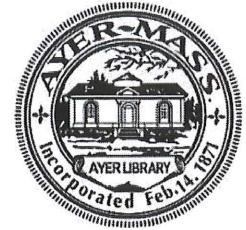


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TOWN OF AYER
TOWN CLERK

Shaun Copeland

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



Broadcast and Recorded by APAC

Monday December 21, 2020
Open Session Meeting Minutes

SB Present: Shaun C. Copeland, Chair; Scott A. Houde, Vice-Chair; Jannice L. Livingston, Clerk
All Via Remote Participation

Also Present: Robert A. Pontbriand, Town Manager
Carly M. Antonellis, Assistant Town Manager
Both Via Remote Participation

Call to Order: S. Copeland called the meeting to order at 5:15pm.

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. All votes will be taken by Roll Call.

Executive Session pursuant to MGL c. 30A, Sec. 21A: **Motion:** A motion was made by S. Houde and seconded J. Livingston to enter into Executive Session pursuant to MGL c. 30A, Sec. 21A Exemption #3 (Litigation Strategy) *Aqueous Film-Forming Foams (AFFF) Products Liability Litigation* and #3 (Litigation Strategy) *Diesel Direct v. Ayer Shirley Regional School District, et al.; Riley Jayne Farm, LLC, et al. v. Diesel Direct Inc., et al* and to reconvene in Open Session at 6:00 PM. S. Houde stated that to discuss these matters in Open Session would be detrimental to the Town's negotiating strategy. **Roll Call:** S. Copeland, aye; S. Houde, aye; J. Livingston, aye. **Motion passed by Roll Call Vote 3-0.**

Reconvene in Open Session: The Select Board reconvened in Open Session 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 stated that Ms. Hersey, Community Development Office would be amending her request for use of \$20,000 to \$30,000 in Program Income for an Emergency Housing Rehabilitation Proposal.

Motion: A motion was made by S. Houde and seconded by J. Livingston to approve the meeting agenda, as amended. **Roll Call:** S. Copeland, aye; S. Houde, aye; J. Livingston, aye. **Motion passed by Roll Call Vote 3-0.**

Announcements: None

Public Input: None

Ms. Alicia Hersey, Program Manager, Comm. Development Office: *Emergency Housing Rehabilitation Proposal* – A. Hersey is asking the SB to consider funding an Emergency Housing Rehabilitation Program with \$30,000 in program income to be used in situations such as a broken furnace, leaky roof, etc.

S. Copeland asked if the resident paid back the funding. A. Hersey stated that if the owner stays in their home for 15 years the lien is satisfied.

Motion: A motion was made by J. Livingston and seconded by S. Houde to approve the request for use of \$30,000 in program income for an emergency housing rehabilitation program. **Roll Call:** S. Copeland, aye; S. Houde, aye; J. Livingston, aye. **Motion passed by Roll Call Vote 3-0.**

Superintendent Mark Wetzel, DPW: *School Street Sidewalk Construction Project Change Order 1* – M. Wetzel presented Change Order 1 for the School Street Sidewalk Construction Project which is nearing completion. The project is funded by a Complete Streets grant in the amount of \$203,118. Because the awarded bid amount of \$106,220 was much lower than the available grant budget, the DPW worked with the Contractor to include additional upgrades.

Motion: A motion was made by S. Houde and seconded by J. Livingston to approve Change Order 1 as presented. **Roll Call:** S. Copeland, aye; S. Houde, aye; J. Livingston, aye. **Motion passed by Roll Call Vote 3-0.**

Update on Revisions to Town Stormwater Bylaws – Town Engineer Dan Van Schalkwyk gave a presentation on the proposed revisions to the Town's Stormwater Bylaw. He also updated the SB on the Town's MS4 Permit stating that the permit requires the Town to address 6 minimum control measures to improve stormwater discharge. In 2008, the Town of Ayer adopted a bylaw on stormwater management and in 2020, the Planning Board adopted regulations to accompany the 2008 bylaw. The plan is to place the revised bylaw on the April Annual Town Meeting Warrant. He stated that the DPW will be holding public information sessions on the proposed bylaw change in the near future.

Grove Pond PFAS Treatment Facility Change Order 1 - M. Wetzel presented Change Order 1 for the Grove Pond PFAS Treatment facility. The change order amount is \$109,530 for various additional punch list items.

Sara Withee, 11 Groton Shirley Road asked where the money comes from to cover the Change Order. M. Wetzel replied that it comes from a grant from the Army.

