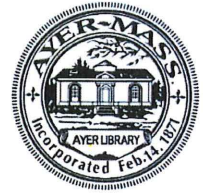


Town of Ayer  
Ayer Select Board  
Ayer Town Hall – 1<sup>st</sup> Floor Meeting Room  
Ayer, MA 01432



*Broadcast and Recorded by APAC*

**Tuesday June 30, 2020**  
**Open Session Meeting Minutes**

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

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

**Approval of Meeting Agenda:** R. Pontbriand reported that the agenda had been amended with the Town Clerks' Office to include a #5 under the Town Manager's Report for the Approval of Confirmatory Quitclaim Deed for 0 Park Street.

**Motion:** A motion was made by J. Livingston and seconded by S. Houde to approve the meeting agenda as amended. **Motion passed 3-0.**

**Announcements:** None

**Recognition of Graduating Ayer Seniors:** The BOS recognized one 2020 Ayer Graduating Senior.

**Remote Access:** S. Copeland stated that pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, MGL Chapter 30A, Section 18 and the Governor's March 15, 2020 Order imposing strict limitations on the number of people that may gather in one place, this meeting of the Ayer Board of Selectmen is being conducted via remote participation. No in-person attendance of members of the public will be permitted, but every effort has been made to ensure that the public can adequately access the proceedings as provided in the Order.

**Public Input:** None

**Request for Water Ban Variance:** *1 Patriot Way* – R. Pontbriand stated that both Mr. and Mrs. Balukonis and the DPW Superintendent were on the call. J. Livingston asked M. Wetzel if any other variances have been granted and M. Wetzel said yes for new lawns and new landscaping. He inspected the lawn and it didn't appear there was a new lawn or plantings. J. Livingston asked if businesses were following the ban. M. Wetzel stated yes everyone should be following the ban, unless they have a variance.

S. Houde asked when the lawn was installed? The Baluknonis' stated that it was seeded at the end of October 2019 and there was no new growth until May 2020. He stated that he has spent a good amount of money to have the lawn reestablished.

M. Wetzel pointed out that the Town is only pumping at about 65% capacity and the state has very recently

issued a drought warning. He stated that this a public safety issue. Mr. Balukonis stated that when he applied for the variance, there was no drought conditions.

The Board discussed the item with the Balukonis' and the DPW Supt. The SB agreed that the Balukonis' request was reasonable.

**Motion:** A motion was made by J. Livingston and seconded by S. Houde to approve the water variance for 1 Patriot Way as requested. **Motion passed 3-0.**

**Laurie Sabol, Ayer Recycling Committee:** *Plastic Bag Ban Bylaw Discussion* – Ms. Sabol pointed out that her name was spelled incorrectly on the agenda. Ms. Sabol presented a DRAFT Plastic Waste Reduction Bylaw to the SB. The proposed bylaw seeks to regulate the use of single-use plastic checkout bags and promote the use of reusable bags in the Town of Ayer. She was looking for general direction on when the Bylaw should be put before Town Meeting, given that reusable bags are temporarily banned due to the COVID-19 pandemic. She noted there are 135 other communities in MA with a similar bylaw. SB members agreed that it was best to get the word out now, so people are aware of it. Due to COVID-19, the matter could be tabled to the Spring Annual Town Meeting. The SB also stated that if it were taken up at the Fall Town Meeting, the Town could decide on an implementation timeline.

**Appointment of Deputy Fire Chief:** Fire Chief Pedrazzi was joined by Captain Tim Johnston via remote participation. Chief Pedrazzi introduced Capt. Johnston as the Town's first Deputy Fire Chief, effective July 1, 2020. Chief Pedrazzi thanked SB members and Town residents for their support of the position. He noted that both he and Johnston have been working together fulltime for the Department for 35 years. Chief Pedrazzi stated that Johnston, in the role of Deputy Chief, will be a tremendous asset to the Department. SB members congratulated Capt. Johnston and wished him well. Johnston thanked SB members for their support.

