

RECEIVED
SEP 08 2021

TOWN OF AYER
TOWN CLERK

2:00pm
Shaun C. Copeland

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



Broadcast and Recorded by APAC

Tuesday August 17, 2021
Open Session Meeting Minutes

SB Present: Shaun C. Copeland, Chair; Scott A. Houde, Vice-Chair

SB Absent: Jannice L. Livingston, Clerk

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

Call to Order: S. Copeland called the meeting to order at 6:00 PM. He stated that members of the public are welcome to attend this in-person meeting and that while an option for remote attendance and/or participation 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.

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. Houde and seconded by S. Copeland to approve the meeting agenda. **Motion passed 2-0.**

Announcements: None

Recognition Fire Lieutenant Charles R. Dillon: The Select Board recognized retiring Fire Lt. Chuck Dillon who served the Town of Ayer for 32 years.

Public Input: Connie Sullivan, 79 East Main Street spoke to the SB about the eviction notices sent to residents in the Devenscrest neighborhood. He stated that he moved to Town 35 years ago because the housing was affordable. He noted that due to affordable housing Ayer enjoys a diverse population. He stated there is panic and fear among those residents who received a Notice to Quit. He is looking for the Select Board's support and to engage with all parties involved. He is looking for time, financial support and, as a last resort, support for an eminent domain taking.

S. Houde asked for an update on Devenscrest. R. Pontbriand stated that the Town has been aware of the situation and did issue a formal statement on July 23, 2021. The main thrust of the statement was responding to some erroneous information that was put out at the first meeting. He also stated that Town staff organized the second tenants meeting at the end of July and invited RCAP Solutions to answer questions and explain available resources. He stated that he is meeting with Attorney Sullivan and members of the Devenscrest Tenant Board later in the week.

Denise Perrault, 181 Willard Street stated that investors are pricing people out of their affordable units. She stated that to live in Devenscrest in the future the rents would be upwards of \$1,800 a month. She is afraid about where she will live.

Tara Fredericks from Acton spoke about the need for the Town to assist the residents in the Devenscrest neighborhood and that the Town could break even in their investment with low-rate borrowing.

Conservation Commission – Update on Conservation Activities: The Select Board was joined by the Conservation Commission and Conservation Administrator Jo-Anne Crystoff. J. Schmalenberger called the Conservation

Commission to order at 6:25 PM. He introduced members of the Committee: Jen Amaya, George Bacon, Jess Gugino and Mark Phillips. He went over the roles and responsibilities of the Commission, both regulatory and Town-related.

He referenced a grid that was included in the meeting packet showing the steady increase of applications that the Conservation Commission has jurisdiction over. He noted that the Conservation Agent is often out of the office doing site inspections/field visits. The Agent has to deal with everything passed by the Commission and the workload has increased. He noted that the Agent fields a lot of questions from homeowners and answers questions. He stated that the Commission passed a local wetlands bylaw in 2019 and enacted regulations in 2020. The Commission will be introducing a fertilizer use bylaw at the upcoming fall town meeting. He noted that Conservation Restrictions are needed for every Open Space Residential Subdivision. The Commission is also working on getting public access for Flannagan's Pond. They are also working on a beaver management plan with the DPW and acquisition of open space. He stated that Con Com needs help because their workload has increased. They are looking to hire a temporary parttime person (under 19 hours a week) with their Wetland funds. They will be asking for a permanent position in the FY '23 budget cycle.

R. Pontbriand stated that in addition to the Conservation Commission, there are other departments with human resource needs.

Conservation Commission Member Jess Gugino stated that the Town has changed over the years and the Town Hall structure needs to catch up. She stated that human burnout is a real issue.

S. Houde stated that he, the Town Manager, and the Assistant Town Manager have discussed the human resource issue and asked if there was a sense if there were times of the year where either seasonal or parttime help could be brought in. R. Pontbriand stated that he will be meeting with Town Departments over September to determine what the need is.

