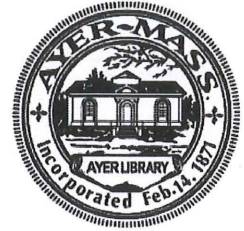


Town of Ayer
Ayer Select Board
Ayer Town Hall - 1st Floor Meeting Room
Ayer, MA 01432



Broadcast and Recorded by APAC

Tuesday March 16, 2021
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 6:00 PM.

Remote Access: S. Copeland stated that pursuant to Governor Baker's March 12, 2020 Order Temporarily 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.

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. **Roll**

Call: S. Houde, aye; J. Livingston, aye; S. Copeland, aye. **Motion passed by Roll Call Vote 3-0.**

Announcements: None

Public Input: None

Public Hearing - Pole Petition - National Grid and Verizon - Copeland Dr. - No. 30324776: J. Livingston opened the Public Hearing at 6:05 PM by reading the Public Hearing Notice. Petition submitted by National Grid and Verizon New England, Inc. to locate poles, wires, and fixtures, including the necessary sustaining and protecting fixtures, along and cross the following public way: Copeland Dr - National Grid to relocate 1 JO Pole on Copeland Drive beginning at a point approximately 150 feet north of the centerline of the intersection of Littleton Road and Copeland Drive and continuing approximately 25 feet in a south direction. Robert Williams was in attendance from National Grid and stated that they are proposing to relocate P1 to a double-circuit feeder for a customer upgrade in the area. S. Houde mentioned that there were two comments submitted back by DPW and Conservation, respectively. Mr. Williams stated that wetlands question was not an issue and that they confirmed it was outside of the 100' buffer zone for any wetlands. Relating to DPW's concerns, Mr. William stated they could not move Pole 10 because it had a lot of infrastructure already on it. M. Wetzel stated that he originally thought it was the addition of 1 pole, but sees another 2 being proposed on Littleton Road, which is a state road. Mr. Williams stated that National Grid works with MassDOT for approval. M. Wetzel stated that there were Town utilities and sidewalks in the area, and he had concerns.

Ken Diskin, 180 Washington Street stated that the date on the plan submitted did not match the dates on the accompanying paperwork. He then stated lines dark blue lines on the map were incorrect, noting it shows an existing connection to P1, but the connection is to P11. He noted he had a large concern being that the plan doesn't show the entirety of the work. He is urging the Select Board to continue the hearing until the sketch is corrected. Mr. Diskin is also recommending that the infrastructure be installed underground.

Motion: A motion was made by S. Houde and seconded by J. Livingston to continue this Public Hearing until 6:05 PM on March 30, 2021 the meeting agenda. **Roll Call:** S. Houde, aye; J. Livingston, aye; S. Copeland, aye.

Motion passed by Roll Call Vote 3-0.

Alicia Hersey, Program Manager, Community Development Office: Lien Subordination Request
CASE #11-369 – Ms. Hersey stated that the applicant had a previous subordination in 2014 and that she is looking to refinance to lower her monthly payment. She stated that the Loan to Value ratio 94.3%.

Motion: A motion was made by J. Livingston and seconded by S. Houde to approve the lien subordination request #11-369, as presented, not to exceed \$350,176. **Roll Call:** S. Houde, aye; J. Livingston, aye; S. Copeland, aye. **Motion passed by Roll Call Vote 3-0.**

