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TOWN OF AYER
TOWN CLERK

Scopeland

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



Broadcast and Recorded by APAC

September 19, 2023
Open Session Meeting Minutes

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

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

Call to Order: S. Houde called the meeting to order at 6:00 PM. S. Houde further stated that this meeting/hearing of the Ayer Select Board (SB) 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: R. Pontbriand asked to add a Restorative Justice update under Chief Gill's report. He also noted that he has one Board appointment under his report for the Rate Review Committee.

Motion: A motion was made by S. Copeland and seconded by J. Livingston to approve the meeting agenda, as amended. **Motion passed 3-0.**

Announcements: None

Moment of Silence in Remembrance of Chief Paul Fillebrown, Sr., Ret.: The Board and meeting attendees observed a moment of silence in remembrance of Retired Fire Chief Paul B. Fillebrown, Sr., who recently passed away.

Public Input: Amy McCoy, 187 Old Groton Road, thanked the Select Board for reaching out to MassDevelopment regarding the noise from the car racing at the Moore Airfield. She stated she was recently made aware that some racers add lead fuel to their cars prior to racing to gain a speed boost. She handed the Select Board an article about race fuel being sold by Sunoco.

Dennis Curran, 51 Pleasant Street, stated that there is a perception in the community that the former Senior/Community Center Building Committee failed in its mission due to ineffective communication. He stated that was not his experience. J. Livingston asked if he was looking at the DRAFT meeting minutes from the Parks Commission because those minutes have not been approved. D. Curran stated he has seen them but would like to address the topic based on other public meetings. He noted that in

December 2022/January of 2023, conversations began with the Parks Commission about the possibility of building a combined senior and community center at Pirone Park. In February, the Parks Commission voted to support that idea. He noted that in March of 2023, the Senior Center Director held a public forum regarding the potential project. He stated that the meeting was hijacked by abutters and baseball "aficionados" who were not comfortable with the project moving forward. He stated that the COA Board fulfilled its obligation by convening the March 2023 meeting to solicit support for the project. He urged the Parks Commission to garner support for the proposed project. He stated that the Parks Commission refused to do this and started saying that this was not their project. He stated that the number of players who need to use Field 6, is far less than those who could use it for a Senior/Community Center. D. Curran then asked about the authority of the Parks Commission. S. Houde urged Mr. Curran to speak with the Parks Commission. S. Houde stated that the Senior Center project has the full support of the Select Board. D. Curran stated that public officials have given private citizens the ability to preemptively veto use of public land. D. Curran stated he appreciates the Board's support moving forward for a Senior Center.

Pauline Conley, 40 Cambridge Street stated that the Parks Commission is authorized under Massachusetts General Laws Chapter 45.

A meeting attendee stated that she was having a hard time hearing.

Application for Common Victualler's License and Entertainment License - Pleasant Café Inc. of Ayer – 7 Depot Square: Frank Dzerkacz, owner of the Pleasant Café joined the Select Board. C. Antonellis stated that the Town is waiting for the liquor license approval from the ABCC. The entertainment license is for live entertainment (acoustic bands, DJ, and karaoke) Monday-Sunday. All departments have reviewed the request and there are no issues. J. Livingston asked if they would be open on Mondays? Mr. Dzerkacz stated not at first.

Motion: A motion was made by J. Livingston and seconded by S. Copeland to approve the Common Victualler's License and Entertainment License as presented. **Motion passed 3-0.**

Barbara Tierney, Finance Director – Treasurer/Tax Collector - Approval of General Obligation Municipal Purpose Loan of 2023 Bonds: B. Tierney stated that on September 13, 2023, the Town of Ayer received nine (9) competitive bids for a \$11,050,000 BOND, net of premium. This issue includes the West Main Street Bridge and several other capital projects. Raymond James & Associates Inc. was the winning bidder awarding a net premium of \$802,568.60 and a net interest cost of 3.45% The Town of Ayer maintains an S&P, AA+ Bond rating, issued in 2023.

Motion: A motion was made by S. Copeland and seconded by J. Livingston to approve the sale of \$11,050,000 General Obligation Municipal Purpose Loan of 2023 Bonds of the Town dated October 11, 2023,(the Bonds), to Raymond James & Associates Inc., at the price of \$11,852,568.60 and accrued interest, if any, is hereby approved and confirmed. The enclosed vote will be signed by the Clerk and incorporated into the meeting minutes, as presented in this meeting: that the sale of the \$11,050,000 General Obligation Municipal Purpose Loan of 2023 Bonds of the Town dated October 11, 2023 (the "Bonds"), to Raymond James & Associates, Inc. at the price of \$11,852,568.60 and accrued interest, if any, is hereby approved and confirmed. The Bonds shall be payable on October 1 of the years and in the principal amounts and bear interest at the respective rates, as follows:

Year	Amount	Interest Rate	Year	Amount	Interest Rate
2024	\$725,000	5.00%	2034	\$515,000	5.00%
2025	705,000	5.00	2035	515,000	4.00
2026	690,000	5.00	2036	515,000	4.00
2027	685,000	5.00	2037	515,000	4.00
2028	660,000	5.00	2038	435,000	4.00
2029	620,000	5.00	2039	420,000	4.00
2030	610,000	5.00	2040	420,000	4.00
2031	605,000	5.00	2041	415,000	4.00
2032	595,000	5.00	2042	415,000	4.00
2033	575,000	5.00	2043	415,000	4.00

Further Voted: that in connection with the marketing and sale of the Bonds, the preparation and distribution of a Notice of Sale and Preliminary Official Statement dated August 30, 2023, and a final Official Statement dated September 13, 2023 (the "Official Statement"), each in such form as may be approved by the Town Treasurer, be and hereby are ratified, confirmed, approved and adopted.

Further Voted: that the Bonds shall be subject to redemption, at the option of the Town, upon such terms and conditions as are set forth in the Official Statement.

Further Voted: that the Town Treasurer and the Select Board be, and hereby are, authorized to execute and deliver a continuing disclosure undertaking in compliance with SEC Rule 15c2-12 in such form as may be approved by bond counsel to the Town, which undertaking shall be incorporated by reference in the Bonds for the benefit of the holders of the Bonds from time to time.

Further Voted: that we authorize and direct the Town Treasurer to establish post issuance federal tax compliance procedures and continuing disclosure procedures in such forms as the Town Treasurer and bond counsel deem sufficient, or if such procedures are currently in place, to review and update said procedures, in order to monitor and maintain the tax-exempt status of the Bonds and to comply with relevant securities laws.

Further Voted: that any certificates or documents relating to the Bonds (collectively, the "Documents"), may be executed in several counterparts, each of which shall be regarded as an original and all of which shall constitute one and the same document; delivery of an executed counterpart of a signature page to a Document by electronic mail in a ".pdf" file or by other electronic transmission shall be as effective as delivery of a manually executed counterpart signature page to such Document; and electronic signatures on any of the Documents shall be deemed original signatures for the purposes of the Documents and all matters relating thereto, having the same legal effect as original signatures.

Further Voted: that each member of the Select Board, the Town Clerk and the Town Treasurer be and hereby are, authorized to take any and all such actions, and execute and deliver such certificates, receipts or other documents as may be determined by them, or any of them, to be necessary or convenient to carry into effect the provisions of the foregoing votes. **Motion passed 3-0.**

Alicia Hersey, Program Manager, Community Development - Approval of Request to Apply for FY '24 CDBG Housing Rehabilitation Program: A. Hersey is requesting that the Select Board support of her office's pursuit for a FY '24 CDBG grant for the Town's Housing Rehabilitation Program. The Office of Community & Economic Development is planning to hold the required Public Hearing for this grant application process on November 2nd at 6:00 pm. The waitlist is currently about 10 people and is about 5 years long.

Motion: A motion was made by J. Livingston and seconded by S. Copeland to support the pursuit of a FY '24 CDBG grant for the Housing Rehabilitation Program. **Motion passed 3-0.**

Approval of Housing Rehabilitation Program Income for General Use in Housing Rehabilitation Program – A. Hersey stated that the Town of Ayer Housing Rehabilitation Program Income currently has a balance of \$48,816. This fund has been used in the past for emergency home repair through the Housing Rehabilitation Program. She is recommending that the SB designate these funds for the Town's Housing Rehabilitation Program in general, and not just emergency rehabilitation. This would allow her office to Rehab the next property on the wait list.

S. Houde asked how much money A. Hersey would feel comfortable leaving in the fund for emergencies. A. Hersey said she would like the whole amount to be redesignated to allow the department flexibility.

Motion: A motion was made by J. Livingston and seconded by S. Copeland to approve the Ayer Housing Rehabilitation Program Income to be used for general use in the Ayer Housing Rehabilitation Program. **Motion passed 3-0.**

Letter of Support for 65 Fitchburg Road, NOAH, 40B Affordable Housing Project – A. Hersey referenced a DRAFT Letter of Support from the SB in the meeting packet requesting that DHCD waive a state appraisal requirement for the purchase of the property at 65 Fitchburg Road.

