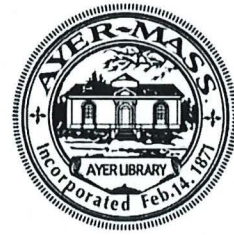


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TOWN OF AYER
TOWN CLERK



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



Broadcast and Recorded by APAC

February 7, 2023
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. Antonelli, Assistant Town Manager

Call to Order: J. Livingston called the meeting to order at 6:00 PM. J. Livingston stated that this meeting/hearing of the Ayer Select Board will be held in-person at the location provided on this notice. Members of the public are welcome to attend this in-person meeting. Please note that while an option for remote attendance and/or participation via Zoom is being provided as a courtesy to the public, the meeting/hearing will not be suspended or terminated if technological problems interrupt the virtual broadcast, unless otherwise required by law. Members of the public with particular interest in a specific item on this agenda should make plans for in-person vs. virtual attendance accordingly. This meeting will be live on Zoom and Channel 8. The public may access the proceedings by joining Zoom (Meeting ID# 897 9080 0793) or by calling (929-205-6099).

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.

Announcements: None

Public Input: None

Joint Meeting of the Select Board and Finance Committee Regarding FY 2024 ASRSD Budget Presentation - Dr. Adam Renda, Superintendent of Schools & Mr. William Plunkett, Finance Manager:

Finance Committee Call to Order – K. Fraczkowski, Chair called the Finance Committee to order at 6:02 PM. Members present were Kurt Fraczkowski, Jin Hong, and Andrew Sealey.

Dr. Renda was joined by Bill Plunkett, Business Manager (via remote participation); and Charlie Caliri, Assistant Superintendent.

Dr. Renda stated that there would be a public hearing on the budget on February 15, 2023. Dr. Renda reported that District Enrollment is up 14 students from the previous year. The Choice Out enrollment has remained the same at 121 students and the Choice In enrollment is down 8. There is 1 fewer student from Ayer attending the Charter School and 9 more students attending Nashoba Tech. Dr. Renda stated that the Special Education Enrollment is 19.4% of the total enrollment. He stated that the

Special Education Out of District Costs in FY'24 is expected to range from \$41,000 to \$350,000 per placement, which is 9% of the total budget.

Mr. Plunkett presented the budget revenues and budget drivers for FY '24. He stated that health insurance, employee salaries, and transportation are the major budget drivers. The Ayer assessment, without debt service would be, \$12,244,196, an increase of \$380,222 or 3.1%. The Ayer assessment, with debt service would be, \$13,133,346, an increase of \$477,498 or 3.6%.

S. Houde asked what age/grade level the school typically sees students opting to Choice Out. Dr. Renda said usually in transition years, meaning between grades 5 and 6 and grades 8 and 9.

S. Copeland asked when the District would have more solid information on the health insurance figures. B. Plunkett stated that they'll hear typically by March 1st.

A. Sealey asked how many teachers the district has. Dr. Renda said between 155-168.

S. Houde asked if the School District still planned on submitting a Letter of Intent for a new elementary school in Ayer. Dr. Renda said that the Statement of Interest window is open until April 14, 2023. The District has started the process; he'll be presenting the process to the school committee at the February 15, 2023 meeting. He stated the school committee will have to make a choice between which of the two towns elementary schools they will prioritize.

J. Livingston asked when they will hear back from the MSBA. Dr. Renda said usually by July 1st.

Adjournment of Finance Committee -

Motion: A motion was made by A. Sealey and seconded by J. Hong to adjourn at 6:37 PM. **Motion passed 3-0.**

Charles R. Shultz, Jr., Building Commissioner - Enforcement of Trash Receptacles and Dumpster and Code Enforcement Update: C. Shultz gave an overview to the Select Board about the responsibilities of the Zoning Enforcement Officer and what his department does in addition to building inspections. Relating to Zoning violations, he referenced a new complaint form that can be found on the Building Department's webpage that helps assist him and the Assistant Building Inspector do zoning enforcement. He then outlined the building/zoning enforcement process, which involves sending a series of letters to the violating party with a set timeframe to correct the violation. He noted that he does not have the ability to walk onto private property and cite an owner for a violation.