Conservation Commission Adjournment:

Motion: A motion was made by G. Bacon and seconded by J. Gugino to adjourn at 6:37 PM. **Motion passed 5-0.**

Ratification of Appointment of Council on Aging Director: R. Pontbriand introduced Dr. Katie Petrossi as his recommended candidate for the COA Director position. R. Pontbriand then introduced member from the COA Board of Directors: Carolyn McCreary, Janine Nichipor, and Sister Paul McCreary. R. Pontbriand explain that Dr. Petrossi was the unanimous recommendation of the screening committee. Katie holds a Ph.D. in Aging Studies and brings twenty-five years of diverse, professional experience working with seniors and the applied science of aging. Dr. Petrossi thanked the Select Board for the opportunity and is very much looking forward to getting started in Ayer on September 1, 2021.

Motion: A motion was made by S. Houde and seconded by S. Copeland to ratify the appointment of Katie Petrossi, Ph.D. as the Council on Aging Director effective September 1, 2021. **Motion passed 2-0.**

Mark Wetzel, DPW Director and Dan Van Schalkwyk, Town Engineer, Dept. of Public Works: *Execution of Contract for Ayer Wastewater Treatment Plant FY '20 Improvements* – M. Wetzel stated that 4 bids were opened on July 1, 2021 for the Wastewater Treatment Plant Improvement Project. Winston Builders Corporation of Westborough, MA was the low bidder. Winston recently completed the Grove Pond PFAS Treatment Facility project and FY19 Wastewater Treatment Plant Upgrade project. They are currently working on the Spectacle Pond PFAS Treatment Facility. He is recommending the execution of the contract.

Motion: A motion was made by S. Houde and seconded by S. Copeland to execute the contract with Winston Builders Corp. for the FY '20 Wastewater Treatment Plant Improvements in the amount of \$2,489,890. **Motion passed 2-0.**

Acquisition of Accepted Streets Voted at 2021 Annual Town Meeting – D. Van Schalkwyk stated that Trevor Trail and a portion of Pleasant Street Extension were voted for acceptance at the Annual Town Meeting on April 26, 2021. The final step of street acceptance is for the Select Board to acquire the streets and easements.

Motion: A motion was made by S. Houde and seconded by S. Copeland to vote to approve the acceptances of deeds documents for Trevor Trail and a portion of Pleasant Street extension as authorized by the April 26, 2021 Town Meeting. **Motion passed 2-0.**

Ratification of Appointment of DPW Director: R. Pontbriand stated that he was pleased to announce the appointment of Mr. Dan Van Schalkwyk as the Town's next DPW Director, pending Board ratification. Dan brings over 14 years of experience in civil/environmental engineering experience, holds a professional engineering certification (P.E.); and has direct, firsthand knowledge and experience with all DPW operations, infrastructure and complex systems. Dan will assume the position of DPW Director on October 1, 2021; and will provide a seamless transition for the Department and Town. He is prepared to effectively lead the DPW on day one. M. Wetzel congratulated Dan on his appointment and stated that he is confident Dan will carry on the good work and traditions of the DPW. Dan thanked the Select Board and the Town Manager for the opportunity and stated that he was excited to get started.

Motion: A motion was made by S. Houde and seconded by S. Copeland to ratify the appointment of Daniel Van Schalkwyk as the DPW Director effective October 1, 2021. **Motion passed 2-0.**

Town Manager's Report: *Administrative Update/Review of Town Warrant(s)* - R. Pontbriand provided the Select Board with an update on the various activities, initiatives, and projects of the Administration since the Select Board last met. He also provided a list of signed Town Warrants in the meeting packet. He stated that the Town Administration has been busy with personnel transitions over this past summer.

Appointments - R. Pontbriand is recommending that Mr. Dennis Curran be appointed to the COA Board of Directors to fill a vacant three-year term to expire on June 30, 2022.

Motion: A motion was made by S. Houde and seconded by S. Copeland to appoint Mr. Dennis Curran to the COA Board of Directors to fill a vacant three-year term to expire on June 30, 2022. **Motion passed 2-0.**

R. Pontbriand is respectfully recommending that the Select Board vote to appoint Mr. Alan Manoian, Director of Community and Economic Development as the Staff Representative on the Town's Disability Commission for a term to expire on June 30, 2022.

Motion: A motion was made by S. Houde and seconded by S. Copeland to appoint Alan Manoian, Director of Community and Economic Development as the Staff Representative on the Town's Disability Commission for a term to expire on June 30, 2022. **Motion passed 2-0.**

R. Pontbriand is recommending that the Select Board vote to appoint Ms. Patricia Bagni-Latimer to the Ayer Affordable Housing Trust and Mr. James Stephen to the Affordable Housing Trust as the representative from the Affordable Housing Committee.

