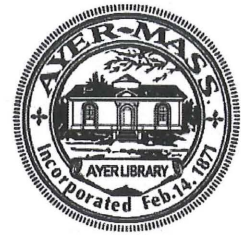


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APR 27 2021

TOWN OF AYER
TOWN CLERK
11:25am

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



Broadcast and Recorded by APAC

Tuesday March 30, 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

Observation of a Moment of Silence in Memory of Janet S. Lewis: Select Board members and meeting attendees observed a moment of silence in memory Janet Lewis, who worked in the Select Board's Office for over 30 years.

Public Input: None

Continued from March 16, 2021 - Public Hearing - Pole Petition - National Grid and Verizon - Copeland Dr. - No. 30324776: S. Copeland reopened the public hearing at 6:05 PM. DPW Superintendent Mark Wetzel stated that he met on site with National Grid to go over the concerns brought forth at the last meeting. National Grid is going to tap into P9 and run electric to P1 and they'll put the new pole on the little island near Lazy Mary's. M. Wetzel stated that he asked about the lines being installed underground, but that the company requesting the work would have to pay a high cost to do so. M. Wetzel is recommending approval.

Motion: A motion was made by S. Houde and seconded by J. Livingston to approve Pole Petition No. 30324776 as presented. **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 close the Public Hearing at 6:15 PM.

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

Annual Town Election Update – Ms. Susan Copeland, Town Clerk: S. Copeland stated that the State Legislature recently updated several election laws in advance of the Town Election being held on May 11, 2021. The Town will be able to offer mail-in ballots for the local Town elections. The deadline to submit an application for a mail-in ballot is May 5, 2021. The last day to register to vote for the April 26, 2021 Annual Town Meeting and the Town Election is April 6, 2021.

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 Administration is focusing on the FY '22 budget finalization, Town Meeting preparation, and the Town Reopening Plan.

COVID-19 Update/Reopening Plan Update – R. Pontbriand reported that Ayer went from green to yellow on the DPH Community Map. He stated the Town will take a phased in approach to reopening, beginning April 5, 2021 in coordination with schools reopening fulltime. Phase 1 of the Reopening Plan is an appointment-only system. The Town has also set up a Tent outside to meet with residents. The Town Hall will go through service window/counter retrofits to install glass, which will be funded through the CARES Act. R. Pontbriand stated that the Parks Commission is working on a reopening plan for Sandy Pond for Memorial Day.

Update on FY '21 Ambulance Enterprise Fund – R. Pontbriand stated there is need to have a one item Special Town Meeting prior to the Annual Town Meeting to transfer funding in the FY '21 Ambulance Enterprise Fund. L. Gabree stated that there was a decrease in service due to COVID-19. R. Pontbriand, L. Gabree, and Chief Johnston are recommending transferring \$20,000 from Ambulance Retained Earnings. S. Copeland asked if the shortfall could be covered by CARES funding. L. Gabree stated no, not at this time.

FY '22 Budget & Annual Town Meeting Update - R. Pontbriand reported that the budget remains in DRAFT 3. He reported that the Bi-Board recently met and will be meeting again prior to Town Meeting. The only outstanding items are the Patrol and Communicators Collective Bargaining Agreements. Since last reviewing the warrant, one article has been added about matching funds for a Green Communities Grant. He stated that the warrant closes on Friday April 2, 2021 at 12:00 PM for both articles and citizen's petitions. He reported that the Town did receive a petition relating to amending the Regional School Agreement (RSA). Per the RSA section 15, 2/3rds of the school committee could vote to change the agreement; a public hearing would be held, and each Town would consider it at Town Meeting. There is also a second method where a resident of either town can get 10% of voters to petition the Towns to make a change to the RSA, which would also require Town Meeting authorization. Mr. Jim Quinty, from the Ayer Shirley Regional School Committee and Shirley resident obtained the necessary signatures to submit a petition to be placed on both Town's Annual Town Meeting warrants. The petition seeks to make changes to Section 10 "Incurring of Debt". R. Pontbriand stated that debt is incurred pursuant to GL c. 71 sec 16n; this petition seeks to change the incurring of debt to GL c. 71 sec.16d. In order for this to pass it would have to pass in both Towns and then be certified by the Commissioner of Education.

S. Houde asked if this would impact future school projects and that his fear is that if Ayer went forward with an elementary school project that the debt would have to be approved in both Towns. R. Pontbriand noted that he shared his concerns.

Pauline Conley, 40 Cambridge Street asked if 10% of the voters have signed the petition in Ayer to allow it to go forward. R. Pontbriand stated that there only has to be 10% of registered voters of one Town to move forward with the petition process.