Public Hearing – FY '22 Water, Sewer and Solid Waste Rates: J. Livingston opened the public hearing at 6:17 PM as advertised in the Nashoba Valley Voice on March 5, 2021 and March 12, 2021. DPW Superintendent Mark Wetzel joined the BOS for a presentation about the FY' 21 Rate Recommendations. M. Wetzel recognized members of the Rate Review Committee. He stated that the meeting goals for the evening were to approve 2 new positions for Water & Sewer Enterprise Funds and to set the FY '22 water, sewer and solid waste fees. Relating to Water & Sewer Rates, M. Wetzel stated that the PFAS treatment costs are very large, and that the overall cost for the Grove Pond and Spectacle Pond Treatment facilities has been about \$11.5M. He stated that the overall goal in setting rates is to recover costs and avoid significant fluctuations. M. Wetzel stated that the 2 new proposed positions are for an Assistant Superintendent for Water & Wastewater and a part time 19 hour a week Water & Sewer billing clerk, both to be paid from the Enterprise Funds. The positions will add \$0.01 to the Water Rate and \$0.02 to the Sewer Rate. The proposed water rates for FY '22 are Step 1 \$2.88/hundred cubic feet to \$2.95; Step 2 \$3.56 to \$3.65; Step 3 \$4.22 to \$4.33 and Conservation Rate \$4.22 to \$4.33. Proposed sewer rates are Step 1 \$8.16/hundred cubic feet to \$8.57; Step 2 \$9.34 to \$9.81 and Step 3 \$10.63 to \$11.16. M. Wetzel then presented an overview of the Solid Waste Disposal/Transfer Station Rates. He noted that 30% of the solid waste budget is subsidized by the General Fund. The amount needed to be raised by permit and bag sales is approximately \$300,000. M. Wetzel noted that recycling costs are up, and the Town has sold less permits this year than in the past. Also, the bag fees from outside vendors are increasing. Based on looking at 10 different models on rates, the Committee has recommended that the price per bag be increased by \$1.00 for small, medium, and large.

S. Houde asked about sludge hauling costs for the sewer department and stated that the DPW, a few years ago, was looking into installing a sludge digester on-site. M. Wetzel stated that they researched the idea fully, but it was very risky due to the amount of food waste needed to produce energy. The estimate a few years back for installation and maintenance would be in the \$15M range.

S. Houde stated that the transfer station subsidy from the general fund is about 30% of the total transfer station budget. He stated that looking at the cost and the subsidy that over the next year the Town should look at the Transfer Station as a whole and the services it provides. J. Livingston stated that at the Rate Review Committee discussed this at their last meeting yesterday and she would like to come up with ideas and to hold public hearings to discuss transfer station. She stated that the Pay As You Throw (PAYT) bags are problematic because the cost keeps going up. J. Livingston stated that she brought up the old sticker system but stated there were problems with those because people didn't always put the stickers on the bag, or they would rip them in half.

M. Wetzel noted to Select Board Member Houde that the Town is installing a sludge disposal dewatering system to take water out of sludge to reduce the weight.

S. Copeland asked about not increasing the Transfer Station Permit fees? M. Wetzel stated that the number that worked out the best was the bag only increase. J. Livingston added that when the Rate Review Committee met in the Fall of 2020, they decided to not raise the permit due to COVID, stating that people may not have been able to get out and that the Swap Shed was not open.

J. Livingston stated that relating to the new positions, Town Meeting would be approving the addition of those.

Pauline Coney, 40 Cambridge Street stated that she is happy to pay another \$5 - \$10 for a permit and that people do not like to pay for the PAYT bags. She stated that the private commercial barrels impeded the sidewalk on Central Ave. She is encouraging public outreach and reopening the swap shed.

S. Houde stated that when he was on the Finance Committee, they discussed an education/public outreach campaign to the new developments that were coming into Town.

Motion: A motion was made by J. Livingston and seconded by S. Houde to recommend that the two new positions for Assistant Superintendent for Water and Wastewater be forwarded to Town Meeting. **Roll Call:** S. Houde, aye; J. Livingston, aye; S. Copeland, aye. **Motion passed by Roll Call Vote 3-0.**

Motion: A motion was made by S. Houde and seconded by J. Livingston to approve the water and sewer rates as recommended by the Rate Review Committee, effective July 1, 2021. **Roll Call:** S. Houde, aye; J. Livingston, aye; S. Copeland, aye. **Motion passed by Roll Call Vote 3-0.**

