



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 May 4, 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:** Dennis Curran, 51 Pleasant Street stated that he has been going back and forth with the Building Commissioner via email over the past several months about Zoning code enforcement. He believes that Zoning code enforcement is not a priority for the Town. There was a couch discarded on the side of the road 75 yards from Town Hall and no one did anything about it. He stated that the promise of the Zoning Bylaw and the Nuisance Bylaw does not seem to be happening in terms of enforcement. He stated that there is a rusted car in his neighborhood which is a clear blight and nuisance. He offered to meet with Town personnel in his neighborhood to point out the violations.

R. Pontbriand stated that the Town has done a very good job in terms of being proactive in terms of property enforcement. The Town successfully completed code enforcement for 66 Westford Road; 14 Williams Street; 128 Washington Street; 190 West Main Street and the Town is actively working on 71 Sandy Pond Road. The Town is not always "perfect" in terms of code enforcement, but we have been proactive and effective over the last 11 years. Additionally, the Town has limited resources in terms of code enforcement. The Building Department has one full-time Building Commissioner responsible for all the building permits, building inspections, zoning, and code enforcement. Finally, in terms of code violations, the Town is not always dealing with rational actors who will voluntarily or willingly comply with code violations. R. Pontbriand will meet Mr. Curran to discuss and review his specific concerns.

J. Livingston stated that previous Select Boards had members that were not all on the same page in terms of code enforcement. That is now not the case and we have made progress on many code enforcement issues.

Dennis Curran stated that many of his examples are far simpler cases than the larger cases mentioned which he is familiar with and the Town has made progress. It is these simpler cases in which a simple conversation with the property owner may resolve the matter.

S. Houde stated that we must bifurcate the major issues from the minor issues. The Town moved up from a part time Building Commissioner to full time with the intent and expectation of doing more code and zoning enforcement.

R. Pontbriand stated that he will set up a meeting with Dennis Curran to discuss and review his concerns and that he can show him the concerns in the neighborhood.

**Public Hearing – Pole Petition – National Grid & Verizon – No.30202697 - Littleton Road/Curley Circle:** J. Livingston opened the public hearing at 6:27 PM by reading the Public Hearing Notice. Laura from National Grid presented an overview of the Pole Petition. There were no abutter issues or questions presented.

**Motion:** A motion was made by S. Houde and seconded by J. Livingston to approve the Pole Petition No. 30202697 from National Grid & Verizon for Littleton Road/Curley Circle as presented. **Motion:** A motion was made by S. Houde and seconded by J. Livingston to approve the Pole Petition. **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. **Roll Call:** S. Houde, aye; J. Livingston, aye; S. Copeland, aye. **Motion passed by Roll Call Vote 3-0.**

**Superintendent Mark Wetzel, Department of Public Works:** M. Wetzel briefly stated that May 2<sup>nd</sup> – 8<sup>th</sup> is National Drinking Water Week, and he would like to recognize all the dedicated hard workers of the Ayer DPW Water Division.

**2021 Youthworks Program** – M. Wetzel announced that the DPW will be able to offer the 2021 Youthworks Program this year. The program was started in 2018. It was cancelled last year due to COVID-19 but this year the program will be offered in adherence with the appropriate COVID-19 safety protocols. The program has been reviewed by the Nashoba Boards of Health for COVID-19 safety and Dr. Malone is on board as well. The program consists of two, 4-week sessions in which youth from Ayer learn various job-related skills and perform various DPW-related work tasks. The program was inspired by John Hillier of Compassionate Care which is also the sponsor of the Youthworks Program and funds it. It is an important program which gives the kids an opportunity to learn key skills while getting paid.

S. Houde stated that his son did the program and absolutely loved it and benefited from it. S. Houde enthusiastically support this.

**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 thanked the SB and everyone for a successful Town Meeting. It was a true community effort. He said that when we reconvene town meeting in the fall, he is hopeful that the COVID-19 protocols will not be necessary, and looks forward to another successful town meeting in the Fall.