Motion: A motion was made by S. Houde and seconded by S. Copeland to appoint Patty Bagni-Latimer to the Affordable Housing Trust. **Motion passed 2-0.**

Motion: A motion was made by S. Houde and seconded by S. Copeland to appoint James Stephen to the Affordable Housing Trust as the Affordable Housing Committee Representative. **Motion passed 2-0.**

Heart of Hometown Festival Update – Alan Manoian, Director of Community and Economic Development gave a brief update to the SB on the upcoming Heart of Hometown Festival. He reported that Main Street Bank is the event's Gold Sponsor, and that Nashoba Valley Medical Center and Catania Oils are the Silver Sponsors.

Approval of UDAG Funding for Community Development Program Manager – R. Pontbriand explained that the responsibilities of the Community Development Program Manager have increased due to the oversight/staff support of the Affordable Housing Committee and Affordable Housing Trust. He is recommending that the Select Board vote to authorize \$3,756 from UDAG Funding for the salary adjustment of the Community Development Program Manager

for FY 2022. He noted that moving forward for the FY 2023 Budget, this adjusted amount would become part of the Community and Economic Development Departmental Budget.

S. Houde asked why UDAG was being used as the funding source. R. Pontbriand stated that the request has been made for quite some time and was delayed due to COVID-19.

Janet Providakes, 1 Briliana Court spokê in favor of the recommendation.

Motion: A motion was made by S. Houde and seconded by S. Copeland to approve \$3,756 in UDAG funding for the salary adjustment for the Community Development Program Manager. **Motion passed 2-0.**

Discussion on Remote Participation for Public Meetings – R. Pontbriand explained that the Town is currently offering a hybrid model in which all members of public bodies are required to attend in person and the public has the option of either attending in person or participating via Zoom remotely. As a result of the ongoing COVID-19 Pandemic, the Governor has extended the provision of the Open Meeting Law to allow remote participation meetings through April 2022 at this time. With the recent COVID-19 positivity trends for Middlesex County, in addition to concerns regarding the Delta Variant as Fall approaches, he is looking to discuss the issue of returning to remote public meetings for the health and safety of all employees and the public this Fall.

S. Houde asked if it was an “all or nothing” scenario, meaning could some of the Boards and Committees be all remote that anticipate a larger audience, such as SB, Planning, Zoning and Conservation. R. Pontbriand will review with Town Counsel. S. Houde asked if there was feedback from different Boards and Committees on their preference. R. Pontbriand stated he would poll the committees for feedback.

Review/Discussion of DRAFT 2021-2022 Budget Schedule – R. Pontbriand presented the DRAFT 2021-2022 Budget Calendar for FY '23. He noted that many items (Capital Planning, Rate Review, etc.) still needed to be populated on the document. He will present DRAFT 2 at the September 7, 2021 meeting.

Central Fire Station – South Bay Addition Removal Agreement – R. Pontbriand is recommending to the Select Board vote to approve the agreement that will give the new owner of the Central Fire Station until August 1, 2022 to demolish the South Bay, which is part of the original historic preservation restriction.

Motion: A motion was made by S. Houde and seconded by S. Copeland to approve the Central Fire Station South Bay Addition Removal Agreement. **Motion passed 2-0.**

New Business/Selectmen's Questions: None

Approval of Meeting Minutes:

Motion: A motion was made by S. Houde and seconded by S. Copeland to approve the Meeting Minutes from June 15, 2021, and July 14, 2021. **Motion passed 2-0.**

Executive Session Pursuant to G.L. c. 30A, sec. 21A: At 7:25 PM a motion was made by S. Houde and seconded by S. Copeland to enter into Executive Session Pursuant to G.L. c. 30A, sec. 21A Exemption 2 (Non-Union Negotiations) for the Senior Center/COA Director and DPW Director Contracts and Exemption 3 (Litigation Strategy) relating to the National Opioid Litigation and to adjourn at the conclusion of the Executive Session. S. Houde stated that to discuss these items in Open Session would be detrimental to the Town's negotiating strategy. **By Roll Call Vote:** S. Houde, aye; S. Copeland, aye. **Motion passed by Roll Call 2-0.**

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

Date Minutes Approved by SB: 7 SEP 21

Signature Indicating Approval: 