Motion: A motion was made by S. Copeland and seconded by J. Livingston to approve the DRAFT letter of support in the meeting packet requesting that the state waive the appraisal requirement for 65 Fitchburg Road. **Motion passed 3-0.**

Alan Manoian, Director of Community and Economic Development - Authorization of UDAG Portion of FY 2024 AOCED Office Budget: A. Manoian is requesting the Board approve \$122,980 in UDAG funding for FY '24 for the Community and Economic Development Office.

Motion: A motion was made by J. Livingston and seconded by S. Copeland to approve the AOCED FY '24 UDAG Budget and proposed targeted new enterprise loan program in the amount of \$122,980. **Motion passed 3-0.**

Dan Van Schalkwyk, Director, Department of Public Works - Award of Sandy Pond Road Sanitary Sewer Rehabilitation Project: D. Van Schalkwyk stated that the Town rebid the project. The Town received 4 bids ranging from \$1,743,160.00 to \$1,992,700.00 for the base bid. The lowest bidder is Vortex Services, LLC.

Motion: A motion was made by S. Copeland and seconded by J. Livingston to award the Sandy Pond Road Sanitary Sewer Rehabilitation Project in the amount of \$1,743,160 to Vortex Services, LLC for signature by the Chair. **Motion passed 3-0.**

Water Supply Update – D. Van Schalkwyk reported a high demand for water usage in the past month. Starting on Sunday during the week the tanks top off and are near full, but by the end of the week the tank supply reduces as the big water users in Town (CPF, Inc. and Nasoya) use the water. He is working

with both companies to reduce usage while other issues in the system are resolved. He is not recommending any changes to the water use restrictions at this time.

Chief Brian Gill, Ayer Police Department – Restorative Justice Update: Chief Gill stated that the Town was re-partnering with C4RJ (Communities for Restorative Justice). Chief Gill was joined by Erin Freeman, Executive Director for C4RJ. Ms. Freeman gave the Select Board a presentation on Restorative Justice, stating it was a voluntary process whereby offenders, victims and members of the community collectively identify and address harms, needs and obligations resulting from the impact of that offense. Ms. Freeman stated that the recidivism rate for C4RJ is much lower than that of the traditional legal system. C4RJ is now partnered with 30 police departments in Massachusetts and 3 District Attorney's Offices.

Board members agreed that it was a positive step that the Town was re-partnering with C4RJ. A resident (not identified) asked Chief Gill several questions about the program.

Update on Proposed Bylaw Amendments for Fall Special Town Meeting: Animal Control Bylaw and Transient Merchant Bylaw - Chief Gill appeared before the SB to provide an update on two proposed bylaw amendments, the Dog Bylaw, and the Transient Merchant Bylaw for consideration by the Fall Special Town Meeting. Chief Gill provided a power-point presentation of the proposed bylaw amendment to Chapter 130 (Dogs) of the Town's General Bylaws. The Town's current bylaw is outdated, and the Chief used the Town of Groton's bylaw as a model. The proposed bylaw amendment to Chapter 130 would add comprehensive definitions in accordance with State Law and for clarity; clarifies prohibited behavior and responsibilities; adds a \$25 animal control dog "pick up" fee for transportation to kennels; codifies the process of Nuisance or Dangerous Dog Complaints and Hearings; changes the licensing late fee to March 1st instead of April 1; and provides a schedule of fines for unlicensed, public disturbance and Nuisance listed in accordance with State Law. Chief Gill continued that the updated fees in Chapter 130 per the bylaw amendment would be \$10 for spayed/neutered dog licenses; \$15 for unaltered dogs; and a \$300 license fee for a dog that is formally determined a dangerous dog. There would also be a licensing late fee of \$50 and the schedule of public disturbance/nuisance violations would be \$50 for first offense; \$100 for second offense; \$300 for third offence; and \$500 for fourth offense. The kennel fees would also be updated to \$40 for 1-4 lbs dogs; \$70 for 5-10 lbs dogs and \$100 for +10 lbs dogs.

Chief Gill provided a power-point presentation of the proposed bylaw amendment to Chapter 265 (Transient Merchants) of the Town's General Bylaws. Chief Gill stated that a resident, Sara Withee had reached out to him about the concept of a "No Knock List" for the Transient Merchant Bylaw and he worked with her and incorporated her input into the proposed bylaw amendment. He stated that the proposed bylaw amendment would implement a \$25 application and investigation fee for transient merchants. The bylaw amendment further implements a permit duration for 1 day (\$5); 1 week (\$25); 1 month (\$50) and 1 year (\$100). The amendment also clarifies the application investigative period to five business days; adds language to include a "No Solicitation List" also known as a "No Knock List"; adds language for the Police Chief to revoke permits for cause; and adds language clarifying that youth activity/sports associations that are not for profit are exempt. Finally, the time limits for operation are currently 8am to 6pm and the Chief asked the Select Board if they wanted different times?

