

FEB 20 2024

## Town of Ayer

## Ayer Select Board Executive Session Meeting Minutes

Board of Selectmen

November 7, 2023

**Attendance:** Scott A. Houde (Chair); Jannice L. Livingston (Vice Chair); Shaun C. Copeland (Clerk)

**Also in Attendance:** Robert A. Pontbriand (Town Manager); Carly M. Antonellis (Assistant Town Manager); Charles Shultz, Jr. (Building Commissioner)

At 7:03pm a motion was made by J. Livingston and seconded by S. Copeland to enter the Ayer Select Board into Executive Session pursuant to MGL Chapter 30A, Section 21A, Exemption #6 (Consideration of Acquisition of Real Property) 71 Sandy Pond Road and to adjourn at the conclusion of the Executive Session. S. Houde stated that to discuss this item in Open Session would be detrimental to the Town's negotiating strategy. **By Roll Call Vote: S. Houde, Y; J. Livingston, Y; S. Copeland, Y. Motion passed by Roll Call Vote 3-0.**

**Exemption #6 (Contemplation of the Acquisition of Real Property) 71 Sandy Pond Road:**

R. Pontbriand was joined by the Building Commissioner to advise the Select Board that an opportunity has presented itself for the Town to potentially purchase 71 Sandy Pond Road for the future development of open space; parks and recreation; and improved parking and safety for the Town as this 2.8-acre property is located across from the Town's Beach at Sandy Pond. R. Pontbriand provided copies of the Residential Property Record Card for 71 Sandy Pond (See attached).

R. Pontbriand advised that the Town has been interested in this property for some time as it is strategically located across from the Town Beach and it would provide potential future opportunities for the Town's parks and recreation programs as well as open space. Additionally, the Town's Master Plan and Open Space and Recreation Plan both identify the enhancement of the Town Beach as a priority as well as addressing access to the Town Beach and this property could potentially facilitate these goals. Additionally, future open space and municipal land is of a premium.

C. Shultz stated that the private property owner intends to develop the parcel into two two-family residential duplexes. He has informally indicated that he would be willing to consider selling the property to the Town.

S. Houde asked how much he would be willing to sell if for?

R. Pontbriand and C. Shultz advised that the private property owner indicated that he would be willing to sell the property for somewhere between \$860,000 to \$900,000.

S. Houde stated that is high. The property does have great potential and value to the Town as a future property to enhance Sandy Pond Beach as well as future parks and recreation purposes and open space.

J. Livingston stated that historically before it was a residence, back in the day there used to be a little candy shop there. It is a strategic location with respect to the Town Beach. And it would potentially clean up what has been an eye sore for years.

C. Shultz stated that the Town could talk to the private property owner and perhaps negotiate a better price.

R. Pontbriand stated that the intent for tonight was to present this opportunity to the Select Board and see if the Select Board would want the Town Manager and Building Commissioner to pursue further discussions negotiations with the property owner on the potential purchase of 71 Sandy Pond Road. Town Counsel would also be involved in the negotiations.

C. Shultz stated that as a lifelong resident of Ayer, he sees a lot of future possibilities with this land in terms of a potential park; playground area; sitting area; pavilion; some parking; and perhaps other parks and recreation amenities we haven't thought of.

R. Pontbriand stated that the property also has a long narrow strip of land off from the street that most likely could not be used and there are some wetlands, but it would be preserved as open space.

C. Shultz stated that in terms of the price for the property. The current owner purchased it for \$300,000 at auction. The assessed value is \$448,900. The owner has indicated that to date he has invested about \$60,000 in the property in terms of cleaning up the junk. The demolition of the existing house will cost approximately \$50,000. It is worth this potential opportunity to try to negotiate the best price for the Town and if it is within reason, let the people decide.

S. Houde stated that it is an important and interesting opportunity before us.

S. Copeland and J. Livingston agreed.

J. Livingston said that a lot could be done with that location in terms of parks and recreation and you have the Town Beach right across the street. You could even have a little concession stand.

S. Copeland stated that the location is perfect with respect to the Town Beach and the Town is really in need of more land that can be used for parks and recreation or even just a small park and open space. Parking improvements for the Town Beach are interesting as well.

R. Pontbriand recommended that the Select Board authorize the Town Manager and Building Commissioner and Town Counsel be authorized to negotiate a potential purchase and sale agreement for 71 Sandy Pond Road subject to review and approval by the Select Board.

R. Pontbriand also stated that if a purchase and sale agreement were to be approved by the Select Board it would be contingent upon Town Meeting approval.

S. Houde stated that this is a unique opportunity, and we should pursue it and if the price and terms are within reason, we should bring it to Town Meeting and let the voters decide.

S. Copeland and J. Livingston agreed.

**Motion:** A motion was made by J. Livingston and seconded by S. Copeland to authorize the Town Manager and Building Commissioner along with Town Counsel to negotiate a potential purchase and sale agreement for 71 Sandy Pond Road, Ayer subject to final review and approval by the Select Board.

