a rededication ceremony when the project is complete.

R. Pontbriand stated that this project will be a collaboration between the Facilities Department, Community and Economic Development Department, DPW, and in coordination with the Veterans Agent and Historic Commission with

potential funding support from the Community Preservation Committee. He wanted the Select Board to be aware of this project and that there will be future updates at future Select Board meetings on the project.

New Business/Select Board Member Questions: None

Approval of Meeting Minutes:

Motion: A motion was made by S. Houde and seconded by S. Copeland to approve the meeting minutes from June 21, 2022. **Motion passed 3-0.**

Adjournment: A motion was made by S. Copeland and seconded by S. Houde to adjourn at 8:26 PM. **Motion passed 3-0.**

Minutes Recorded and Submitted by Carly M. Antonellis, Assistant Town Manager & Robert A. Pontbriand, Town Manager

Date Minutes Approved by SB: August 16 2022

Signature Indicating Approval: Scott A. Houde