**Superintendent Mark Wetzel, Department of Public Works:** *Approval of Change Order 1 FY '20 Water and Drain Improvements* – M. Wetzel and D. Van Schalkwyk, Town Engineer were in attendance via remote participation. They are seeking approval for Change Order 1 for the FY '20 Water and Drain Improvements in the amount of \$57,420 associated with encountering excessive ledge, which had to be removed during construction. A fire hydrant was also added and another 100' of water main replacement.

**Motion:** A motion was made by S. Houde and seconded by J. Livingston to approve Change Order 1 in the amount of \$57,420 as requested with signature by the Chair. **Motion passed 3-0.**

*Approval of Change Order 1 Recreation Dept. Garage Project* – D. Van Schalkwyk reported that the newly constructed Parks Building at Pirone Park should have a Certificate of Occupancy next week. He is seeking approval of Change Order 1 in the amount of \$15,403 for additional charges incurred during the project.

**Motion:** A motion was made by J. Livingston and seconded by S. Houde to approve Change Order 1 in the amount of \$15,403 for the Parks Dept. Building/Garage. **Motion passed 3-0.**

*MS4 Stormwater Permit Update* – D. Van Schalkwyk gave a brief presentation to the SB about the DPW's efforts relating to the MS4 Stormwater Permit, highlighting the permit's 6 minimum control measures. He noted that the permit went into effect on July 1, 2018.

*Contract Award for Spec. Pond Well No. 1 Replacement* – M. Wetzel presented a contract for the moving and replacing existing Well No.1 for the Spectacle Pond PFAS treatment project. He reported that the low bidder was Dankris Builders, Plainville, MA in the amount of \$262,000.

J. Livingston asked how long it would take to before putting a shovel in the ground. M. Wetzel stated probably about 3 months.

**Motion:** A motion was made by S. Houde and seconded by J. Livingston to approve the contract between the Town of Ayer and Dankris Builders in the amount of \$262,000. **Motion passed 3-0.**

**Town Manager's Report:** *Administrative Update/Review of Town Warrant(s)* – R. Pontbriand stated that the Administration is working on closing out FY '20 and that we'll continue to monitor revenue and spending, realting to the COVID-19 pandemic. He reported that the schools are going into a 1/12<sup>th</sup> budget, as they are awaiting Chapter 70 figures from the Commonwealth.

*Coronavirus/COVID-19 Town Preparedness Update* – R. Pontbriand reported that things are status quo, which is a good thing. The Town continues to source PPE, particularly n95 masks.

*Review of Annual Town Meeting* – R. Pontbriand referenced a detailed memo given to the SB in the meeting packet. He thanked everyone for their patience, support and understanding during an unprecedented time. He reported that the Town Moderator was feeling better and thanked Sam Goodwin for stepping in as Moderator. For lessons learned, we can allow family members to sit together, thereby opening more spaces. He also discussed the idea of taking reservations for the meeting, just to get a sense of the anticipated audience size. R. Pontbriand also shared his disappointment with the 40+ second audio delay in the overflow seating room. He recommends using movable microphones for the audience to ask questions. He noted that the quorum throughout the meeting started to dwindle and that the SB may want to talk about reducing the Town Meeting quorum of 50 people during the COVID-19 pandemic.

J. Livingston thanked all town employees for doing a very good job during Town Meeting, noting their ability to adapt to changes as the meeting went on. J. Livingston stated that she is concerned about taking reservations for Town Meeting, as she is worried about trying to get the word out. She is concerned that people might fear if they do not make a reservation that they might feel like they cannot show up.

S. Houde agreed and stated that "reservation" is wrong word to use because it gives the wrong connotation. He recommends seating Town employees on the stage behind the BOS tables.

SB members also discussed either reducing the reading of the warrant articles or shortening the reading of the motions to expedite the meeting, as both are similar in language.

