



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 April 20, 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.

**Announcements:** S. Copeland stated that the Annual Town Meeting will be held on Monday April 20, 2021 at 7:00 PM in the Auditorium of the Ayer Shirley Regional High School. He asked that all attendees please wear a mask. All social distance and COVID-19 safety protocols will be in place.

**Approval of Meeting Agenda:**

**Motion:** A motion was made by J. Livingston and seconded by S. Houde to approve the meeting agenda. **Roll**

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

**Public Input:** None

**Discussion with the ASRSD School Committee on the Town Meeting Petition Article to Amend the Regional School Agreement:**

**Call to Order of the ASRSD School Committee:** Shirley Member Joyce Reischutz called the Ayer Shirley Regional School Committee meeting to order at 6:03 PM. She was joined by Ayer members Mr. Joe Leone, Ms. Michele Granger, and Ms. Cheryl Simmons and Shirley Member Mr. Jonathan Deforge.

S. Copeland asked that the School Committee explain, from their perspective, what the proposed amendment would do. J. Reischutz and J. Deforge stated that currently the Regional School Agreement (RSA) is under a 5-year review that began in 2018. He stated that it was mostly just housekeeping items, but a change was made that stated students could attend a regional elementary school, if the Towns ever got to that point. Currently the agreement reads that there are elementary schools in each Town. The proposed changes are under review by DESE currently. He stated that the most debated matter in the RSA is the ability to incur debt. Under Massachusetts General Laws, there are two options in which either the Select Board in both Towns place the item on a warrant and call a Town Meeting. The other option for the approving of incurring debt is to have a

combined ballot vote. Both options are contained in the RSA. The current petition before both Towns at their upcoming Town Meetings was submitted by a Shirley resident looking to amend the RSA to not allow for a combined ballot vote for incurring debt. J. Deforge stated that the majority of the School Committee are not in favor of changing the agreement.

S. Copeland said it sounds like the petition is premature and it appeared to him that the petition seeks to remove transparency from the process. M. Granger stated that the proposal is concerning because you have less people attend a Town Meeting than vote at an election.

J. Leone stated that it allowed one Town to nix a project that may be before the other Town. C. Simmons stated that it feels like voter suppression because it is hard to get to Town Meeting on a school night. She said that by only having the ability to vote at a Town Meeting limits people's ability to participate.

J. Livingston stated that we do not want to take away ballot options. S. Houde stated that we need to make sure that not too much power is wielded by a smaller group of people and that he would like to keep the ballot option.

J. Reischutz stated that the School Committee recently voted to not move forward with this proposal at this time. M. Granger stated that the School Committee has been advised by Counsel that the proposal is very restrictive due to the very limited language. S. Copeland stated that it was helpful to hear from the School Committee.

**Adjournment of Ayer Shirley Regional School Committee:** A motion was made by C. Simmons and seconded by M. Granger to adjourn at 6:19 PM. **Roll Call:** J. Reischutz, aye; J. Deforge, aye; C. Simmons, aye; M. Granger, aye; J. Leone, aye. **Motion passed by Roll Call Vote 5-0.**

**Superintendent Mark Wetzel, Department of Public Works:** *Sewer Rules & Regulations* – M. Wetzel stated that these regulations were last updated in 1998. This proposed update was coordinated with Water Rules and Regulations. The general updates include: Sewer connection applications, permits, extensions and construction requirements; Sewer rights, restrictions and use requirements; Town responsibilities; Sewer rates and fees; Industrial discharge permitting, regulations and pretreatment (EPA); Enforcement Actions (EPA). He will be placing on the website, sending out a notification and comments will be due back on May 7, 2021.

*Spectacle Pond Wellfield PFAS Treatment Plant Change Order #1* – M. Wetzel presented Change Order 1 for the Spec. Pond PFAS Treatment Plant. The Change Order reflects a credit of \$59,133 for "value engineering" items identified through discussions with the contractor. The remaining items include replacement of the existing transmission piping and pump controls for the replacement well 1B. The change order is for \$49,282 increasing the contract amount to \$5,195,171.

**Motion:** A motion was made by J. Livingston and seconded by S. Houde to approve Change Order 1 in the amount of \$49,282 for signature by the SB. **Roll Call:** S. Houde, aye; J. Livingston, aye; S. Copeland, aye. **Motion passed by Roll Call Vote 3-0.**

*Westford Road Sewer Update* – M. Wetzel stated that there was a recent sewer back up on Westford Road at New England Way. During the repair, it was determined that the pipe was severely corroded, most likely due to hydrogen sulfide gas, which is common in some sewer systems. He presented two repair options to the SB: Option 1 – Spot sewer repair and relining with new structural liner. The concern with this is that the sewer pipe may fail as the relining is being done. The cost is approximately \$195,000. Option 2 – Design and construct a replacement pipe. There is limited area in the road for an additional pipe, so there would need to be a temporary bypass sewer during construction. The cost is approximately \$667,000.