Motion: A motion was made by J. Livingston and seconded by S. Houde to approve Change Order 1 in the amount of \$109,530 with Winston Builders Corp with signature by the Chair. **Roll Call:** S. Copeland, aye; S. Houde, aye; J. Livingston, aye. **Motion passed by Roll Call Vote 3-0.**

Out of Town Water and Sewer Connection Policy – M. Wetzel stated that per the last SB meeting, he and the Town Manager made a few edits to the proposed policy. The time frame has been increased to 90 days prior to a Town Meeting. The application for connection would be reviewed by the Town Engineer with a written report to be delivered to the SB, the Planning Board and the Town's Rate Review Committee. J. Livingston stated that she thinks the 90-day deadline prior to Town Meeting should be tweaked to say 90 days prior to Town Meeting Warrant approval. Board members agreed. S. Houde asked whether or not the Town needs an Inter-Municipal Agreement if the application comes from a private developer. M. Wetzel stated he would prefer the IMA as it gives the Town of Ayer more leverage to ensure compliancy and he thinks both Town entities should be involved.

Sara Withee, 11 Groton Shirley Road asked what the Planning Board's role was. M. Wetzel stated that if there is a new subdivision coming to the Town, the DPW does an analysis on behalf of the Town. Ms. Withee then asked what the public notification is going to be. R. Pontbriand stated that the review will go to the Select Board, Rate Review and the Planning Board, which would have to be discussed at a publicly posted meeting, per the MA Open Meeting Law requirements. Additionally, all information can be placed on the Town's website.

M. Wetzel summarized the changes by noting that 75 days prior to Town Meeting has been changed to 90 days prior to Town Meeting Warrant Approval.

Motion: A motion was made by S. Houde and seconded by J. Livingston to approve the Water and Sewer Connection policy with edits, as discussed. **Roll Call:** S. Copeland, aye; S. Houde, aye; J. Livingston, aye. **Motion passed by Roll Call Vote 3-0.**

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 focus of the Administration continues to be the formulation of the FY '22 budget. He and the Finance Manager are also working on finalizing the CARES funding, which expires on December 30, 2020. R. Pontbriand also thanked various Town Departments for their efforts with different holiday activities going on in Town.

COVID-19 Update - R. Pontbriand reported that things are mainly status quo and the Town of Ayer is listed as red on the State's COVID-19 map. He stated that the Town continues to follow best practices and is looking forward to more information relating to the vaccine.

Reserve Fund Transfer Request - Unemployment Expense (01913-51710) - Benefits and Payroll Manager Kevin Johnston was in attendance seeking approval of a \$7,500 RFT for the Unemployment Expense line. The actual amount of the FY '21 unemployment expenses were not known at the time of the budget preparation.

Motion: A motion was made by S. Houde and seconded by J. Livingston to approve the RFT in the amount of \$7,500 to Unemployment Expenses 01913-51710. **Roll Call:** S. Copeland, aye; S. Houde, aye; J. Livingston, aye. **Motion passed by Roll Call Vote 3-0.**

R. Pontbriand also added that the Administration and Finance Team continue to monitor revenue, and everything remains stable. The first FY '22 budget forum will take place at 6:00 PM on Wednesday January 27, 2021.

Intermunicipal Agreement with Town of Westford - Use & Storage of Fire Engine - R. Pontbriand presented an IMA drafted by Town Counsel between the Town of Ayer and the Town of Westford for the use and storage of Ayer's old fire engine to be garaged at the Westford Fire Station. The Westford Select Board reviewed and approved the Intermunicipal Agreement at their December 8, 2020 Meeting.

Motion: A motion was made by J. Livingston and seconded by S. Houde to approve the Intermunicipal Agreement. **Roll Call:** S. Copeland, aye; S. Houde, aye; J. Livingston, aye. **Motion passed by Roll Call Vote 3-0.**

New Business/Selectmen's Questions: J. Livingston stated that she would like to commend the Town of Ayer for ending the year on a positive note.

Approval of Meeting Minutes:

Motion: A motion was made by S. Houde and seconded by J. Livingston to approve the Meeting Minutes from December 1, 2020. **Roll Call:** S. Copeland, aye; S. Houde, aye; J. Livingston, aye. **Motion passed by Roll Call Vote 3-0.**

Adjournment:

Motion: A motion was made by J. Livingston and seconded by S. Houde to adjourn at 7:06 PM. **Roll Call:** S. Copeland, aye; S. Houde, aye; J. Livingston, 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: January 19, 2021

Signature Indicating Approval: 