**Motion By Roll Call Vote:** S. Houde, Y; J. Livingston, Y; S. Copeland, Y. **Motion passed by Roll Call Vote 3-0.**

R. Pontbriand stated that he will update the Select Board at a future Executive Session Meeting.

**Motion:** A motion was made by J. Livingston and seconded by S. Copeland to adjourn from Executive Session and Adjourn for the evening. **Motion By Roll Call Vote:** S. Houde, Y; J. Livingston, Y; S. Copeland, Y. **Motion passed by Roll Call Vote 3-0.**

The Select Board adjourned the Executive Session and for the evening at 7:41pm.

Executive Session Minutes recorded and submitted by R. Pontbriand, Town Manager.

Executive Session Minutes reviewed and approved by the Select Board on 2/20/24

Executive Session Minutes approved for public release by the Select Board on 2/20/24



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Board of Selectmen

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Board of Selectmen

Town of Ayer

Ayer Select Board Executive Session Meeting Minutes

December 5, 2023

**Attendance:** Scott A. Houde (Chair); Jannice L. Livingston (Vice Chair); Shaun C. Copeland (Clerk)

**Also in Attendance:** Robert A. Pontbriand (Town Manager); Carly M. Antonellis (Assistant Town Manager); Charles Shultz, Jr. (Building Commissioner); Dan Van Schalkwyk (DPW Director)

At 6:46 PM a motion was made by J. Livingston and seconded by S. Copeland to enter into Executive Session pursuant to MGL Chapter 30A, Section 21A, Exemption #6 (consider Acquisition of Real Property) 71 Sandy Pond Road. S. Houde stated that discussing these items in Open Session would be detrimental to the town's negotiating strategy. By Roll Call Vote: S. Houde, Y; J. Livingston, Y; S. Copeland, Y. Motion passed by Roll Call Vote 3-0.

**Exemption #6 (Consider Acquisition of Real Property) 71 Sandy Pond Road:**

R. Pontbriand was joined by the Building Commissioner and DPW Director D. Van Schalkwyk to update the Select Board with respect to the negotiations and development of a purchase and sale agreement for 71 Sandy Pond Road.

R. Pontbriand advised that since the Select Board last met in Executive Session on November 7, 2023, he and the Building Commissioner met with the private property owner to further negotiate the potential purchase of 71 Sandy Pond Road by the Town.

R. Pontbriand advised that the private property owner would be willing to sell the property at 71 Sandy Pond Road to the Town for a total price of \$700,000. This price would include the demolition and removal of any structures (including the house) on the property as well as removing any other vehicles and debris. Additionally, the seller would fill and level the lot to street grade. Additionally, the owner understands that this sale is contingent upon approval by Town Meeting. Additionally, the sale would be contingent on the appropriate clear environmental assessment of the property.

S. Houde stated that he did come down in price from November and is including the demolition of all structures including the house and cleaning the site and leveling it to grade.

J. Livingston asked how would we potentially fund the purchase.

R. Pontbriand stated that the Select Board could consider using UDAG funds subject to future replenishment by Town Meeting. Additionally, the Select Board could consider using ARPA funds as this is an eligible use of funds. Or the Select Board could consider a combination of UDAG and ARPA funds.

S. Houde asked about CPC Funds.

R. Pontbriand stated that an application for CPA Funds could be made to the Community Preservation Committee under the open space and recreation categories subject to Town Meeting approval.



S. Houde stated that we should definitely approach CPC in terms of some of the funding.

S. Copeland stated that any of the above funding sources or a combination of them would potentially work and we would have some time to develop the funding plan.

C. Shultz stated that he has been doing some cost analysis of for the development of the site as intended by the owner for two two-family duplexes and when you look at the value of the property in terms of that development it is over \$700,000 which he is willing to sell it for.

R. Pontbriand advised that the seller will sell to the Town for \$700,000 and understands this is subject to Town Meeting approval. If Town Meeting does not approve he will proceed with developing the site. It is important to note that we are at a point where \$700,000 is his best and final to include demolition and removal of all structures; level and grade the property; and subject to a satisfactory environmental.

S. Houde stated that this opportunity should be put before Town Meeting to decide. The price is on the high side but when you factor in the demolition and site work that the seller would have to do as well as the strategic location and the value of land.

D. Van Schalkwyk stated that in addition to the potential for the property to the Town's parks and recreation programs as well as open space, it would also benefit improvements to the intersection of Sandy Pond and Snake Hill Road as well as potential improvements to improve safety and access to the Town Beach and that intersection. It is a designated "Safer Zone" and we are going to be doing the complete streets project in that location with sidewalks. Ownership of this parcel would tie everything in.

C. Shultz stated that he only sees pluses for the Town in terms of improved parking; improved access; improved parks and recreation amenities that could include a playground; picnic area; park; open space. There are so many possibilities but if the Town doesn't own it nothing will happen except more residential homes which is OK but it is a lost opportunity for the Town and future generations.

