



Town of Ayer

Senior Center Site Selection and Building Committee

Meeting Minutes from November 16, 2023

Attendance: Katie Petrossi; Dennis Curran; Dan Van Schalkwyk; Ken Diskin; Chris Prehl; Dave Grubb; Ellen FitzPatrick; Dave Cibor; Carolyn McCreary

Also in Attendance: Robert Pontbriand (Town Manager); Cindy Knox (I.T. Director); Pauline Conley (Resident on Zoom); Mike Hamel (Resident on Zoom); Janine Nichipor (Resident on Zoom); Sara Withee (Resident on Zoom)

Call to Order/Welcome:

Robert Pontbriand, Town Manager called the first meeting of the Senior Center Site Selection and Building Committee to order at 6pm in the First Floor Meeting Room of the Ayer Town Hall. He welcomed everyone and thanked everyone on behalf of the Select Board for serving on this important Committee and though not a member of the Committee, he looked forward to working with everyone and that his Office and all Town Departments are a resource in support of the Committee's work.

R. Pontbriand asked to go around the table and have each Committee Member introduce themselves and state why they wanted to serve on the Committee.

Katie Petrossi introduced herself as the COA/Senior Center Director and that she looks forward to working with everyone on this exciting and important project not only for Ayer's Seniors but for the Town.

Dennis Curran introduced himself and stated that he is a member and chair of the Ayer Council on Aging (COA). He is committed to this project and looks forward to working with everyone.

Dave Grubb introduced himself and stated that he is an Ayer resident and is very interested in a future Senior Center and working with everyone.

Ken Diskin introduced himself as the representative from the Planning Board and an Ayer resident. He has been very involved with previous efforts on this important project.

Dave Cibor introduced himself and stated that he is also a member and chair of the Ayer Disabilities Commission and that he looks forward to working with everyone.

Dan Van Schalkwyk introduced himself and as the DPW Director his Department's expertise with engineering and project management is available as a resource to the Committee. He looks forward to working with everyone.

Ellen FitzPatrick introduced herself as an Ayer resident who is committed to this important project and wants to make sure that the project is accessible to everyone regardless of age. She looks forward to working with everyone.

Chris Prehl introduced himself as an Ayer resident and currently serves as the Town's representative to the Nashoba Valley Regional Technical High School. He also previously served on the High School Building Committee. He stated that we need a senior center now and for the future.

Carolyn McCreary introduced herself as an Ayer resident and has served on various Town board and committees. She is very interested in bringing a modern senior center to fruition for the Town.

Organization of the Committee:

R. Pontbriand advised that the first order of business for the Committee is to organize its officers of Chair, Vice Chair, and Clerk. The Chair is responsible for putting together the Committee Meeting agendas with input from the Committee as well as running the Committee Meetings. The Vice Chair is responsible for running the Committee Meetings in the absence of the Chair. The Clerk is responsible for the Committee's meeting minutes. Though the Town will be assigning someone to take the meeting minutes so that all Committee Members can focus and actively participate in the meetings, the Clerk will be responsible for signing the approved minutes on behalf of the Committee.

R. Pontbriand further stated that procedurally, nominations of individuals would be made and seconded and subject to a simple majority vote assuming the individual nominated is willing to serve.

Nomination of Chair:

Motion: A motion was made by Carolyn McCreary and seconded by Chris Prehl to nominate Katie Petrossi as Chair.

R. Pontbriand asked K. Petrossi if she would be willing to serve as Chair.

K. Petrossi stated that she would be willing to serve as Chair and asked the Committee if there was any concern that she was not an Ayer resident.

Ken Diskin stated that is not an issue or concern.

Ellen FitzPatrick concurred with K. Diskin and stated that it is advantageous to our efforts that the Chair is also the Director of the Senior Center/COA as you bring a lot of professional expertise to the position.

Dennis Curran concurred.

The motion passed unanimously (9-0).

R. Pontbriand congratulated K. Petrossi and he moved from the Chair of the table for K. Petrossi to proceed with running the meeting.

