



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

Broadcast and Recorded by APAC

April 4, 2023
Open Session Meeting Minutes

SB Present: Jannice L. Livingston, Chair; Scott A. Houde, Clerk

SB Absent: Shaun C. Copeland, Vice-Chair

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

Call to Order: J. Livingston called the meeting to order at 6:00 PM. J. Livingston stated that this meeting/hearing of the Ayer Select Board 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. Houde and seconded by J. Livingston to approve the meeting agenda.

Motion passed 2-0.

Announcements: J. Livingston announced that there are two vacancies on the COA Board of Directors and that the Annual Townwide Cleanup is being held on April 22, 2023.

Public Input: Amy Messcher, 11 Gardner Lane, stated that she was in attendance on behalf of the 4th of July Celebration Community Group. She invited the Select Board to the upcoming celebration on June 23, 2023, through June 25, 2023.

Fire Chief Tim Johnston invited the public to the fire station on Saturday April 8, 2023 from 10am – 12pm for an informational session regarding the department's upcoming FY '24 budget proposals.

Update from Laurie Nehring - Water Chestnut PULL Campaign for Grove Pond and MA PFAS and Health Study: Ms. Nehring was not in attendance.

Final Review and Approval of the 2023 Annual Town Meeting Warrant Joint Meeting of the Select Board and Finance Committee: K. Fraczkowski called the Finance Committee to order at 6:09 PM. K. Fraczkowski was in attendance. Committee members Andrew Sealey, Jin Hong, and Sebastian Cordoba joined by Zoom. R. Pontbriand highlighted some changes in the warrant that were approved by the Capital Planning Committee in January but were inadvertently left out of a previous draft of the warrant:

Article 10 - DPW Stormwater Account - Culvert Improvements for \$130,000; Water Enterprise Account - Grove Pond Green Sand Valve Replacement for \$50,000; and in the Sewer Enterprise Account - Replacement of the Wastewater Treatment Plant Boilers for \$100,000. Article 13 - Capital Requests Transfer from Capital Stabilization - library HVAC repairs for \$25,000 and the library roof repair in the amount of \$15,000. Article 15 - reimbursement of Library Trust Funds was removed from the warrant after being flagged by Town Counsel. R. Pontbriand stated that at the 2nd public budget forum on March 8, 2023 the issue was raised about reimbursing the 4th of July Celebration Account in the amount of \$10,000 from Free Cash. This item was also flagged by Town Counsel. R. Pontbriand is recommending adding that \$10,000 to the omnibus budget. R. Pontbriand stated that there was also a request for funding additional RRFB (automated light) crosswalk systems in the amount of \$100,000. D. Van Schalkwyk has asked that he is given additional time to do engineering due diligence. There was additional discussion about the warrant.

S. Houde asked if there was urgency in replenishing the \$35,000 to the Library Trust Funds? R. Pontbriand stated no and that it will be taken up at a future Town Meeting.

R. Pontbriand stated that this draft of the warrant also contains the recommendations of the Finance Committee.

J. Livingston asked how long the due diligence would take for the crosswalks. R. Pontbriand stated that it would be done over the course of the summer.

Pauline Conley, 40 Cambridge Street said that she would like to spend the proposed \$100,000 on the crosswalks now and then if it is not spent, it would go back to Free Cash.

S. Houde stated he is a process guy and an item for \$100,000 should go through the Capital Planning Committee. J. Livingston said what about setting aside \$50,000 for 5 of the RRFB systems.

Susan Copeland, Town Clerk stated that she believes in the process and referred to the memo sent by the DPW Director. She stated that all department heads are asked to follow the process and is concerned that this could establish precedent. Barbara Tierney, Finance Manager stated that it is generally not looked upon favorably to purchase one-time expenses out of Free Cash. There was additional discussion. S. Houde stated that we should stick to the process, J. Livingston agreed.

S. Houde stated that the current 4th of July budget is \$13,000. There was discussion about the omnibus 4th of July budget vs. the revolving 4th of July fund budget. S. Houde is suggesting that \$10,000 be added to the omnibus budget.

P. Conley referenced page 9 of the Town's Financial Policies where it states that a prudent use of Free Cash is for one-time expenses. There was additional discussion.

S. Houde stated that he would like to increase the omnibus budget by \$10,000 in the 4th of July account.

There were no questions from the Finance Committee. K. Fraczkowski reported that the Finance Committee met March 29, 2023 and reviewed all the articles in the warrant. All Finance Committees recommendations are noted in the DRAFT warrant as presented and in the meeting packet.

