

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



*Broadcast and Recorded by APAC*

**Tuesday June 18, 2019**  
**Open Session Meeting Minutes**

**RECEIVED**

JUL 17 2019

TOWN OF AYER

*Monoplane*

**BOS Present:** Scott A. Houde, Chair; Jannice L. Livingston, Vice-Chair

**BOS Absent:** Christopher R. Hillman, 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 7:00 PM.

**Pledge of Allegiance:** BOS members and meeting attendees stood and recited the Pledge of Allegiance.

**Announcements:** None

**Approval of Agenda:**

**Motion:** A motion was made by J. Livingston and seconded by S. Houde approve the agenda. **Motion passed 2-0.**

**Public Input:** None

**Dr. Mary Malone, Superintendent, ASRSD:** *Field Project Update* – Dr. Malone was joined by ASRSD School Committee Chair Ms. Michele Granger. Dr. Malone explained that since the debt exclusion question for funding the Field Improvement Project failed in Shirley, she has been working with her consultant Flansburgh to re-estimate the cost out the project. Flansburgh is projecting that with inflation and escalated construction costs; the original project price of \$7.1 million has increased to \$11.9 million, citing options 1 and 2 in her packet of information. Dr. Malone explained that due to the urgent need to improve the field, a district committee was formed to reexamine the project and reduce the scope based on need and affordability. The committee also provided options 3 and 4. Option 3 consists of a new stadium, synthetic turf field and refurbished baseball and softball fields costing \$7.4 million. Option 4 reduces the cost of Option 3 by removing 100 bleacher seats, reducing the number of bathroom facilities, building the press box on a hill to eliminate the need for an expensive elevator system. Option 4 reduces the scope and maximizes the existing footprint, while allowing for every sport to be played on the fields for the next 50 years. Dr. Malone explained that the School Committee has asked the Town of Shirley to call another debt exclusion ballot election at the end of September.

*Discussion about Initial Steps for an Elementary School Project* - S. Houde stated that though he is aware that the School Committee is focusing on the field project, he would like to start getting the Town's ducks in a row relative to a new elementary school. Dr. Malone explained that the first step in the process is to submit a statement of intent to the Mass School Building Authority, this process typically begins in January. M. Granger asked if it was fair to say that the Town of Ayer is ready to begin the process; Selectmen agreed. S. Houde noted his frustration doing capital projects that rely on the Town of Shirley.

**Ms. Jessica Strunkin, Senior Vice-President- Devens:** *Vicksburg Square Update* – Jessica Strunkin introduced herself and gave a brief update on her background. Ms. Strunkin stated that she has already worked on several projects with DPW Superintendent Mark Wetzel and Economic Development Director Alan Manoian on issues that relate to both Ayer and Devens. Ms. Strunkin said that there is currently not a target date for the Super Town Meeting relating to Vicksburg Square rezoning but will keep the Town informed. She will also be working with Community Development Program Manager Alicia Hersey on the Affordable Housing Committee.

**Ms. Alicia Hersey, Program Manager, Comm. Development Office:** *Appointment of Affordable Housing Committee* – Ms. Hersey was in attendance to ask the BOS to appoint an Affordable Housing Committee. The Ayer Affordable Housing Committee will work towards creating more affordable housing opportunities within the community by reviewing and advising the Town regarding a possible municipal housing trust, a housing production plan, master plan goals for affordable housing, and assistance with information distribution. Ms. Hersey is recommending the following residents be appointed: Janet Providakes, Ken Diskin, Ron Morrison, Stephen Quinn, Dr. Hilary Curtis, Steve Wentzell, and Karin Swanfeldt.

**Motion:** A motion was made by J. Livingston and seconded by S. Houde to create the Ayer Affordable Housing Committee and to appoint the above listed residents to the Ayer Affordable Housing Committee. **Motion passed 2-0.**

**Dan Van Schalkwyk, P.E., Town Engineer:** *MS4 Stormwater Permit Update* – D. Van Schalkwyk gave a brief presentation to the BOS about the DPW's efforts relating to the MS4 Stormwater Permit, which became effective July 1, 2018, highlighting the permit's 6 minimum control measures. D. Van Schalkwyk also discussed the Town of Ayer's Annual Stormwater budget. He noted that the 2015 BOS voted not to implement a Stormwater Enterprise fund. J. Livingston stated that the stormwater enterprise fund was controversial at the time both locally and nationally. R. Pontbriand, J. Livingston, and S. Houde agreed that the Stormwater Enterprise fund should be revisited, to relieve pressure on the annual operating budget via the tax levy.

