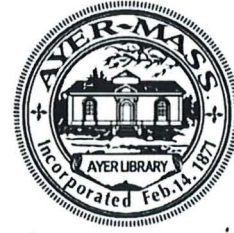


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TOWN OF AYER  
TOWN CLERK

*Scopeland*

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



*Broadcast and Recorded by APAC*

**October 17, 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:**

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

**Announcements:** S. Houde announced that the Fall Town Meeting will be held on Monday October 23, 2023; the Downtown Trick or Treat will be held from 12:30 PM to 2:30 PM on Saturday October 28, 2023 and the Town-wide Trick or Treat will be held on Tuesday October 31, 2023 from 6:00 PM – 8:00 PM.

**Public Input:** None

Because the time was prior to 6:05 PM (start of the Transfer Station Rates Public Hearing), S. Houde suggested taking up meeting minutes.

**Approval of Meeting Minutes:**

**Motion:** A motion was made by J. Livingston and seconded by S. Copeland to approve the meeting minutes from September 19, 2023, and October 3, 2023. **Motion passed 3-0.**

Because the time was prior to 6:05 PM (start of the Transfer Station Rates Public Hearing), J. Livingston suggested taking up the award of the Kiddie Junction Playground Project.

**Dan Van Schalkwyk, Director, Department of Public Works – Award of Kiddie Junction**

**Playground Improvement Project:** D. Van Schalkwyk was joined by Parks Director Jeff Thomas and reported that On Friday, October 13, 2023, the Town opened six (6) bids for the subject project. The bid

results ranged from \$454,575.00 to \$1,496,700.00, with a median result of \$547,000. The low bidder is Cella Construction Co., LLC, from Burlington, MA. Cella Construction has experience completing similar projects, including recent playground installations in Burlington and Lawrence. The construction budget available for the project is \$1,518,000.00. The Town has separately procured the playground equipment and poured-in-place material at a combined cost of \$663,320.70; therefore, \$854,679.30 is available for the scope of this bid award. He is recommending that the SB award the contract for the Kiddie Junction Playground Improvements to Cella Construction Co., LLC of Burlington, MA at a contract price of \$454,575.00.

J. Thomas stated that he was happy that the project came in under budget. He noted that there is a nature-based portion of the playground. The Parks Commission has been working with a local resident Brad Spinney, who owns a sawmill, and they are creating play pieces from the salvaged trees that were taken down.

S. Copeland asked about the anticipated start date. J. Thomas stated that the equipment won't be in until March of 2024. Initial groundwork can be done over the late winter/spring.

**Motion:** A motion was made by S. Copeland and seconded by J. Livingston to award the Kiddie Junction Improvement Project in the amount of \$454,575 to Cella Construction Company, LLC. with signature by the Chair. **Motion passed 3-0.**

**Public Hearing – Calendar Year 2024 Solid Waste (Transfer Station) Rates:** S. Copeland opened the public hearing at 6:10 PM by reading the public hearing notice. D. Van Schalkwyk gave a presentation on the Rate Review Committee's recommendation for Calendar Year 2024 Solid Waste Rates. He noted that the Solid Waste Disposal/Transfer Station is an enterprise fund and fees and rates are charged to fund the operation of the Transfer Station. The revenue going into the enterprise fund is raised by selling annual permits and "Pay as you Throw" bags. A portion of the solid waste budget is subsidized by the general fund. He stated that some notable budget considerations were that the contracts for disposal and collection have generally increased. He noted that the recycling of commodities is more favorable than in years past. There are about 1,400 users of the transfer station. The Rate Review Committee's recommendation is to not make any changes to the current fees. He noted that the Rate Review Committee (RRC) did an evaluation of the Transfer Station Finances last year and found that the fees in Ayer are slightly higher than neighboring and similar sized communities. The RRC is having a third-party professional review of transfer station operations, which will not include the potential of curbside pick-up.

J. Livingston stated it has been about a decade since transfer station operations were reviewed. The Rate Review Committee will come back to the Select Board at a later date to seek funding for the third-party review. R. Pontbriand stated that the third-party review will include a presentation to the RRC and the SB.

Pauline Conley, 40 Cambridge Street stated that she thinks that the Town should go back to a sticker system, instead of purchasing bags. She also said there needs to be more citizen participation on the Rate Review Committee.

Sara Withee, 11 Groton Shirley Road asked if the hours of the transfer station would be changed. Board members said no that this was only to address the rates.

**Motion:** A motion was made by J. Livingston and seconded by S. Copeland to approve the recommendation of no changes to the Transfer Station fees and implementation of a professional evaluation of the finances and the operations of the Transfer Station as presented. **Motion passed 3-0.**

**Motion:** A motion was made by S. Copeland and seconded by J. Livingston to close the public hearing at 6:34 PM. **Motion passed 3-0.**

*Memorandum of Understanding – Curley Circle* – D. Van Schalkwyk presented a draft MOU for Curley Circle. There is a handful of items left on the punch list that need to be completed by Town Meeting on October 23, 2023. Rather than restart the street acceptance process due to these items, he is recommending the Board execute a Memorandum of Understanding (MOU) with the Developer to require these items be completed after a presumed affirmative Town Meeting vote. The MOU will require the Town to continue to hold the current surety of \$24,750 until completion of the items. This monetary value is sufficient for the remaining work to be completed. S. Houde asked when the road acceptance would be figured in for Chapter 90 purposes. He said once the Board does the taking, within 120 days, then the certified vote will be submitted to MassDOT.