J. Livingston asked if people felt there were pros to having the Annual Town Meeting now earlier?

R. Pontbriand stated that overall, it has been received favorable. As this was the first year with it being two weeks earlier, the loss of two weeks, made a slight difference but moving forward that is now known and accounted for. It seems to work well and has been favorably received.

*Appointment of Affordable Housing Trust Members* – Affordable Housing Committee Chair Janet Providakes and Alicia Hersey, Program Manager for the Office of Community and Economic Development appeared before the Select Board for the appointment of the Affordable Housing Trust Members now that Town Meeting has adopted the Affordable Housing Trust Bylaw.

J. Providakes thanked the SB for their support and advised that the Board of Trustees of the Affordable Housing Trust will consist of seven members of which one is a Select Board Member; one is a Community Preservation Committee Member; one is a Planning Board Member; and one is a Affordable Housing Committee Member; and the remaining three members are Citizen Representatives.

R. Pontbriand presented the following appointees as interviewed and recommended by the Affordable Housing Committee: Jennifer Cali, Jake Driscoll, and Cyndi Lavin to serve two-year terms as Citizen Representatives. Colleen Kresider as the CPC Representative; and Geof Tilotson as the Planning Board Representative each for two-year terms.

**Motion:** A motion was made by S. Houde and seconded by J. Livingston to appoint the following individuals to the Board of Trustees of the Affordable Housing Trust as follows: Jennifer Cali, Jake Driscoll, and Cyndi Lavin to serve two-year terms as Citizen Representatives; and Colleen Krieser as the CPC Representative; and Geof Tillotson as the Planning Board Representative as presented. **Roll Call:** S. Houde, aye; J. Livingston, aye; S. Copeland, aye. **Motion passed by Roll Call Vote 3-0.**

S. Copeland stated he would like to serve as the Select Board representative on the Affordable Housing Trust. J. Livingston also expressed interest. The Select Board discussed, and it was agreed that S. Copeland would represent the Select Board on the Ayer Affordable Housing Trust.

**Motion:** A motion was made by S. Houde and seconded by J. Livingston to appoint S. Copeland as the Select Board representative on the Ayer Affordable Housing Trust for a two-year term. **Roll Call:** S. Houde, aye; J. Livingston, aye; S. Copeland, aye. **Motion passed by Roll Call Vote 3-0.**

*COVID-19 Update/Reopening Plan Discussion* – R. Pontbriand provide state that there is positive news in that Ayer has dropped in positive cases going from red to yellow on the Massachusetts DPH COVID-19 Community map. The Nashoba Valley Regional Vaccination Collaborative will be located on Devens at Clear Path for Veterans located at 84 Antietam Way. Town Hall is preparing to reopen once the retrofit of the Town Hall service counters is completed. The Parks Commission working with the Board of Health is on schedule to safely open the Sandy Pond Beach for Memorial Day weekend. Town Hall will be open on May 11<sup>th</sup> for the election only, with polls open from 7am to 8pm at Town Hall. All Town Hall offices will be closed on May 11<sup>th</sup>. He stated that he is closely monitoring the American Recovery Act funding, in which we understand at this time the Town of Ayer will be receiving between \$2.2 and \$2.8 million. The Town will be developing a plan and proposal for the Select Board to consider in terms of how this funding is used and for what eligible purposes. There will be more information and discussion in the weeks ahead.

*Discussion on Status of Juneteenth Holiday* – R. Pontbriand was joined by Kevin Johnston, Benefits & Payroll Manager regarding a recommendation to officially make Juneteenth a holiday per the Town's Personnel Policies. Juneteenth was made a State Holiday last year. J. Livingston asked if the Town can we swap it with another holiday as this will be the twelfth recognized holiday and many places do not get that many holidays.

K. Johnston advised that the Town is legally obligated to recognize Juneteenth as a State holiday and we have an obligation to remain closed. Juneteenth occurs on June 19<sup>th</sup> of each year. In accordance with the Town's

Personnel Policies when it falls on a Saturday, it would be recognized on the Friday before and when it falls on a Sunday it would be recognized on the Monday after. This is the same policy as with all holidays recognized by the Town in the Personnel Policies.