He is recommending proceeding with Option 1 and the preliminary engineering for Option 2, which will allow

for the execution of a replacement sewer relatively quickly if we determine that it is not feasible to reline the sewer. SB members agreed.

*Water Conservation Plan Update* – For the past two years, the DPW has recommended and the Select Board has approved an outdoor water ban. This was required due to the supply limitations implemented to manage the PFAS contamination. Since the Grove Pond Treatment system is completed and in operation, he is recommending that the Select Board return to the Odd-Even water conservation plan. The recommended plan for this season is as follows: Mandatory – no outside water use between 9AM and 5 PM; Mandatory - Odd / Even Outside Water Restriction (even numbered street address water on even numbered dates and odd numbered addresses on odd numbered dates); Voluntary - curb outside water use and conserve water; Voluntary - no outside water use on Sundays.

S. Houde asked whether it was worth looking into adding another water tower to the system. M. Wetzel stated that the Town has plenty of storage capacity at this time. He stated they have located a potential well location in the Spec Pond area which will be looked at more in-depth next year.

**Motion:** A motion was made by S. Houde and seconded by J. Livingston to approve a Water Restriction with Mandatory – no outside water use between 9AM and 5 PM; Mandatory - Odd / Even Outside Water Restriction (even numbered street address water on even numbered dates and odd numbered addresses on odd numbered dates). **Roll Call:** S. Houde, aye; J. Livingston, aye; S. Copeland, aye. **Motion passed by Roll Call Vote 3-0.**

S. Houde asked when the paving on Groton Shirley Road would start. M. Wetzel stated that he is working with the Highway Foreman on getting a cost breakdown. He thinks probably June or early July. M. Wetzel stated that once the road is paved it may become a “speedway”. He will be meeting with the residents in the area to discuss traffic calming measures.

**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 all focus is on the upcoming Town Meeting.

*COVID-19 Update/Reopening Plan Update* – R. Pontbriand stated that things remain status quo. The Town is still listed as red on the State’s Covid Map. Plans are underway for Regional Vaccine Clinic. The Town Hall is open for appointments. He then stated that all offices with a service counter will be retrofitted with glass.

*Recommendation to Extend the Families First Coronavirus Response Act (FFCRA)* – R. Pontbriand was joined by Benefits and Payroll Director Kevin Johnston to discuss the extension of the FFCRA. The recently passed federal American Rescue Plan Act (ARPA) includes a provision for an employer to voluntarily extend both the Emergency Paid Sick Leave and Expanded Family Medical Leave Act. K. Johnston and R. Pontbriand are recommending the extension through September 30, 2021.

**Motion:** A motion was made by J. Livingston and seconded by S. Houde to approve the extension to Emergency Paid Sick Leave and Expanded Family and Medical Leave Benefits through September 30, 2021 as outlined. **Roll Call:** S. Houde, aye; J. Livingston, aye; S. Copeland, aye. **Motion passed by Roll Call Vote 3-0.**

*Annual Town Meeting Update* – R. Pontbriand stated that Town Meeting is being held on Monday April 26, 2021 at 7:00 PM at the ASRHS Auditorium. Masks will be required, as well as a sign in sheet for contact tracing. A “dress rehearsal” will be done on Friday April 23, 2021 to ensure that the overflow seating section has functional equipment.

*Discussion on status of Juneteenth Holiday* – R. Pontbriand stated that he wanted to start a conversation with the SB about the State recognizing Juneteenth as a State Holiday. J. Livingston stated that the Town would have no choice, as the State is making it a legal holiday. K. Johnston stated yes, we would follow the state guidance. S. Copeland stated that he is excited to see this as a State Holiday and asked what the next steps were. R. Pontbriand stated that the SB would then need to take a vote to make it official, then it would be added to the Town's Personnel Policy. It would then need to be applied to the Union Contracts. R. Pontbriand stated he will put this on the May 4, 2021 agenda. J. Livingston then asked if we could remove a holiday, such as Columbus Day? R. Pontbriand stated you could remove a holiday, but there would be challenges from the Unions.

**New Business/Select Board Member Questions:** S. Copeland thanked R. Pontbriand and C. Antonellis and the Town Departments for their hard work leading up to Town Meeting.

**Approval of Meeting Minutes:**

**Motion:** A motion was made by S. Houde and seconded by J. Livingston to approve the meeting minutes from March 30, 2021. **Roll Call:** S. Houde, aye; J. Livingston, aye; S. Copeland, aye. **Motion passed by Roll Call Vote 3-0.**

**Adjournment:** A motion was made by J. Livingston and seconded by S. Houde to adjourn at 7:07 PM. **Roll Call:** S. Houde, aye; J. Livingston, 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: 15 JUN 21

Signature Indicating Approval: 