C. Shultz that said relating to the dumpsters that are picked up by private trash haulers, he has very little enforcement jurisdiction. He noted that the nuisance bylaw reads that any substantial interference with a street, right of way, or sidewalk is not allowed but that the term "substantial" is not defined.

C. Shultz stated that he doesn't get many complaints about trash receptacles. He noted that for new development, the Planning Board is able to regulate where receptacles are placed during the Site Plan Review process.

Dennis Curran, 51 Pleasant Street stated that it sounds like the bylaws aren't specific or rigorous enough. He stated that it seems to him that the receptacles are placed for the convenience of the trash haulers. He stated that he believes it is reasonable for the Town to tell the haulers on what day they can pick up the trash.

There was additional discussion.

Pauline Conley, 40 Cambridge Street stated that there is a competing bylaw and Board of Health regulations that address different issues. She is recommending that a representative from the Select Board, Board of Health, and the Planning Board meet to discuss this issue. She thinks the Town should be putting the haulers on notice.

J. Livingston stated that she would like this issue to be brought to the attention of the Board of Health and the Planning Department.

Request to increase Building Inspector's hours to Fulltime in FY' 24 Budget – C. Shultz stated the reason for the increase is because of the record number of building permits being applied for each year. He stated that the fees being generated with the increased number of permits is more than enough to cover the additional 20 hours.

Daniel Van Schalkwyk, Director, Dept. of Public Works - Street Acceptances (Pleasant St. Ext; Woodlawn Way; Hemlock Drive portion): D. Van Schalkwyk was in attendance to ask for the Select Board to vote in favor of three street acceptances. He stated that the following streets were voted by Fall 2022 Town Meeting for acceptance, authorizing acquisition by the Select Board: Pleasant Street Extension (portion); Woodland Way; Hemlock Drive (portion). The final step of street acceptance is for the Select Board to acquire the streets and required easements. He has worked with Town Counsel to prepare the attached Order of Takings.

Motion: A motion was made by S. Houde and seconded by S. Copeland to execute the order of takings as recommended by the DPW Director. **Motion passed 3-0.**

Change Order 1 – Spectacle Pond Transmission Main Replacement Project – D. Van Schalkwyk stated that the construction of the Spectacle Pond Transmission Main Replacement has been completed and a final change order has been prepared. The Change Order includes an emergency replacement of a failing 48" culvert and a reduction in price due to actual quantities of work being less than estimated. The total change order is an increase in price of \$44,444.93 for signature by the Chair.

Motion: A motion was made by S. Copeland and seconded by S. Houde to approve Change Order #1 with signature by the Chair. **Motion passed 3-0.**

Change Order 1 – Ayer Wastewater Treatment Plan FY '20 Improvement Project - D. Van Schalkwyk stated that the Ayer WWTP FY2020 Improvements Project are nearing completion. The Gravity Belt Thickener (GBT) was recently installed, and startup is commencing. The project has taken longer than expected due to the difficulty in obtaining equipment (e.g. VFDs and pumps) in the current economic climate.

The Change Order includes a handful unforeseen changes; however, the highest cost item is the Tank Drain/Wet Well Restoration of \$177,000. The existing wet well is 25-feet deep and severely deteriorated, concrete is breaking off and harming the pumps, and causing unnecessary labor for the wastewater staff to pull the pumps and repair them. He showed the Select Board images of the deteriorating wet well and new equipment being installed.

Motion: A motion was made by S. Houde and seconded by S. Copeland to approve Change Order #1 in the amount of \$241,754 with signature by the Board. **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. He stated that the main focus

has been the development of the FY '24 budget. The Cable Advisory Committee recently held a Public Hearing on January 18, 2023. He reported that a recent weekend storm event lead to a power outage, which lead to a power surge, which damaged the Town Hall server. The Town did not lose any data but it took almost 5 business days to recover. He is estimating the total cost impact is around \$10,000 and that the IT Department may need a Reserve Fund Transfer towards the end of the fiscal year.

FY '24 Budget Update/ FY '24 Energy Budget Update – R. Pontbriand stated since the first budget forum, the Facilities Department has found some potential savings with electricity, which has been identified as a major driver. The Minuteman Nashoba Health Group met yesterday and voted for a 13.75% increase to the budget for FY '24. The Town of Ayer was hoping for a 10% increase, but conservatively budgeted for 15%. He noted that FY '22 Free Cash should be certified within the next couple weeks and then the Bi-Board will make suggestions for uses of the Free Cash. He will be presenting DRAFT #2 of the budget at the next SB meeting on February 21, 2023.