Nomination of Vice Chair:

K. Petrossi asked if there were any nominations for Vice Chair.

Motion: A motion was made by E. FitzPatrick and seconded by D. Curran to nominate Ken Diskin as the Vice Chair.

K. Petrossi asked K. Diskin if he was willing to serve as Vice Chair, for which he stated yes.

Motion passed unanimously (9-0).

Nomination of Clerk:

K. Petrossi asked if there were any nominations for Clerk.

Motion: A motion was made by Carolyn McCreary and seconded by Chris Prehl to nominate Dennis Curran as Clerk.

K. Petrossi asked if D. Curran was willing to serve as Clerk.

D. Curran stated that he would be willing to serve but asked if the Committee would be concerned with two people from the COA as Officers. If the Committee wanted to broaden representation, he would have no issue.

C. Prehl stated that he has no issue with Dennis as Clerk. We are a Committee of nine and we are all equal around this table.

D. Grubb concurred with C. Prehl.

D. Curran stated that he was willing to serve as Clerk and that he greatly appreciated R. Pontbriand's offer to have someone take the minutes.

Motion passed unanimously (9-0).

Overview of the Charge and Purposes of the Committee:

R. Pontbriand provided an overview of the official charge of the Committee as constituted and authorized by the Select Board on September 7, 2023 as follows:

- Identify and recommend a viable site(s) in the Town of Ayer for the development of a Senior Center.

(Note: As stated in the previous Senior/Community Center Building Committee's report to the Select Board, the potential use of Pirone Park as a site is not for consideration by this new Committee nor is the incorporation of an indoor gym facility for the project due to the location no longer on Pirone Park and the position of the Parks Commission to defer an indoor gym for their capital plan until a future date to be determined)

- Oversee and administer the necessary due diligence and conceptual design for the purposes of recommending the site to the Select Board for appropriate consideration by a future Town Meeting for the acquisition of the recommended site(s)
- Oversee and conduct the necessary public outreach and participation in the site(s) selection process and conceptual design.

- Identify and secure funding for the land acquisition and design of the project to include Town Meeting approval.
- Oversee the final design of the project.
- Develop, oversee, and administer a construction budget for the project to include Town Meeting approval.
- Oversee the construction of the project.
- Conduct all meetings of the Senior Center Building Committee in accordance with the provisions of the Open Meeting Law (publicly posted meetings) and in accordance with the provisions of the Public Records Law (maintain and publicly post meeting minutes).
- Provide periodic public updates to the Select Board (and other Boards and Committees as necessary or requested) regarding the status/progress of the project.
- The Senior Center Building Committee shall be provided with appropriate and reasonable levels of professional and administrative support from the Town Manager's Office; Town Departments; and professional consultants as warranted and with approved funding.
- Other related duties with respect to this project as needed or requested by the Select Board.

M. FitzPatrick asked for clarification on the role of Town Meeting.

R. Pontbriand stated that ultimately Town Meeting will need to approve the project and the project funding.

Overview of the Open Meeting Law and Public Records Law:

R. Pontbriand provided a brief overview presentation of the Massachusetts Open Meeting Law and Massachusetts Public Records Law, both of which the Committee is legally required to adhere to. He stated that all Committee Members were provided with resources and information regarding the Open Meeting Law and Public Records Law in their new Committee Member packets. Additionally, any questions or concerns should be referred to the Town Manager's Office which is a resource.

R. Pontbriand advised that in terms of the Open Meeting Law, the Committee must hold all its meetings in a public place with access for the public to attend. Additionally, all meeting agendas must be posted with the Town Clerk at least forty-eight (48) hours in advance of the meeting. The Committee can only conduct any business, deliberations, and decisions/votes at a duly posted, public meeting.

R. Pontbriand advised that in terms of the Public Records Law, the Committee is required to maintain meeting minutes from all its meetings. These meeting minutes need to be posted by the Town Clerk, on file with the Town Clerk, and posted to the Town's website on the Committee's webpage. Additionally, any document created by the Committee or a Committee Member in their capacity on the Committee should be considered a public record and is subject to be provided to anyone making a public record request. There are some very specific exemptions to the Public

Records Law. Additionally, all emails of Committee Members related to the Committee are considered public records and subject to public records requests. Therefore, it is imperative that you all only use your Town issued email for Committee work and not your personal email.