*Annual Board/Committee Reappointments Part 2* – R. Pontbriand asked the SB if they would like to keep the following appointments: J. Livingston, Devens Jurisdictional Framework Committee; S. Houde Local Devens Committee and S. Houde as the liaison to the ASRHS fields project. J. Livingston asked when S. Houde was appointed for the fields project. S. Houde reported that he had been following the issue since he was on the Finance Committee. SB members agreed to the appointments noted above. R. Pontbriand then referenced the memo in the packet for other reappointments for consideration by the SB.

Board / Committee	Term Label	Length of Term	Current Member
HISTORICAL COMMISSION	SEAT 3	3 Years	Tom McLain
MART ADVISORY BOARD	TOWN REP.	1 Year	Robert Pontbriand, Town Manager
RECYCLING COMMITTEE	SEAT 2	3 Years	Dan DeMille
	SEAT 3	3 Years	Rebecca Jones
	SEAT 4	3 Years	Shawna Graham

R. Pontbriand is also asking for consideration of the following appointments:

Board / Committee	Term Label	Length of Term	Current Member
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MONTACHUSETT REGIONAL PLANNING COMMISSION*	BOS REP	1 YEAR	Shaun Copeland
	ALTERNATE	1 YEAR	Mark Archambault, Town Planner
INSURANCE ADVISORY COMMITTEE	RETIREE REP.	NO TERM LIMIT	Tim Taylor

**Motion:** A motion was made by J. Livingston and seconded by S. Houde to approve the appointments as outlined in the packet. **Motion passed 3-0.**

**Approval of Confirmatory Quitclaim Deed – 0 Park Street:** – R. Pontbriand stated that Town Counsel Katie Klein has been working on this issue with Attorney Peter Knox, on behalf of his clients, F&P Willows Trust to resolve this matter. The 2015 ATM authorized the BOS to purchase land named “0 Park Street” in relation to permanent flood remediation for the Fire Station. The property has recently been sold and this document is needed for the closing. There is an easement on the property which the Town had granted to F&P Willows Trust to operate the Dunkin Donuts Drive thru. The easement will remain in effect despite the property changing hands.

**Motion:** A motion was made by S. Houde and seconded by J. Livingston to approve the Confirmatory Quitclaim Deed. **Motion passed 3-0.**

**New Business/Selectmen’s Questions:** *Ayer Shirley Regional High School Field Project Update (Selectman Houde)* – S. Houde stated that following the COVID-19 meeting, stakeholders from both Towns and the School District have begun meeting again to address the high school fields project. He stated that the School Department presented 3 options for the new fields and the group would be meeting again next week. He stated that he is a little frustrated that 3 options do not address everything that is needed for a full fields upgrade.

J. Livingston asked if the Towns would have to vote again on the project. R. Pontbriand stated that because the cost is likely to go down, and the amount of the selected project is less than previously approved by the Town, Ayer will not need to vote again.

*Other* – S. Copeland asked about the possibility of hosting a community meeting with the Chief of Police to discuss racial issues. SB members agreed to the concept. R. Pontbriand will be in touch with the Chief to begin planning an event.

**Approval of Meeting Minutes:**

**Motion:** A motion was made by J. Livingston and seconded by S. Houde to approve the meeting minutes from June 10, 2020. **Motion passed 3-0.**

**Executive Session Pursuant to MGL Chapter 30A, Section 21A:** At 7:46 PM a motion was made by J. Livingston and seconded by S. Houde to enter into Executive Session pursuant to MGL Chapter 30A, Section 21A Exemption #2 (Non-Union Personnel Negotiations) Deputy Fire Chief Personal Services Contract; Exemption #2 (Non-Union Personnel Negotiations) Council on Aging Director Personal Services and to adjourn at the conclusion of Executive Session. She stated further, that to discuss these items in Open Session would be detrimental to the Town’s negotiating strategy. By Roll Call Vote: J. Livingston, aye; S. Houde, aye; S. Copeland, aye. **Motion passed by Roll Call Vote 3-0.**

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

Date Minutes Approved by BOS: 175062020

Signature Indicating Approval: 