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TOWN OF AYER  
TOWN CLERK



Town of Ayer  
Ayer Select Board  
Ayer Town Hall – 1<sup>st</sup> Floor Meeting Room  
Ayer, MA 01432



*Broadcast and Recorded by APAC*

**Wednesday September 7, 2022**  
**Open Session Meeting Minutes**

**SB Present:** Jannice L. Livingston, Chair; Shaun C. Copeland, Vice-Chair; Scott A. Houde, Clerk (Entered at 5:49 PM)

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

**Call to Order:** J. Livingston called the meeting to order at 5:32 PM.

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

**Approval of Meeting Agenda:** R. Pontbriand asked to add an item under the Town Manager's Report, an approval of a one-day liquor license for September 24, 2022.

**Motion:** A motion was made by S. Copeland and seconded by J. Livingston to approve the meeting agenda, as amended. **Motion passed 2-0.**

**Announcements:** S. Copeland thanked the Town Clerk's Office for a successful State Primary Election.

**Public Input:** Pauline Conley, 40 Cambridge Street began to read a letter stating that she met with a group of 10 citizens on a committee who no longer wanted her to participate after speaking with "Town Administration". She stated that when Town employees speak, they are representing the Select Board. R. Pontbriand asked for a Point of Order stating that he and Ms. Antonellis have rights under Massachusetts General Law, Chapter 30A, Section 21A, Exemption #1. He stated that it was completely inappropriate. J. Livingston stated to Ms. Conley that it was inappropriate and then stated to C. Antonellis, R. Pontbriand, and P. Conley that the feud has been ongoing for a longtime and they should just be adults and knock it off. C. Antonellis stated that she's never even met Ms. Conley but reads all her comments on the Community (FB) Page that question C. Antonellis' job performance. Ms. Conley continued to read her statement. R. Pontbriand stated he took exception with the comment that there was a feud. J. Livingston stated she used the term, and it was inappropriate. Ms. Conley left the table and went into the hallway. C. Antonellis stated that the person Ms. Conley was referring to came to the Town Administration seeking guidance. J. Livingston stated that if the public wants to make complaints about employees, they need to do it through the proper channels and not try to humiliate them.

**Dan Van Schalkwyk, Director, Dept. of Public Works – Petition for Street Acceptance – Cowfield LLC., Portions of Riley Jayne Farm:** D. Van Schalkwyk was in attendance. D. Van Schalkwyk reported that the Developer (Calvin and CJ Moore) has submitted their "As-Built" plans and he is in the process of developing a Punch List. He is looking for the SB to vote their intent to layout the street in advance of the Fall Town Meeting.

**Motion:** A motion was made by S. Copeland and seconded by J. Livingston to approve the intention to layout road acceptance for the remaining portion of Riley Jayne Farm Subdivision and to proceed to Town Meeting. **Motion passed 2-0.**

**Public Meeting for Street Acceptance of Pingry Hill Phase 4 at Fall Town Meeting** – D. Van Schalkwyk reported that the Planning Board voted at their meeting on August 23, 2022 to recommend that the Select Board accept Woodland Way and a portion of Hemlock Drive within the Pingry Hill Subdivision as a Town Street. He is asking the SB to execute the Order of Layout, which is included in the Packet.

**Motion:** A motion was made by S. Copeland and seconded by J. Livingston to approve the Order of Layout for Woodland Way and a portion of Hemlock Drive as presented in the packet. **Motion passed 2-0.**

*Agreement for Grove Pond Water Treatment Plant Resin Filter Media Replacement* – D. Van Schalkwyk presented a contract for execution for replacing the anion exchange (AIX) media at Grove Pond Water Treatment Plant. The DPW opened 2 bids for the project which ranged from \$352,026.00 to \$496,000.00. The low bidder is Calgon Carbon Corporation. The scope of work includes replacement of the AIX media in both vessels. The project will be paid from the Operations and Maintenance budget in the Environmental Services Cooperative Agreement (ESCA) with the U.S. Army.

*S. Houde enters at 5:49 PM.* D. Van Schalkwyk summarized the request to S. Houde.

**Motion:** A motion was made by S. Copeland and seconded by S. Houde to execute the contract with Calgon Carbon Corporation for the Grove Pond Water Treatment Plant Resin Filter Media Replacement in the amount of \$352,026 with for signature by the Chair. **Motion passed 3-0.**

*Drought Update and Outdoor Watering Variance Discussion* - Water & Sewer Superintendent Kimberly Abraham (via Zoom) joined D. Van Schalkwyk to give an update on the Drought and to discuss an outdoor water variance. D. Van Schalkwyk stated that the levels in the tanks have been increasing and there has been a decrease in usage. The State met earlier in the day and will maintain the level 3 drought status, as there is about a 10" deficit still at this time. He stated that after discussion with Superintendent Abraham that the DPW could handle variance requests in the fall to establish new lawns because it is the growing season. He is recommending that the SB lift the suspension on variances for outdoor watering for the establishment of new lawns only. S. Houde asked if one of the Spectacle Pond wells would be taken offline, since it has been pumping nonstop. D. Van Schalkwyk stated that is the biggest producer and there are no plans to shut it down because it would significantly reduce the supply.