Motion: A motion was made by S. Houde and seconded by J. Livingston to increase the PAYT bag fees as presented effective July 1, 2021. **Roll Call:** S. Houde, aye; J. Livingston, aye; S. Copeland, aye. **Motion passed by Roll Call Vote 3-0.**

Motion: A motion was made by J. Livingston and seconded by S. Houde to close the Public Hearing at 7:02 PM. **Roll Call:** S. Houde, aye; J. Livingston, aye; S. Copeland, aye. **Motion passed by Roll Call Vote 3-0.**

Consideration of Catania Spagna TIF Proposal, 1 Nemco Way: The SB was joined by CEO Anthony Basile, Joe Basile, CFO Mike Coutu, and Ms. Lynn Tokarczyk. R. Pontbriand stated that the Town was approached on February 11, 2021 by Catania Oils, seeking consideration of TIF for a proposed \$14.4M, 51,000sf building expansion at their plant located at 1 Nemco Way. R. Pontbriand presented the proposed TIF agreement. The terms 10-year agreement and results in a 58% reduction in property taxes for the new expansion only. R. Pontbriand stated that the company will host a remote information session prior to the Annual Town Meeting. Community and Economic Development Director Alan Manoian stated that Catania Spagna is a rock-solid industry sector and that they have been long embraced by the Town of Ayer. He believes that this is a worthy partnership and will deliver long-range economic sustainability for the community. Lynn Tokarczyk thanked the Town for their guidance and assistance. S. Houde stated that he looked forward to public outreach forum and had heard some feedback about expanded traffic in the area. There was no Public Input.

Motion: A motion was made by S. Houde and seconded by J. Livingston to recommend to Town Meeting a Tax Increment Financing Agreement, in accordance with the provisions of the Massachusetts General Law, Chapter 59, Section 40, between the Town of Ayer and Catania-Spagna Corporation, and JAR Realty Corp., and to approve the submission of the EDIP Local Incentive Only Application to the Massachusetts Economic Assistance Coordinating Council in accordance with the provisions of Massachusetts General Law, Chapter 23A, Sections 3(A) and 3(C). **Roll Call:** S. Houde, aye; J. Livingston, aye; S. Copeland, aye. **Motion passed by Roll Call Vote 3-0.**

Dan Van Schalkwyk, Town Engineer: *Execution of Contract for FY '21 Sanitary Sewer Rehabilitation Project* – D. Van Schalkwyk stated that General bids for the FY21 Sanitary Sewer Rehabilitation Project were received at the DPW on February 24, 2021. There were six (6) bids ranging from \$348,040.00 to \$558,888.00. The low bidder is Insituform Technologies, LLC. This project is funded through Infiltration/Inflow Repairs voted at 2020 Annual Town Meeting.

Motion: A motion was made by J. Livingston and seconded by S. Houde to execute the contract between the Town of Ayer and Insituform Technologies, LLC for \$348,040 with signature by the Chair. **Roll Call:** S. Houde, aye; J. Livingston, aye; S. Copeland, aye. **Motion passed by Roll Call Vote 3-0.**

Execution of Contract for Wright Road Water Main Replacement – D. Van Schalkwyk stated that General bids for the Wright Road Water Main Replacement Project were received at the DPW on March 4, 2021. There were 13 bids ranging from \$198,770.00 to \$334,627.35. The apparent low bidder was CHB Excavating Inc. from Westford. Upon review of the bids, CHB Excavating used the wrong bid form which altered the price of his bid, therefore, in accordance with public bidding laws, the bid was rejected. Cedrone Trucking, Inc. was the next lowest bidder, at a price of \$223,301.50, and met all criteria upon review of the bid. This project is funded through Water Main Replacements budget. He is recommending executing the contract with Cedrone Trucking, Inc. for \$223,301.50 for signature by the Board.