Select Board Letter to MART Re: Shuttle Service for Devens Symposium - R. Pontbriand announced that through the Office of Community and Economic Development, the Town will be hosting a two-day Symposium relating to Devens. It will be held on March 10th and 11th, 2023. R. Pontbriand is asking the SB to approve a letter to the Montachusett Regional Transportation Authority requesting use of a van on Friday March 10, 2023 as part of the symposium.

Motion: A motion was made by S. Copeland and seconded by S. Houde to approve the proposed letter (with changes to the date) to MART. **Motion passed 3-0.**

Select Board Authorization of Invitation for Devens Symposium – R. Pontbriand is requesting that the Select Board approve the invitation as drafted by the Office of Community and Economic Development.

Motion: A motion was made by S. Copeland and seconded by S. Houde to approve the text of the invitation for the Devens Symposium. **Motion passed 3-0.**

2023 Seasonal Population Estimate for ABCC – C. Antonellis presented the 2023 Seasonal Population Estimate for the Alcoholic Beverages Control Commission. According to the Town Clerk, the Town of Ayer's population as of July 10, 2023 will be 7,100 residents.

Motion: A motion was made by S. Houde and seconded by S. Copeland to approve the 2023 Seasonal Population Estimate. **Motion passed 3-0.**

Amendment 8 – Agreement for Veterans Services – MassDevelopment – R. Pontbriand presented Amendment #8 for the agreement between the Town of Ayer and MassDevelopment for Veterans Services. Amendment #8 would extend the existing terms, that the Town of Ayer provide Veteran Services to those living in Devens, until August 21, 2023.

Motion: A motion was made by S. Copeland and seconded by S. Houde to approve Amendment #8 between the Town of Ayer and MassDevelopment for Veterans Services. **Motion passed 3-0.**

New Business/Select Board Member Questions - Update from February 6, 2023, Meeting with MassDevelopment (J. Livingston): J. Livingston stated that yesterday she was invited to a meeting at MassDevelopment along with the Chair of the Shirley and Harvard Select Boards, Victor Normand, the Chair of the Devens Framework Jurisdiction Committee (DJFC), Dan Rivera, President of MassDevelopment and Meg Delorier, Acting VP of MassDevelopment at Devens. During the DJFC process, where MassDevelopment was previously engaged, they were “driving the bus” and they will not be doing that anymore. They will be responsive to the Committee and provide information, but they feel

that the three Towns of Ayer, Shirley and Harvard should be "driving the bus". MassDevelopment has been focusing on completing the Reuse Plan and focusing on public safety buildings, PFAS remediation and the Lovell Road Bridge. They stated that Vicksburg Square was not a priority and they were looking at non-residential uses. J. Livingston's thought is to have Super Town Meeting at Devens with all three Towns at the same time, so everyone is presented with the same information at the same time. MassDevelopment reported that they are going through some staffing changes, making the Executive Vice-President position a Superintendent position. They are not going to start planning for disposition until 2029. She noted that MassDevelopment will pay for a consultant in the future, once disposition and 2033 get closer. She stated that August 19, 2023 is Devens Day with fireworks. She noted that the next DJFC Committee meeting will be held on April 12, 2023 in Harvard.

Approval of Meeting Minutes: A motion was made by S. Houde and seconded by S. Copeland to approve the meeting minutes from January 17, 2023. **Motion passed 3-0.**

Executive Session Pursuant to MGL Chapter 30A, Section 21A, Exemption #3 (Litigation Strategy) National Opioid Lawsuit Consortium: At 7:48 PM a motion was made by S. Houde and seconded by S. Copeland to enter into Executive Session pursuant to MGL Chapter 30A, Section 21 A, Exemption #3 (Litigation Strategy) to discuss the National Opioid Lawsuit Consortium and to adjourn at the conclusion of the Executive Session. He further noted that discussing these matters in Open Session would be detrimental to the Town's negotiating strategy.

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

Date Minutes Approved by SB: February 28, 2023

Signature Indicating Approval: 