**Ms. Susan Copeland, Town Clerk:** *Town Meeting and Town Election Date Discussion* – Ms. Copeland stated she reached out via the Town Clerk's Listserv to inquire about Town's that had switched their Town Meetings to Saturday and what their feedback was. She said overall, she got very little positive feedback. She said that the Town Meeting attendance is issue-driven.

The BOS, Town Manager and Town Clerk then discussed changing the time of the meeting and the day of the week of the meeting to increase attendance. Changing the date of the Annual Election was also discussed because many other Towns in Massachusetts have their Town Meeting prior to the Annual Election. The BOS discussed moving their Annual Town Election from a Monday to a Tuesday. The decision is ultimately up to the voters to make, because it would require a change to the Bylaws.

*Reserve Fund Transfer Request* – S. Copeland is requesting Reserve Fund Transfer in the amount of \$2,600 for the Assistant Town Clerk's wages (Account 01161-51110). She stated that Clerical Union contract was not fully completed prior to the FY'19 budget being approved.

**Motion:** A motion was made by J. Livingston and seconded by S. Houde to approve the Reserve Fund Transfer Request in the amount of \$2,600 in account 01161-51110 with signature by the Chair. **Motion passed 2-0.**

**Town Manager's Report:** *Administrative Update/Review of Warrant(s)*- R. Pontbriand provided an Administrative Update of the various activities, initiatives, and projects of the Administration for the period of time since the BOS last met. He also referenced the Meeting Packet for a list of Payroll and Accounts Payable Warrants that have been signed since the last meeting.

*Appointments* – R. Pontbriand asked the BOS to reappoint the following members to the following Boards and Committees:

Board / Committee	Term Label	Term Length	Current Member	Reappoint
BI-BOARD	BOS SEAT	1	Scott A. Houde	
CABLE TV ADVISORY COMMITTEE	SEAT 2	3	Douglas R. Becker	YES
CAPITAL PLANNING COMMITTEE	BOS SEAT	1	Christopher R. Hillman	
CONSERVATION COMMISSION	SEAT 3	3	George D. Bacon, Jr.	YES
CONSERVATION COMMISSION	SEAT 4	3	Mark Phillips	YES
COUNCIL ON AGING BOARD OF DIRECTORS	SEAT 5	3	Robert P. Hammond	YES
COUNCIL ON AGING BOARD OF DIRECTORS	SEAT 3	3	Janine Nichipor	YES
COUNCIL ON AGING BOARD OF DIRECTORS	SEAT 4	3	Kathryn Pfaltzgraff	YES
CULTURAL COUNCIL	SEAT 10	3	Sheila Schwabe	Not Eligible
CULTURAL COUNCIL	SEAT 8	3	Deborah A. Pelley	Not Eligible
CULTURAL COUNCIL	SEAT 3	3	Lauren Metzler-Baretta	
CULTURAL COUNCIL	SEAT 5	3		
ENERGY COMMITTEE	CITIZEN	1	Carolyn L. McCreary	YES
ENERGY COMMITTEE	CITIZEN	1	Ken Diskin	YES
HISTORICAL COMMISSION	SEAT 5	3	Ruth E. Rhonemus	YES
HISTORICAL COMMISSION	SEAT 1	3	Barry W. Schwarzel	YES
INDUSTRIAL DEVELOPMENT FINANCE AUTHORITY	SEAT 2	5	Brian T. Anderson	YES
INDUSTRIAL DEVELOPMENT FINANCE AUTHORITY	SEAT 3	5	Nicholas P. Laggis	YES
OPEB BOARD OF TRUSTEES	BOS SEAT	1	Jannice L. Livingston	
POND & DAM MANAGEMENT COMMITTEE	SEAT 3	3	Laurie Nehring	YES
RATE REVIEW COMMITTEE	BOS SEAT	1	Jannice L. Livingston	
RATE REVIEW COMMITTEE	SEAT 5	1	Mary E. Spinner	YES
RATE REVIEW COMMITTEE	SEAT 3	1	Richard W. Skoczylas	YES
RECYCLING COMMITTEE	SEAT 5	3	Janice Goodrow	YES
REGISTRARS OF VOTERS	SEAT 3	3	Carolyn L. McCreary	YES