J. Livingston stated that we need to present this as an opportunity and make it clear that it is not just for a parking lot but for all of these exciting and important possibilities.

R. Pontbriand reviewed the proposed Purchase and Sale Agreement for 71 Sandy Pond Road as drafted by Town Counsel (Attorney Katie Klein).

The Select Board reviewed the Purchase and Sale and there was consensus to proceed with Purchase and Sale Agreement as presented subject to review and signature by the property owner and his Attorney.

**Motion:** A motion was made by J. Livingston and seconded by S. Copeland to approve the Purchase and Sale Agreement for 71 Sandy Pond Road subject to review and signature by the property owner. By Roll Call Vote: S. Houde, Y; J. Livingston, Y; S. Copeland, Y. **Motion passed by Roll Call Vote 3-0.**

R. Pontbriand advised that he will transmit the Purchase and Sale Agreement to the property owner and his Attorney for their review and signature. Once the seller has signed, the Select Board should reconvene in Executive Session to sign.

**Motion:** A motion was made by S. Copeland and seconded by J. Livingston to adjourn from Executive Session at 7:18pm. **By Roll Call Vote: S. Houde, Y; J. Livingston, Y; S. Copeland, Y. Motion passed by Roll Call Vote 3-0.**

The Executive Session adjourned at 7:18pm.

Executive Session Meeting Minutes recorded and submitted by R. Pontbriand.

Executive Session Meeting Minutes reviewed and approved by the Select Board on 2/20/24

Executive Session Meeting Minutes approved for public release on 2/20/24



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 Board of Selectmen

**Town of Ayer**

**Ayer Select Board Executive Session Meeting Minutes**

**January 16, 2024**

**APPROVED FOR RELEASE**

**FEB 20 2024**

**Attendance:** Scott A. Houde (Chair); Jannice L. Livingston (Vice Chair);

**Absent:** Shaun C. Copeland (Clerk)

**Board of Selectmen**

**Also in Attendance:** Robert A. Pontbriand (Town Manager); Carly M. Antonellis (Assistant Town Manager); Charles Shultz, Jr. (Building Commissioner); Dan Van Schalkwyk (DPW Director)

At 6:58pm a motion was made by J. Livingston and seconded by S. Houde to enter into Executive Session pursuant to Massachusetts General Law Chapter 30A, Section 21A Exemption #6 (consideration for Purchase of Real Estate) 71 Sandy Pond Road and to adjourn at the conclusion of the Executive Session. S. Houde stated that discussing this in Open Session would be detrimental to the Town's negotiating strategy. By Roll Call Vote: S. Houde, Y; J. Livingston Y. Motion passed 2-0.

**Exemption #6 (Consideration for Purchase of Real Estate) 71 Sandy Pond Road**

R. Pontbriand advised that the private property owner, Mr. Brent Routhier of North Country Developers, LLC reviewed the Purchase and Sale Agreement as approved by the Select Board on December 5, 2023 and agreed to its terms and signed the Purchase and Sale Agreement on January 2, 2024.

R. Pontbriand advised that the Select Board per its previous vote in Executive Session on December 5, 2024 proceed with signing the Purchase and Sale Agreement. He asked if there were any questions from the Select Board.

The Select Board did a final review of the Purchase and Sale Agreement and there were no questions.

**Motion:** A motion was made by J. Livingston and seconded by S. Houde to authorize that the Select Board sign the Purchase and Sale Agreement for 71 Sandy Pond Road. **By Roll Call Vote: S. Houde, Y; J. Livingston, Y. Motion passed 2-0.**

With the Purchase and Sale Agreement executed, the Select Board discussed publicly releasing this opportunity at their next Select Board Meeting on February 6, 2024 and asked the Town Manager to prepare a brief presentation with the Building Commissioner and DPW Director.

S. Houde stated that CPC should be approached about \$350,000 for the purchase coming from CPA Funds. The other \$350,000 will need to come from either UDAG, ARPA, a combination of both, or some other applicable Town funding source. The Select Board will need to finalize this portion of the funding plan.

The Select Board asked the Town Manager to prepare an application for CPA Funding for up to \$350,000 to come from CPA Funding subject to approval by the CPC and Town meeting and to keep the Select

Board updated. The Select Board will continue to discuss the plan for the other \$350,000 whether to come from UDAG, ARPA, a combination of or other applicable funds at a future open session meeting.

**Motion:** A motion was made by J. Livingston and seconded by S. Houde to adjourn from Executive Session at 7:32pm. By Roll Call Vote: S. Houde, Y; J. Livingston Y. **Motion passed 2-0.**

The Executive Session adjourned at 7:32pm.

Executive Session Meeting Minutes recorded and submitted by R. Pontbriand.

Executive Session Meeting Minutes reviewed and approved by the Select Board on 2/20/24

Executive Session Meeting Minutes approved for public release on 2/20/24



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