Motion: A motion was made by S. Houde and seconded by J. Livingston to execute the contract between the Town of Ayer and Cedrone Trucking, Inc. in the amount of \$223,301.50 for signature by the SB. **Roll Call:** S. Houde, aye; J. Livingston, aye; S. Copeland, aye. **Motion passed by Roll Call Vote 3-0.**

Street Acceptance Petition Trevor Trail, Vote of Intent to Layout – D. Van Schalkwyk stated that the Town had received a request from CJ Moore of Riley Jaune Farm, LLC. for Trevor Trail Street Acceptance. He stated that there are a few punch items left that Mr. Moore has to complete prior to the Annual Town Meeting. He is recommending that the Select Board vote their intent to layout the street. The next step in the request process is for the Planning Board to review at their next meeting.

Motion: A motion was made by J. Livingston and seconded by S. Houde to approve the intention to Lay Out Street (Trevor Trail) as requested by Riley Jayne Farm, LLC. **Roll Call:** S. Houde, aye; J. Livingston, aye; S. Copeland, 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.

COVID-19 Update/Reopening Plan Discussion – R. Pontbriand stated that there is cautiously favorable downward trend of cases. The Town remains at yellow/moderate risk on the State COVID-19 Map. R. Pontbriand then discussed the Town's reopening plan to open public buildings. He stated that most Town staff, with the exception of Police and Fire/First Responders, have not been vaccinated. He is proposing a phased in approach to reopening Town buildings to the public, noting that most of the public is not yet eligible for a vaccine. Phase 1 will commence on April 5, 2021 with an Appointment Only system at the Town Hall; this coincides with the elementary schools going back fulltime on April 5, 2021. R. Pontbriand stated that if the trends remain favorable the plan is to open the Town Beach, following State guidance. Phase 2 would consist of window transactions at the Town Hall; Phase 3 would to be fully open. Phase 2 and 3 will be determined by the availability of the vaccine. He will also be coordinating with offsite locations such as the Library and the Council on Aging. The Reopening team is also looking at the remote participation/zoom for public meetings.

J. Livingston asked about the reopening of the Swap Shed and asked R. Pontbriand to keep it in mind while

considering the reopening plan. S. Houde added that Lifeguards require annual certification and asks that the Town send out notification to the lifeguards as soon as possible, so they may plan for their recertification.

FY '22 Budget & Annual Town Meeting Update/Review of DRAFT Warrant – R. Pontbriand reported that the Town is on DRAFT 3 of the budget, representing a 3.45% increase or \$539,000. He noted that that \$150,000 was the one-time transfer to the Reserve Fund. The SB and the Finance Committee will review the final DRAFT of the warrant on April 6, 2021. He noted that there may be a need for a Special Town Meeting prior to the Annual Town Meeting to consider funding for the Ambulance Enterprise Fund. There are shortfalls in revenue this year, due to COVID.

R. Pontbriand went over the Working DRAFT of the Annual Town Meeting Warrant, as contained in the packet.

Reserve Fund Transfer Request – General Insurance – C. Antonellis is asking for approval of an RFT in the amount of \$23,000 for General Insurances Account (01193). The funding will pay the outstanding amount due on the Worker's Compensation audit of approximately \$11,500 and the \$10,000 deductible for 111F (Police and Fire Accident) insurance.

Motion: A motion was made by S. Houde and seconded by J. Livingston to approve the RFT in the amount of \$23,000 in account 01193 for General Insurances with Signature by the Chair. **Roll Call:** S. Houde, aye; J. Livingston, aye; S. Copeland, aye. **Motion passed by Roll Call Vote 3-0.**

Discussion of Town Moderator Vacancy – R. Pontbriand stated that with the upcoming Town Meeting, and with the election happening after the Town Meeting, he would like to discuss and get direction from the Board about the current Moderator Vacancy. He reported that state law provides two methods for the Select Board with respect to filling the vacancy: 1. MGL Chapter 39, Section 14 states that the Town Clerk may act as a Temporary Town Moderator. At the Meeting, the voters may be asked to elect a Temporary Moderator for that Town Meeting. If there are no nominations, or the Town Meeting fails to elect a Temporary Town Moderator, the Town Clerk would continue as the Temporary Town Moderator and run the Town Meeting. 2. MGL Chapter 41, Section 11 states that if a vacancy occurs in any Town office, other than the Office of Select Board, Town Clerk, Treasurer/Tax Collector or Auditor, the Select Board shall in writing appoint a person to fill such vacancy until the next Town Election. He is asking the SB to discuss and decide which method to proceed with in filling the Town Moderator Vacancy.