S. Copeland asked for clarification that youth groups and non-profit groups are exempt from the fees. Chief Gill stated yes. The Select Board indicated that keeping the 8am to 6pm time limits was fine.

Town Manager's Report - Administrative Update/Review of Warrants: 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 Insurance Advisory Committee has been meeting to discuss upcoming insurance options for the next fiscal year. He also reported that the Town's financial policies are under review by several Town departments. He stated that the Town did maintain its AA+ bond rating.

Appointment(s) – R. Pontbriand is recommending that the Select Board appoint Mr. Andrew Loven to the Rate Review Committee to fill an unexpired term ending on June 30, 2025.

Motion: A motion was made by S. Copeland and seconded by J. Livingston to appoint Mr. Andrew Loven to the Rate Review Committee for an unexpired term to expire on June 30, 2025. **Motion passed 3-0.**

Update on State's Migrant Shelter – R. Pontbriand referenced the public notification that was contained in the meeting packet. He noted that the Town's Social Worker has been working nonstop on the issue. R. Pontbriand thanked C. Antonellis, Community Development Program Manager A. Hersey, and School Superintendent Dr. Adam Renda for working collaboratively on the appropriate Town/School System response.

Pauline Conley, 40 Cambridge Street asked if we are receiving families that were immigrants or migrants? R. Pontbriand stated it could be migrants, immigrants, refugees, or Massachusetts families. The Town has been using the term "migrant" because that is the term the Governor's office is using. R. Pontbriand stressed that this is not a Town-run shelter, but run by the State through MOC, Inc. Town staff has done the appropriate public safety inspections.

J. Livingston asked where Senator Eldridge and Rep. Sena were, and it would be helpful for them to come explain this state program.

FY '25 Budget Process Discussion and DRAFT FY '25 Budget Schedule – R. Pontbriand presented the DRAFT budget calendar. R. Pontbriand pointed out that for the past three years, the Town has held two budget forums per budget season to try to get public input/feedback. He noted that all those forums have had low attendance. R. Pontbriand is exploring the idea of doing prerecorded budget sessions and he is also open to any Board suggestions.

J. Livingston asked R. Pontbriand if he had heard feedback that people didn't like the way the Town was presenting the information. R. Pontbriand stated that the turnout of the public is so low, he wants to reevaluate. J. Livingston stated that the Finance Committee meets publicly and is recorded; same with the Capital Planning Committee so the information is out there. She stated maybe the Town could hold one public hearing and refer those looking for additional information to previous meeting minutes. S. Houde said when we first started doing the public forums it was to put all the pieces of the budget together for the taxpayer. He feels that doing prerecorded messages may be more beneficial. J. Livingston stated that a "one-sheeter" might be helpful to refer residents back to prior meetings.

P. Conley stated she appreciates the frustration the Board is having in having low public participation. She stated that the goal is to get information to the public, but also, the public has to do their part and

participate. S. Houde stated that the Town's website has a lot of information on it and the information is always timely.

A resident (not identified) stated that a glossary of Town Meeting terms would be helpful. S. Houde stated that there is a glossary in the Town's Budget Book.

Update on 2023 Fall Special Town Meeting Warrant – R. Pontbriand noted that the Fall Town Meeting Warrant will have 5 articles. The Board will consider the final draft of the October 23, 2023 Fall Special Town Meeting Warrant at their next meeting on October 3, 2023.

Funding for the Library Boiler Replacement – R. Pontbriand was joined by Facilities Director Chuck Shultz and Library Director Luke Kirkland. The library boiler is currently twenty (20) years old, installed in 2003. The corrosion on the boiler has reached a level of critical concern that it could fail resulting in no heat for the library. The cost for the replacement of the library boiler is \$50,000. The funding for the library boiler is not in the current FY 2024 Budget nor was it originally in the Town's capital plan for 2023. He presented the different funding options which are as follows: Reserve Fund Transfer (RFT); Transfer Article from Capital Stabilization; ARPA Funds; UDAG Funds. S. Houde asked what the general lifespan was for a boiler. C. Shultz stated about 30 years. J. Livingston and S. Copeland think that ARPA funds would be the best choice for funding.

Motion: A motion was made by J. Livingston and seconded by S. Copeland to fund the cost of the Library Boiler Replacement up to \$75,000 through the ARPA funds. **Motion passed 3-0.**

L. Kirkland informed the Board that Library usage has increased dramatically.

New Business/Select Board Member Questions: None

Adjournment:

Motion: A motion was made by S. Copeland and seconded by J. Livingston to adjourn at 8:08 PM.

Motion passed 3-0.

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

Date Minutes Approved by SB: 10/17/23

Signature Indicating Approval: 