**Motion:** A motion was made by S. Houde and seconded by S. Copeland to lift the current ban on variances for the purpose of establishing lawns. **Motion passed 3-0.**

*Notice of Award – Pirone Park Playground Project* – Jeff Thomas, Director of Parks and Recreation joined D. Van Schalkwyk. They were pleased to announce that bids were open for Phase 1 of the Pirone Park Playground Project, which is to remove the current structure and remediate the soil. This work should begin this fall. A total of nine (9) bids were received, with local company Brighter Horizons, Inc., being the low bidder at \$173,000. He is requesting that the Select Board award the contract to Brighter Horizons, Inc. of Ayer, MA.

**Motion:** A motion was made by S. Copeland and seconded by S. Houde to award Phase 1 of the Pirone Park Playground Project to Brighter Horizons, Inc. of Ayer, MA in the amount of \$173,000. **Motion passed 3-0.**

**Alan Manorian, Director, Office of Community & Economic Development – FY '23 UDAG Budget Funding:** A. Manorian referenced the memo in the packet. He is requesting UDAG funding in the amount of \$113,701 to pay for 50% of his annual budget. The other half is funded through the Omnibus Budget.

**Motion:** A motion was made by S. Houde and seconded by S. Copeland to approve \$113,701 in UDAG Funding for the FY '23 Economic and Community Development Budget. **Motion passed 3-0.**

*Proposed Targeted New Enterprise Loan Program* – A. Manorian presented a proposed loan program and referenced the memo in the packet. He stated that the "Targeted New Enterprise Loan Program" offers commercial loans up to \$200,000 at a competitive rate of interest as a municipal incentive-based lending program designed to attract sectors of new commercial enterprise, as proactively identified by the Town to locate, operate and expand in Ayer.

**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. He gave a very brief overview of what the Special Fall Town Meeting Warrant will look like, noting two street acceptances and two potential zoning articles.

*Appointments – COA Board of Directors and Cultural Council* – R. Pontbriand is recommending that the Select Board appoint Ms. Marge Withee to the COA Board of Directors with a term to expire June 30, 2025.

**Motion:** A motion was made by S. Houde and seconded by S. Copeland to appoint Ms. Marge Withee to the COA Board of Directors with a term to expire June 30, 2025. **Motion passed 3-0.** Ms. Withee stated that she is very excited to be on the board and can't wait to start.

R. Pontbriand is also recommending that the following residents be appointed to the Cultural Council with the terms as follows: Susan Tordella-Williams June 30, 2023; Jin Hong June 30, 2024; Bob Williams June 30, 2024; Linda McGillicuddy June 30, 2025.

**Motion:** A motion was made by S. Copeland and seconded by S. Houde to appoint the following residents to the following terms on the Cultural Council: Susan Tordella-Williams June 30, 2023; Jin Hong June 30, 2024; Bob Williams June 30, 2024; Linda McGillicuddy June 30, 2025. **Motion passed 3-0.**

*Request for UDAG Funding – COA Building Design Services/Due Diligence* – C. Antonellis presented a request for \$31,000 dollars in UDAG funding to continue due diligence for selecting a site for a new senior center. The funding will cover 21E testing, wetland delineation, appraisal costs and continued site design services from Abacus Architects + Planners.

**Motion:** A motion was made by S. Houde and seconded by S. Copeland to approve the use of \$31,000 in UDAG funding for the continued due diligence for senior center site selection. **Motion passed 3-0.**

*Historic Fire Station – Amendment for Extension to Original Agreement – South Bay Additional Removal:* R. Pontbriand presented an Amendment for Extension relating to the Historic Fire Station located at 14 Washington Street. The Town originally sold the property to Cowfield Station, LLC (Mr. Calvin Moore) in 2018. As part of that original agreement the owner agree that within three (3) years, the owner would remove the South Bay addition on the station. Mr. Moore was granted an extension on August 3, 2021 to demolish the South Bay addition by the new deadline of August 1, 2022. In January 2022, Mr. Moore, sold the station to Seal Harbor Companies, LLC. The new owner, Seal Harbor Companies, LLC has yet to demolish the South Bay addition in accordance with the agreement and the August 1, 2022 deadline has passed. The new owner, Seal Harbor Companies, LLC has requested an extension until December 31, 2022 to remove the South Bay addition of the station. He is recommending approval of the extension.

**Motion:** A motion was made by S. Copeland and seconded by S. Houde to approve the Amendment for Extension between the Town of Ayer and Seal Harbor Companies, LLC. **Motion passed 3-0.**

*Request for One Day Liquor License* – C. Antonellis presented a request for a one-day liquor license from Amanda Dausman and Arber Kasa who will be getting married at St. Andrew's Parish on September 24, 2022. They would like to serve alcohol from 4:00 PM – 8:00 PM. She is requesting that the SB approve the one-day license.

**Motion:** A motion was made by S. Copeland and seconded by S. Houde to approve the one-day liquor license for Amanda Dausman and Arber Kasa for St. Andrew's Parish on September 24, 2022 from 4:00 PM – 8:00 PM. **Motion passed 3-0.**

**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 August 16, 2022. **Motion passed 3-0.**

**Adjournment:** A motion was made by S. Copeland and seconded by S. Houde to adjourn at 6:19 PM. **Motion passed 3-0.**

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

Date Minutes Approved by SB: Sept 20, 2022

Signature Indicating Approval: Scott A. Hill