J. Livingston asked why didn't we use MGL c. 41 last October to appoint the Moderator until the next election? R. Pontbriand stated that the SB never did an appointment and used MGL c. 39. He stated that given the uniqueness of the situation and the timing, a decision was made to pursue MGL c. 39.

S. Houde stated that he prefers to let Town Meeting decide prior to the meeting starting on April 26, 2021. J. Livingston and S. Copeland agreed. Town Clerk Susan Copeland stated that the Town passed a government reorganization and some residents feared they would lose their voice. This is an opportunity to let the residents use their voice to elect a temporary Moderator until the vacancy is filled at the Election on May 11, 2021.

R. Pontbriand thanked the Board for their guidance.

Discharge of Statement of Claim – 128 Washington Street – C. Antonellis is asking for consideration to Discharge the Statement of Claim for 128 Washington Street in the amount of \$27,600.75. In 2017 the Town paid over \$20,000 to have the structures located at 128 Washington Street boarded and secured due to a several violations of the State Sanitary Code. The lien was paid by the lender on February 26, 2020.

Motion: A motion was made by J. Livingston and seconded by S. Houde to approve the Discharge of Statement of Claim for 128 Washington Street as presented. **Roll Call:** S. Houde, aye; J. Livingston, aye; S. Copeland, aye. **Motion passed by Roll Call Vote 3-0.**

Pauline Conley, 40 Cambridge Street had questions on the DRAFT warrant. On Article 11, she is looking for the RFP documents for the Police Station HVAC replacement. On Article 22; Stabilization Fund, the Financial Policies specify amounts that go into Stabilization and Capital Stabilization and asked if the Financial policies were reviewed. R. Pontbriand stated yes, of course they were. She then asked where the TIF Review Committee was on the Catania Spagna TIF proposal and she was concerned there was no increases factored in.

New Business/Selectmen's Questions: None

Approval of Meeting Minutes:

Motion: A motion was made by J. Livingston and seconded by S. Houde to approve the Meeting Minutes from January 27, 2021. **Roll Call:** S. Copeland, aye; S. Houde, aye; J. Livingston, aye. **Motion passed by Roll Call Vote 3-0.**

Motion: A motion was made by S. Houde and seconded by J. Livingston to approve the Meeting Minutes from February 18, 2021. **Roll Call:** S. Copeland, aye; S. Houde, abstain; J. Livingston, aye. **Motion passed by Roll Call Vote 2-0-1.**

Motion: A motion was made by S. Houde and seconded by J. Livingston to approve the Meeting Minutes from March 2, 2021. **Roll Call:** S. Copeland, aye; S. Houde, aye; J. Livingston, aye. **Motion passed by Roll Call Vote 3-0.**

Motion: A motion was made by S. Houde and seconded by J. Livingston to approve the Meeting Minutes from March 8, 2021. **Roll Call:** S. Copeland, aye; S. Houde, aye; J. Livingston, aye. **Motion passed by Roll Call Vote 3-0.**

Motion:

Executive Session Pursuant to MGL c. 30A, sec. 21A: At 8:18 PM a motion was made by J. Livingston and seconded by S. Houde to enter into Executive Session Pursuant to MGL c. 30A, sec. 21A, Exemption #2 Non-Union Contract Negotiations - Treasurer/Tax Collector and DPW Supt. and Exemption #3 Union Contract Negotiations - Police Patrol and Dispatch Contract Update and to adjourn from Executive Session. 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.**

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

Date Minutes Approved by BOS: 6 APR 21

Signature Indicating Approval: 