R. Pontbriand advised that it is important for Committee Members to also understand that it is a violation of the Open Meeting Law if Committee Members deliberate on email. Therefore, email should only be used for informational purposes; you should avoid using "reply all"; and remember that emails related to your official role on the Committee and related to the Committee are deemed public records.

R. Pontbriand stated in conclusion that any questions or concerns regarding the Open Meeting Law or Public Records Law should be referred to the Town Manager's Office. He also advised that the Massachusetts Attorney General's website is a great resource for the Open Meeting Law and the Massachusetts Secretary of State's website is a great resource for the Public Records Law.

Overview of the Process for the Town to Acquire Real Property:

R. Pontbriand made a brief presentation on the overview of the process for the Town to acquire real property to include the appropriate use of Executive Session by the Committee.

R. Pontbriand advised that if the Committee finds a suitable site that is privately owned, the Committee/Town will have to follow a specific process for the acquisition of real property (in this case land) which is governed by State Law. An overview of the legally required steps are as follows if the Town must purchase the site (land):

- Purchase and sales agreement (Select Board)
- Land Appraisal
- 21 E Phase 1 (Environmental Assessment)
- Authorization by Town Meeting
- Funding Authorization by Town Meeting

Appropriate use of Executive Session by the Committee:

R. Pontbriand gave a brief presentation/overview on the appropriate use of Executive Session by the Committee. He advised that at times there may be the need for the Committee to enter into Executive Session with respect to purchasing private property for the Senior Center. Specifically for the purposes of negotiations with the private property owner. The reason for the Executive Session would be to protect the Committee/Town's bargaining position specifically in terms of price and conditions of the purchase and sales agreement.

R. Pontbriand provided the following general overview of the legal requirements of an Executive Session:

- The Massachusetts Open Meeting Law provides ten purposes for which an Executive Session may be held.
- ***Exemption #6: To consider the purchase, exchange, lease, or value of real property if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body.***
- Committee must post the Executive Session.
- Committee must enter the Executive Session from Open Session by Roll Call Vote

- The Chair must declare the Exemption and declare that an open meeting may have a detrimental effect on the negotiating position of the Committee/Town.
- Generally, the Committee must identify the specific piece of property.
- The Committee may withhold the identity of the property if publicly disclosing that information would compromise the Committee/Town's position.
- All votes in Executive Session must be by Roll Call Vote
- The Committee must keep separate Executive Session minutes

The Need for a New Senior Center:

Katie Petrossi made a brief presentation providing an overview of the need for a new Senior Center. Some of the major reasons for a new Senior Center as presented are:

Difficult to find the current Senior Center which is tucked behind the Housing Authority on Pond Street

Limited parking for the public and for staff.

Unwelcoming entrance in terms of aesthetics and function.

Many aspects of the current Senior Center are not ADA (Americans with Disabilities Act) compliant including the current bathrooms.

Lack of professional office space for staff including office space that allows confidentiality.

The current Senior Center is basically one large room and there is a need for additional space.

The current Senior Center's limitations in terms of space have a significant negative impact on our current and future programs.

K. Petrossi further presented that we are looking conceptually at what many have called a "Center for Active Living" which would be a Senior Center that accommodates and offers services and programs to all ages across the aging spectrum. We need a land parcel of approximately 1.5 to 2.0 acres for a 10,000 to 15,000 square foot facility to include adequate parking. We need a diverse program/meeting space(s) as well as a commercial kitchen to support our meals and nutrition programs. We also need to be ADA compliant and to have appropriate and productive staff offices/areas.

K. Petrossi provided a brief overview of the progress to date with this project as follows:

- 2018: Town Meeting authorized funding for a feasibility study
- 2019-2020: West Main Street site was presented to Town Meeting and was tabled due largely to environmental concerns at the site.
- 2022: Town Manager in consultation with the Select Board convened a working group to further identify a viable site.