R. Pontbriand also advised that for Union Employees, if their collective bargaining agreement is silent on Juneteenth but it is recognized by the Town in the Personnel Policies than the collective bargaining agreement defers to the Town's Personnel Policies. If approved by the Select Board, a Memorandum of Agreement would be executed with each Union codifying Juneteenth in their collective bargaining agreements as a holiday.

S. Copeland stated that he was in favor of Juneteenth as a recognized holiday by the Town in accordance with it being a State Holiday.

**Motion:** A motion was made by S. Houde and seconded by J. Livingston to officially recognize Juneteenth as a holiday by the Town of Ayer in accordance with State law and to add Juneteenth to the list of recognized holidays in the Town's Personnel Policies. **Roll Call:** S. Houde, aye; J. Livingston, aye; S. Copeland, aye. **Motion passed by Roll Call Vote 3-0.**

**New Business/Selectmen's Questions:** *Initial Discussion about Select Board Goals/Objectives for 2021-2022 (Select Board Member Copeland)* – S. Copeland stated that he would like to start the discussion about setting goals and objectives for the Select Board for the upcoming year. Some potential goals/objectives from his perspective would be the future of the Kiddie Junction Playground at Pirone Park and the development of an outside gym there, upgrading or replacing the bath house building at the Sandy Pond Beach.

R. Pontbriand advised that on the recommendation of Select Board Member J. Livingston, Alan Manoian, Director of Community and Economic Development will be coming to the next meeting with an update on the Master Plan Implementation Plan. This will be another opportunity to further review and discuss goals and objectives for the year ahead as they relate to the Master Plan.

S. Houde stated that depending on the upcoming vote in Shirley, the Fields Project may be a goal for the year ahead. Additionally, the Elementary School Project; a more detailed analysis of the larger capital needs of the Town; reevaluating the Senior Center project; the establishment and work of the Devens Disposition Committee for the Town; and an analysis of the operations of the Transfer Station from a financial perspective are all goals/objectives of interest and importance.

S. Copeland stated that with respect to the Transfer Station we really need to look at the financial feasibility as we continue to lose permits and revenue. J. Livingston stated that we do need to talk the public about the Transfer Station, and we do not want to set off emotions. S. Copeland stated that perhaps the best way to gauge public support or interest for the Transfer Station is to issue a non-binding referendum ballot question to see if they want it or if they want to go to curbside trash pickup. J. Livingston cautioned that this conversation does incite fear and that we need to pull back a little and start the discussion with the public again. It has been since 2014 the last time we looked at it and had the discussion.

S. Copeland stated that a goal should be to open the Swap Shed at the Transfer Station safely. J. Livingston asked why we can't open the Swap Shed now, since we can go to the grocery store.

R. Pontbriand stated that he has discussed the reopening of the Swap Shed with the DPW Superintendent and will do so again. He further stated that grocery stores are essential in that people need food to survive. Picking junk from a shed is not an essential function. Social distancing cannot be achieved in the Swap Shed and there are concerns about the public and employee safety and health. He stated the he is confident that as the COVID trends continue to move in the right direction we will be able to reopen the Swap Shed safely soon.

S. Copeland stated that he likes the review of the Master Plan. He also would like the Town to look at the

property behind the train tracks across from Depot Square for future development perhaps for affordable housing. He also suggested that we develop a policy for the use of the recreational cannabis sales tax that the Town receives.

The Select Board agreed to continue the discussion and formulation of goals and objectives for the upcoming year at future meetings.

**Approval of Meeting Minutes:**

**Motion:** A motion was made by J. Livingston and seconded by S. Houde to approve the Meeting Minutes from April 6, 2021. **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 7:15 PM. **Motion passed by Roll Call Vote 3-0.**

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

Date Minutes Approved by BOS: 12 JUN 21

Signature Indicating Approval: 