R. Pontbriand then thanked all members for their continued service.

**Motion:** A motion was made by J. Livingston and seconded by S. Houde to reappoint the above listed members to the above listed Boards/Committees. **Motion passed 2-0.**

**Motion:** A motion was made by S. Houde and seconded by J. Livingston to reappoint S. Houde to the Bi-Board; C. Hillman to the Capital Improvement Committee; and J. Livingston to the Rate Review Committee and OPEB Board of Trustees. **Motion passed 2-0.**

*Town of Ayer Internet Service Provider Update* – R. Pontbriand referenced a memo, included in the meeting packet, about the feasibility of Ayer becoming its own Internet Service Provider, as requested by J. Livingston. His conclusions were that though the idea is great on face value, the Town would have to spend considerable funds initially to install infrastructure to support a town-managed ISP. He recommended that if the BOS wished to pursue the idea further, he recommends obtaining funding through the Capital Planning Process for a professional feasibility study. J. Livingston thanked R. Pontbriand for his thorough research.

*Reserve Fund Transfers* – R. Pontbriand is asking for approval for the following Reserve Fund Transfer requests: Management Support (\$5,800) to cover increases in printing costs, Town Planner (\$2,100) to cover unforeseen public hearing costs due to lack of Planning Board quorum, and FICA/Medicaid (\$1,000) to cover a slight increase in FY'19 costs.

**Motion:** A motion was made by J. Livingston and seconded by S. Houde to approve the Reserve Fund Transfer Request for Management Support (Account 01154) in the amount of \$5,800, with signature by the Chair.

**Motion passed 2-0.**

**Motion:** A motion was made by J. Livingston and seconded by S. Houde to approve the Reserve Fund Transfer Request for the Town Planner (Account 01175-55801) in the amount of \$2,100, with signature by the Chair.

**Motion passed 2-0.**

**Motion:** A motion was made by J. Livingston and seconded by S. Houde to approve the Reserve Fund Transfer Request for FICA/Medicare (Account 01919-51740) in the amount of \$1,000, with signature by the Chair.

**Motion passed 2-0.**

*Ratification of Opioid Class Action Suit* – R. Pontbriand explained that on the recommendation of Town Counsel, the Town has joined a multi-party class action civil suit against those responsible for the wrongful distribution of prescription opiates. The suit is being led by *Levin, Papantoinio, Thomas, Mitchell, Rafferty & Procter, PA*. There are no costs to the Town; in the event there is a recovery, the Town will receive its portion minus fees and expenses. R. Pontbriand is looking for the BOS to ratify the Town joining the class action suit.

**Motion:** A motion was made by J. Livingston and seconded by S. Houde to ratify the Town of Ayer joining the multi-party class action civil suit against those responsible for the wrongful distribution of prescription opiates

**Motion passed 2-0.**

**New Business/Selectmen's Questions:** *Utility Poles – Park Street Update (Selectman Hillman) – Tabled*

*Agenda Process (Selectman Houde)* - S. Houde was looking for feedback on distributing the DRAFT BOS agenda to all members prior to the Chair's approval so that members have insight to the agenda prior to it being posted. J. Livingston stated she was fine with keeping the current process. S. Houde also asked that moving forward; the BOS stay "on-point" during meetings and keep to the topics listed on the BOS agenda.

**Approval of Meeting Minutes:**

**Motion:** A motion was made by J. Livingston and seconded by S. Houde to approve the meeting minutes from June 4, 2019. **Motion passed 2-0.**

S. Houde announced that the next BOS Meeting is scheduled for Tuesday July 16, 2019 at 7:00 PM.

**Adjournment:**

**Motion:** A motion was made by J. Livingston and seconded by S. Houde to adjourn at 8:58 PM. **Motion passed 3-0.**

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

Date Minutes Approved by BOS: 7/16/2019

Signature Indicating Approval: Jannice Reardon