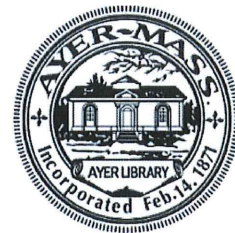


Town of Ayer
Ayer Select Board
Ayer Town Hall – 1st Floor Meeting Room
Ayer, MA 01432



Broadcast and Recorded by APAC

Tuesday April 6, 2021
Open Session Meeting Minutes

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

Fin Com Present: Mark Smith, Vice-Chair; Lou Conrad; Terry Harvell

Fin Com Absent: Pat Diamond, Chair; Matthew Selby

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 6:10 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

Dan Van Schalkwyk, Town Engineer: *Layout Vote of Trevor Trail by the Select Board for Town Meeting* – D. Van Schalkwyk, Town Engineer referenced a memo in the packet and the attached Order of Layout. He stated that DPW has notified all the abutters. The developer is still working on a few punch list items; if these are not completed by Town Meeting, he will recommend to not approve.

Motion: A motion was made by S. Houde and seconded by J. Livingston to approve the Layout of Trevor Trail and portions of Pleasant Street extension. **Roll Call:** S. Houde, aye; J. Livingston, aye; S. Copeland, aye. **Motion passed by Roll Call Vote 3-0.**

Brief Overview of Jonathan Drive Easement and Stormwater Bylaw Articles for Town Meeting – D. Van Schalkwyk gave a brief presentation on two upcoming articles for the Annual Town Meeting Warrant having to do with a Chapter 97 easement on Jonathan Drive and two Stormwater Bylaw revisions. The easement is for looping a

water main in the area. The Bylaw amendments are mandated by the Town's MS4 Stormwater permit, issued by the EPA and DEP.

Call to Order of the Ayer Finance Committee: There was no quorum at this time.

Review and Approval of the 2021 Annual Town Meeting Warrant: R. Pontbriand stated that since there is no quorum of the Finance Committee, he is recommending proceeding with the review of the warrant and the Finance Committee will be able to report at Town Meeting. R. Pontbriand went through all Articles and asked the Select Board to say "pass" if they wanted to circle back and review an article more in depth. He noted that there is both a Special Town Meeting and then the Annual Town Meeting immediately after.

Call to Order of the Ayer Finance Committee: M. Smith called the Finance Committee to order at 6:35 PM. He was joined by Terry Harvell and Lou Conrad.

Review and Approval of the 2021 Annual Town Meeting Warrant: R. Pontbriand returned to reading the Articles in the STM and ATM warrant. J. Livingston asked to hold the following Articles 11, 12, and 23.

R. Pontbriand went over Article 4, which is the omnibus budget. He noted that there is no use of Free Cash this year to balance the budget. There is a \$624,000 increase over FY '21, which represents a 4% increase. He noted that 1% of 4% total increase represents the \$150,000 increase to the Reserve Fund.

J. Livingston asked about the reduction in the COA line item. R. Pontbriand stated that the Van Coordinator is not part of the omnibus funding at this time, due to COVID restrictions, but if the need arose for the position to be reinstated later in the year the Reserve Fund could be used. Karin Swanfeldt, COA Director, stated that the van is getting busier and that there are changes everyday at the COA.

R. Pontbriand stated that the major change between Version 3 and Version 4 of the budget was the finalization of the MOA's for Police and Dispatch and adjustments to the final insurance figures.

There were no additional questions from the Finance Committee or the Select Board on the FY '22 Omnibus Budget.

J. Livingston stated that relating to her "passes", Article 11, 12, 23 were related. She stated that on Article on 23 they would be putting money into Capital Stabilization after they paid for the items in Article 12. She would like to review the amounts going toward Stabilization and Capital Stabilization in Article 23. She thinks it would be clearer to take it from Free Cash, rather than transferring to Capital Stabilization and then spending it. S. Copeland stated that his understanding is that by borrowing now the Town can avoid paying higher interest rates later. J. Livingston stated that putting \$5,000 into stabilization is like "why bother?". She thinks the numbers can be balanced better.

S. Houde stated that he thinks that the borrowing in Article 11 is the way to go. He stated in Article 12, that changing from Stabilization to Capital Stabilization would just change the amount in Article 23, but it would net out the same. He said regarding the split with Stabilization/Capital Stabilization in Article 23, he prefers to have the lion's share going into Capital Stabilization.