S. Houde asked why the Finance Committee voted "no position" on Article 5, the Nashoba Valley Technical High School Assessment. K. Fraczkowski stated it was because the Finance Committee hadn't seen a presentation on the budget.

Motion: A motion was made by S. Houde and seconded by J. Livingston to recommend articles 4,5,28 and 29. **Motion passed 2-0.**

R. Pontbriand recapped all of the changes made at the table.

P. Conley asked what the current limit on debt exclusions are? S. Houde answered \$350,000.

Motion: A motion was made by S. Houde and seconded by J. Livingston to approve the Special Town Meeting Warrant as presented. **Motion passed 2-0.**

Motion: A motion was made by S. Houde and seconded by J. Livingston to approve the Annual Town Meeting Warrant with the discussed adjustments. **Motion passed 2-0.**

Finance Committee Meeting Motion: A motion was made by A. Sealey and seconded by J. Hong to adjourn at 6:55 PM. **Motion passed 4-0.**

Review and Approval of Cable License with COMCAST: The SB was joined remotely by Attorney William Hewig from KP Law, who assisted the Town with the Comcast Cable Television Renewal License. The Cable Advisory Committee was appointed by the Select Board last fall and consists of Select Board Member Jannice Livingston, Janet Providakes, Julie Murray, Brian Gill. Attorney Hewig reported that subscriber figures continue to decrease. The proposed license is for 10 years and will expire on March 31, 2033. The operating funding received by Town will increase from 4.6 % of Comcast's gross annual revenues to 5% for public access. Attorney Hewig referenced his Executive Summary as contained in the meeting packet and highlighted the major changes. J. Livingston stated that we do not stop any other cable companies from coming into Town and that they don't want to because of the cost. S. Houde thanked all members who participated. Attorney Hewig stated that the proposal meets the town's future community cable-related needs, as established during our ascertainment period, and he is recommending approval and execution.

Motion: A motion was made by S. Houde and seconded by J. Livingston to approve the proposed license with Comcast for the period of April 1, 2023 through March 31, 2033. **Motion passed 2-0.**

Proposal for Senior/Community Center Building Committee: R. Pontbriand stated that at the March 27, 2023 Select Board meeting, they received and discussed the Study Report from the Senior Center Site Selection Working Group and further voted to further pursue and develop the recommendation of the Study Report to locate a Senior/Community Center (also referred to as a Center for Active Living) on a portion of Pirone Park as set forth in the Study Report. For the proposed composition of the Building Committee, he is recommending a nine (9) Member Committee as follows: One (1) Member of the Council on Aging; The COA/Senior Center Director (Dr. Katie Petrossi); One (1) Parks Commissioner; The Parks and Recreation Director (Mr. Jeff Thomas); The DPW Director (Dan Van Schalkwyk, P.E.); One (1) Member of the Planning Board; Three (3) Ayer Residents. He is recommending the SB post the three (3) resident positions for a minimum of two (2) weeks on the Town's website; Town Hall posting Board; and Town social media.

Motion: A motion was made by S. Houde and seconded by J. Livingston to create a building committee with nine members as in the meeting packet and presented. **Motion passed 2-0.**

Approval of Select Board Letter to MassDevelopment Re: Noise Issues: J. Livingston stated that on the weekends from April to October there is car racing going on at the old airfield. She would like MassDevelopment to know that they are causing severe noise pollution. She thanked S. Houde for the edits made to the letter.

Motion: A motion was made by J. Livingston and seconded by S. Houde to approve the letter as edited.

Pauline Conley, 40 Cambridge Street stated if we resumed jurisdiction of Devens, we could stop the noise.

Motion passed 2-0.

Town Manager's Report - Administrative Update/Review of Town Warrant(s): 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. R. Pontbriand stated that the Warrant will be posted by Friday April 7, 2023. He noted that the Howitzer rededication will take place on Monday April 17, 2023 at 12:00 PM.

New Business/Select Board Member Questions: J. Livingston is requested for the first meeting in May to have a Great Hall Improvements for acoustics.

Adjournment:

Motion: A motion was made by S. Houde and seconded by J. Livingston to adjourn at 7:21 PM. **Motion passed 2-0.**

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

Date Minutes Approved by SB: May 16 2023

Signature Indicating Approval: 