**Motion:** A motion was made by S. Copeland and seconded by J. Livingston to execute the Memorandum of Understanding between the Town of Ayer and DECA Corp. for Curley Circle. **Motion passed 3-0.**

*Water Supply Update* – D. Van Schalkwyk that demands for the water supply are high. Beginning the week of 10/16/23, leak detection services will be performed by Prowler Water. Although there do not appear to be any leaks in the system, this service will help determine if there are leaks that can be repaired. Currently, he is not recommending any changes to the existing water use restriction or other directive from the Water and Sewer Commissioners.

**Insurance Advisory Committee Recommendation – FY '25 Employee Health Insurance:** The Select Board was joined by several members of the Insurance Advisory Committee. Tara Fafard from MIIA also joined the meeting via Zoom. R. Pontbriand stated that The Insurance Advisory Committee (IAC) was tasked to evaluate and provide a recommendation to the Select Board on whether it would be advisable to move from the Minuteman Nashoba Health Group (MNHG) to the Massachusetts Interlocal Insurance Association (MIIA) Health Benefits Trust. The IAC met July 25th, September 13th, September 27th, and October 10th, 2023, gathering information to share with association members and seeking feedback to make a recommendation to the Select Board. The Town must notify MNHG by December 1st if it plans to leave the group. Following feedback from their respective associations, the IAC voted 6-0 in favor of recommending the Town of Ayer offers health insurance through MIIA Health Benefits Trust for FY25. R. Pontbriand highlighted the pros and the cons of the change in providers.

S. Houde asked about the unknown rate increase for the upcoming year. A. Lewis stated that the MIIA rates are known, but the MNHG rates will not be known until March of 2023. Kevin Johnston, retiree representative on the IAC, stated that he feels that moving to MIIA will help stabilize rates in the future.

**Motion:** A motion was made by S. Copeland and seconded by J. Livingston to accept the MIIA proposal and join the MIIA trust for fiscal year 2025. **Motion passed 3-0.**

**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 noted that the Fall Town Meeting will be held on Monday October 23, 2023 at 7:00 PM. He stated that the Capital Budget process is underway. He noted that there are several FY 24 capital projects that have recently been started.

*Appointments* – R. Pontbriand is recommending that Jane Morriss be appointed to the Affordable Housing Committee with a term to expire June 30, 2025.

**Motion:** A motion was made by J. Livingston and seconded by S. Copeland to appoint Ms. Jane Morriss to the Affordable Housing Committee with a term to expire June 30, 2025. **Motion passed 3-0.**

*Review/Approval of FY '25 Budget Calendar* – R. Pontbriand presented the updated version of the Budget Calendar as contained in the meeting packet. He stated that the Board of Assessors will be ready for the Tax Classification Hearing for the November 21, 2023, meeting. S. Houde and J. Livingston asked to move it to December 5, 2023, due to Thanksgiving. R. Pontbriand stated that the budget forum will be held in January, as in years previous. He is interested in the Board's feedback on another budget forum. He and Department Heads plan to prerecord budget informational sessions. S. Houde stated that if the Town was to have a second forum, it should be much shorter than last year to highlight major changes. J. Livingston asked if moving the forum to February would be helpful. S. Houde stated he preferred to get the information out there sooner rather than later.

**Motion:** A motion was made by S. Copeland and seconded by J. Livingston to approve the Budget Calendar as presented with the change of the Tax Classification Hearing being moved to December 5, 2023. **Motion passed 3-0.**

*Review/Approval of Community Choice Power Supply Program Aggregation Plan* – C. Antonellis stated that the Public Review and Comment period of the Town's Community Choice Power Supply Program Aggregation Plan is complete. The Town received comments from two residents which were responded to by the Assistant Town Manager. The comments received did not warrant changing the plan. The Select Board's vote to approve the Aggregation Plan is the last step in the local approval process. Once approved, the Plan will be sent to the state for approval.

Pauline Conley, 40 Cambridge Street stated that the plan had a reference to a Charter in it and it should be removed. C. Antonellis said that she will inform the consultant to delete that reference to the Town Charter.

**Motion:** A motion was made by J. Livingston and seconded by S. Copeland to approve the Municipal Aggregation Plan with removing the reference to the Town Charter (since the Town does not have one). **Motion passed 3-0.**

**New Business/Select Board Member Questions:** None

**Adjournment:**

**Motion:** A motion was made by J. Livingston and seconded by S. Copeland to adjourn at 7:04 PM. **Motion passed 3-0.**

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

Date Minutes Approved by SB: 11/7/23

Signature Indicating Approval: 