- December 2022-2023: Parks Commission had approached the COA about potentially building a Senior/Community Center on a portion of Pirone Park. This recommendation was presented to the Select Board which authorized the formation of a Senior/Community Center Committee.
- August 2023: Parks Commission withdrew its support for the concept of a Senior/Community Center to be constructed on a portion of Pirone Park. The Senior/Community Center Committee officially dissolved.
- September 7, 2023: The Select Board authorized the creation of a new Senior Center Site Selection and Building Committee charged with finding a viable site(s) in the Town of Ayer to recommend to the Select Board for the construction of a new Senior Center (only) project subject to approval by Town Meeting.

K. Petrossi stated that the challenge before us is to find suitable land to construct the new Senior Center. An RFP (Request for Proposals) was previously issued, and we received only one response for a site located in Devens on the Harvard portion of Devens that was not suitable/viable.

K. Diskin stated that he has been involved in this process from the beginning. Prior to issuing the RFP, we looked at Town-owned sites; private sites; sites on Devens and a lot of initial work has been done. West Main Street was tabled by Town Meeting and the working group reevaluated that site and the environmental assessment indicated that it would not be a viable option.

K. Diskin stated that we looked at Devens and for a variety of reasons that is not a viable option. This Committee should not deal with Devens sites and in fact our charge is to find a site within the Town of Ayer. We previously looked at the school campus and there are issues up there from ledge; to a long timeline before the new elementary school is constructed. We looked at other locations in which wetlands and ledge were issues. We have looked at 15 to 20 sites previously.

D. Curran stated that we want to be careful not to build too small of a facility. The target is 10,000 to 15, 000 square feet and we visited other Senior Centers, and they cautioned us not to build too small.

E. FitzPatrick stated that she recently visited the Senior Center in Andover, MA. and they build a two-story building with an elevator. We may need to consider building up given certain constraints with perhaps parking underneath.

Discussion on Request for Proposals (RFP) for Sites:

K. Petrossi raised the issue to the Committee if the Committee should reissue an RFP for potential sites.

C. McCreary asked when this was done before, how serious was the effort?

K. Petrossi stated that it was a serious effort, but more could be done.

K. Diskin stated that we should first analyze every inch of Town-owned land first and only after we have done that then look at privately owned land. He further stated that Pirone Park is off the table and the issue of Article 97 land is going to present itself at other Town-owned sites and we need to

be cognizant of that. We should look at Town land first then private land second and we should not “see-saw” between the two.

C. Prehl concurred with K. Diskin. We need to look at every piece of Town-owned land first. That is our due diligence. Only after that would we then look at privately owned land.

D. Curran stated that as the Town grows and changes, we need to look at least a 50-year life span for this new facility, and we need to be mindful of all the Town Department’s needs for the future.

D. Van Schalkwyk stated that he likes the approach of looking at all Town-owned land first. He stated that DPW can be a resource in terms of generating GIS mapping and maps. He would do some homework looking at Town-owned sites.

Motion: A motion was made by C. Prehl and seconded by E. FitzPatrick to authorize the Committee to pursue all Town-owned land first for the purposes of the Senior Center before looking at any private land. **Motion passed unanimously (9-0).**

Public Outreach for the Committee:

K. Petrossi started a conversation with the Committee about the Committee’s public outreach which is an important part of this process and project. She raised the idea of the Committee having its own dedicated Facebook Page for the purposes of putting information out to the public.

D. Grubb stated that we could do some outreach by method of survey, and he likes the idea of a dedicated Facebook Page, but we need to be mindful of Open Meeting Law considerations to avoid any deliberations.

E. FitzPatrick stated that one of her concerns with respect to the previous Pirone Park proposal, the issue got out of control on social media with a lot of false information and misinformation which we could not respond to timely.

D. Cibor stated that we should just stay away from Facebook because you cannot control it.

C. McCreary stated she is concerned based on the last experience. If we use FB just to put information out there and do not use it as an open chat or to respond, that would be preferable.

K. Petrossi stated it would be used like the COA Facebook Page in which there is one authorized person to post information.

C. Prehl agreed that if we choose to have a Facebook Page, it should just be used to put information out there and not to respond or engage in discussion.