R. Pontbriand stated that the Capital Planning Committee spent multiple weeks deliberating on these requests and how to fund them, specifically borrowing for the items in Article 11. He stated that borrowing for items over \$40,000 is reflective of the Financial Policies. He said the Town doesn't want to continually purchase from Free Cash in the event the amount of Free Cash is not as high as it has been in the past several years. Relating to Article 23, the Stabilization Fund has over \$2.6M. A smaller amount goes into Stabilization because the Town has reached the State's Benchmark. For the past several years, the bulk of the remainder of the Free Cash has been going to Capital Stabilization.

Town Accountant/Finance Manager Lisa Gabree stated that she agreed with S. Houde and R. Pontbriand. She stated that the Town's goal is to build up Capital Stabilization. She noted that the Stabilization Fund is more than double what the Town's goals are. She stated the Town knows that there are major capital items, such as an elementary school, field project and possibly a new senior center. She stated that on Article 12, some people think it is more transparent to purchase from Capital Stabilization, rather than Free Cash.

J. Livingston stated that she thinks the Capital Planning Committee has done a wonderful job. She thinks discussing these items in a public manner gives the opportunity for people to explain the reasoning.

Pauline Conley, 40 Cambridge Street, stated that she is fine with borrowing for Article 11. She also understands that Article 12 is a "wash", but she believes it is a backwards procedure. Relating to Article 23, Town Meeting will decide what they want to do for funding. She said she can't remember a time where the Town used Capital Stabilization or Stabilization to fund the high school project. L. Gabree responded that there was nowhere near a significant balance in Capital Stabilization when the high school was being built.

Layout Vote of Trevor Trail by the Select Board for Town Meeting – Because of technical difficulties earlier in the meeting, S. Copeland is allowing Mr. Rob Boisvert, 1 Trevor Trail to speak about the earlier vote regarding Trevor Trail. He asked about tree placement and stated 5 need to be planted per the plan. D. Van Schalkwyk stated that there are trees left to be planted on the punch list. Mr. Boisvert wants to make sure they all get planted. D. Van Schalkwyk stated that all items will have to be complete before Town Meeting. DPW will not recommend going forward with the article if the punch list items are not complete.

Review and Approval of the 2021 Annual Town Meeting Warrant: R. Pontbriand stated that Finance Committee should go on record for all financial articles.

J. Livingston asked for some additional information to be added to the Explanatory Notes on Articles 21, 26, 27.

Fin Com Motion: A motion was made by T. Harvell and seconded by L. Conrad to recommend all financial articles. **Roll Call:** L. Conrad, aye; T. Harvell, aye; M. Smith, aye. **Motion passed by Roll Call Vote 3-0.**

J. Livingston asked if the SB was going to discuss or take a vote on the last article, the petition article relating to the Regional School Agreement.

Pauline Conley, 40 Cambridge Street, stated that she is having a hard time understanding the petition. She does not feel that it is the Select Board's responsibility to explain this article. There was additional discussion on the petition article. R. Pontbriand recommending inviting the School Committee to the April 20, 2021 Select Board Meeting for further explanation.

Motion: A motion was made by J. Livingston and seconded by S. Houde to recommend the Special Town Meeting Warrant 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 recommend the Annual Town Meeting Warrant Articles 1-32 as presented, with amendments to the Explanatory Notes as discussed. **Roll Call:** S. Houde, aye; J. Livingston, aye; S. Copeland, aye. **Motion passed by Roll Call Vote 3-0.**

J. Livingston stated that she is very concerned about the School Committee not supporting the Petition Article. R. Pontbriand further detailed the process, stating that the petition needs to pass both Town Meetings and then be approved by the Department of Elementary and Secondary Education. There was additional discussion about the petition article.

Motion: A motion was made by J. Livingston and seconded by S. Houde to not recommend the petition article relating to a change in the Regional School Agreement. **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 reported that things remain status quo. The Town has been reclassified as red on the State's COVID map. The Town has delayed the Phase 1 reopening due to two cases of COVID -19 among Town Hall Staff.

S. Houde asked if the SB needed to do anything with outdoor seating. C. Antonellis stated that the policy approved by the SB is still in effect. Per the State, the licenses issued last year remain in effect until up to two months after the end of the pandemic.

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 March 16, 2021. **Roll Call:** S. Copeland, aye; S. Houde, aye; J. Livingston, aye. **Motion passed by Roll Call Vote 3-0.**

Fin Com Adjournment:

Motion: A motion was made by T. Harvell and seconded by L. Conrad to adjourn at 8:05 PM. **Roll Call:** L. Conrad, aye; T. Harvell, aye; M. Smith, aye. **Motion passed by Roll Call Vote 3-0.**

Motion:

Executive Session Pursuant to MGL c. 30A, sec. 21A: At 8:05 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 May 2021

Signature Indicating Approval: 