R. Pontbriand stated that the Town will be holding a public information forum on Wednesday April 14, 2021 at 6:00 PM regarding the Catania Spagna TIF proposal.

Recommendation on the Uses of FY 2022 Free Cash – R. Pontbriand stated he recently met with the Bi-Board to discuss this issue. He started by saying that FY '20 Free Cash was certified late this year because of delays relating to COVID-19. He reported as of December 2020, the Stabilization Fund balance is \$2.6M; Capital Stabilization \$2.7M and the FY '20 Free Cash was certified at \$1.5M. R. Pontbriand presented several items to be paid out of Free Cash, including the UDAG replenishment from the Worthen Dale Law Suit; OPEB Funding, Forward Funding of the Town's Pension; compensated absences special revenue fund with the remainder going to Capital Stabilization and Stabilization. He and the Finance Manager are recommending that the bulk of the remainder of Free Cash go towards Capital Stabilization, since the Stabilization fund has exceeded the State's benchmark. Also building up the Capital Stabilization Fund will allow a funding option for a new elementary school or Senior Center Project. He presented 3 FY '22 Stabilization scenarios; the consensus of the Bi-Board was to go with Scenario #1, which is \$790,000 into Capital Stabilization and \$5,607 into Stabilization.

S. Houde stated that in the event the Town was sued, Capital Stabilization does not count towards the Town's assets, whereas Stabilization does. He also added that the Bi-Board agrees putting more funding towards Capital Stabilization so when the Town is ready with a project, the funding in Capital Stabilization could offset the burden to the taxpayer.

L. Gabree stated that she agreed with the approach and is looking to reduce the burden on the taxpayer.

P. Conley asked who was on the Bi-Board? R. Pontbriand responded SB Member S. Houde, Fin Com Members Pat Diamond and Mark Smith, the Town Manager, the Assistant Town Manager, the Finance Director and the Treasurer/Tax Collector. P. Conley then asked if there were any residents on the Board. S. Houde stated that the meetings are posted, publicly held and residents of the Town are welcome to participate. P. Conley stated she would be happier if Free Cash was being used to cover the \$115,000 in Capital Budget requests. She stated that she does not like to borrow money and would prefer to see the items bought outright. The SB had further discussion with P. Conley's relating to her concerns.

J. Livingston asked for some additional clarification on the explanatory notes in the DRAFT warrant.

Update on Woodlawn Cemetery Transfer Proposal – R. Pontbriand stated that the Trustees of the Woodlawn Cemetery approached the Town with a proposal for the cemetery to be transferred to the Town. He stated that transfer would include Woodlawn Cemetery land, property and equipment and their funds and perpetual care accounts. He stated the current Board of Trustees would like to leave the cemetery in good hands. Currently and in the future, Woodlawn Cemetery does not have the capacity to continue to operate. The funds being transferred will be for cemetery use only. He noted that the transfer process is a two-step process: #1 the Town must obtain authorization to proceed with the Transfer and #2 as authorized by Town Meeting, the transfer would occur once the Town did their due diligence over the coming year including inventory, assessment of cemetery conditions, assess and audit all financial information and establishing a governance structure and operating plan. He anticipates that he will be bringing the adoption of the Cemetery Commission Statue for consideration at the 2021 Fall Town Meeting. The goal is to have the Town operating the cemetery by July 1, 2022. DPW would oversee cemetery operations governed by a Cemetery Commission. The transfer to the Town is only for the purpose of Woodlawn Cemetery remaining a cemetery in perpetuity.

R. Pontbriand noted that Jody Davin, Rich Skoczylas, and Ginny Matthews, current Trustees were in attendance.

Sara Withee, 11 Groton Shirley Road, asked for a GIS map of proposal and said it would be helpful to see. She wants to note for the record that she is watching and this isn't a situation where no one asked.

R. Pontbriand stated that there are models that the Town will be reviewing: subcontracting the work, performing all work in-house by DPW. The sale of graves, could be done by DPW and the Town Clerk's Office will likely be the holder of the permanent records.

Ginny Matthews, current Treasurer of the Board of Trustees, stated she will help in any way she can.

Dave Bodurtha, 28 Coolidge Road, said it sounds like it a good idea, but he is uncomfortable not knowing the financials at the upcoming Town Meeting and he is uncomfortable with the Select Board doing the due diligence and then making a decision. R. Pontbriand stated that this is a two-part process and Town Meeting will vote on it again in October of 2021, once all due diligence has been completed.

New Business/Selectmen's Questions: None

Motion:

Executive Session Pursuant to MGL c. 30A, sec. 21A: At 7:45 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 #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: 4/20/2021

Signature Indicating Approval: 