E. FitzPatrick stated that we need to control the narrative based on facts. She would like to see a summary of meeting highlights publicly posted after each meeting.

R. Pontbriand stated that he has put together meeting highlights after each Select Board Meeting for years. It is a one-to-two-page summary of the major highlights of the meeting. It has a disclaimer in it that it is only for informational purposes and does not replace the official meeting minutes. The meeting highlights are then posted to the Town’s website and Town’s Facebook Page.

D. Cibor stated you could also turn off the comments on the Facebook Page.

K. Diskin stated that we do not need another Facebook Page. We should just use the Town's Facebook Page and the Town's website. He liked the idea of posting meeting highlights.

D. Curran stated that he is not on Facebook, but it is where a lot of people go to get information. If people have questions, they can ask one of us, we all have Town emails.

K. Diskin stated that having a dedicated Facebook Page for this Committee is a slippery slope.

D. Grubb stated that it is important for transparency, but we need to navigate this idea carefully to avoid any Open Meeting Law violations.

E. FitzPatrick stated that publicly issuing meeting highlights would be a good start.

K. Petrossi stated that it sounds like we will hold off on the idea of a dedicated Facebook Page for the Committee at this time, but we will use the Town's Facebook Page and Town's Website to post information from the Committee including meeting highlights from each meeting.

C. Prehl stated that this is and will be an open and honest process and we cannot change the people's minds who choose to believe (and perpetuate) otherwise.

Meeting Schedule and Scheduling of Next Meeting:

K. Petrossi asked how long DPW would need for the Town-owned mapping and maps.

D. Van Schalkwyk stated that realistically he could have something for December 21, 2023.

E. FitzPatrick stated she was hoping that we would meet every two weeks. We need to continue to work on public information and outreach simultaneously as the Town-owned land analysis is developed.

K. Petrossi stated that in terms of funding for the Committee, the Select Board has authorized up to \$60,000 from ARPA Funds for the Committee's work and due diligence.

K. Diskin stated that everyone should read all the original reports to date.

E. FitzPatrick stated that we need to engage the Seniors again.

K. Petrossi asked if the Committee wants to meet before the week of December 21? She stated that public outreach; surveys; architect letters; and engaging Seniors could all be topics if we met prior to December 21. She stated that it is best that we set meetings based on deliverables.

The Committee decided to next meet on Thursday, December 7, 2023 at 6pm in the First Floor Meeting Room of the Ayer Town Hall with a remote participation option on Zoom for the Public.

Public Input:

Pauline Conley (Resident on Zoom) congratulated everyone that is serving on the Committee. She stated that she would like to see a public page with all the Committee's information. [NOTE: The audio for Pauline Conley deteriorated at this point and she could not be heard clearly]

K. Petrossi stated that the Committee could not hear Pauline Conley and that she should email her questions/comments to either her or the Town Manager.


Adjournment:

Motion: A motion was made by Chris Prehl and seconded by D. Cibor to adjourn the meeting at 7:56pm. **Motion passed unanimously (9-0).**

The meeting adjourned at 7:56pm

Minutes recorded and submitted by Robert Pontbriand, Town Manager.

Minutes reviewed and approved by the Committee on 12/07/2023.

Signed: 
Dennis Curran, Clerk

Documents Referenced/Used at the November 16, 2023 Meeting:

Proposal for the Senior Center Building Committee as Approved by the Select Board (September 6, 2023). Posted on the Town's website under the Senior Center Site Selection and Building Committee webpage at [Documents | Town of Ayer MA](#)

Presentation to the Committee by Robert Pontbriand, Town Manager on Overview of the Charge of the Committee; Overview of the Open Meeting Law and Public Records Law; Overview of the Process to Acquire Real Property by the Town; and Overview on the Appropriate Use of Executive Session by the Committee (November 16, 2023). Posted on the Town's website under the Senior Center Site Selection and Building Committee webpage at [Documents | Town of Ayer MA](#)

Presentation to the Committee by Katie Petrossi on the Need for a New Senior Center (November 16, 2023). Posted on the Town's website under the Senior Center Site Selection and Building Committee webpage at [Documents | Town of Ayer MA](#)