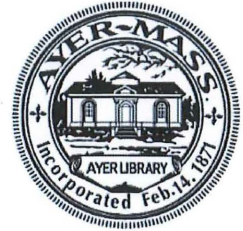


RECEIVED
OCT 12 2021

TOWN OF AYER
TOWN CLERK

11:45am
J. Copeland

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



Broadcast and Recorded by APAC

Tuesday September 7, 2021
Open Session Meeting Minutes

SB Present: Scott A. Houde, Vice-Chair; Jannice L. Livingston, Clerk

SB Absent: Shaun C. Copeland, Chair

Also Present: Robert A. Pontbriand, Town Manager
Carly M. Antonellis, Assistant Town Manager

Call to Order: S. Houde called the meeting to order at 6:00 PM. He stated that members of the public are welcome to attend this in-person meeting and that while an option for remote attendance and/or participation is being provided as a courtesy to the public, the meeting/hearing will not be suspended or terminated if technological problems interrupt the virtual broadcast.

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 J. Livingston and seconded by S. Houde to approve the meeting agenda. **Motion passed 2-0.**

Announcements: None

Public Input: James O'Connor, 12A Turtle Hill Road, Town Moderator asked to be put on the next Select Board agenda to discuss the Fall Special Town Meeting. He also stated that the Selection Committee has been put together to fill the two open spots on the Finance Committee. J. Livingston stated that the Select Board is not part of the decision making about where to hold Town Meeting.

Update Devenscrest Tenant's Association: Connie Sullivan, 79 East Main Street, stated that he and the Devenscrest Tenants Association (DTA) recently met with the Town over Zoom and that the Town reached out to Brady Sullivan, the property owners to set up a meeting. Brady Sullivan declined the meeting. He stated that he is looking to the Town for leadership. He then asked if the Town has been in contact with the Legislative Delegation. S. Houde said yes there have been some individual conversations, but that they don't have a plan, other than go to the Town. C. Sullivan then asked about the federal funding that the State is sitting on. R. Pontbriand stated that funding is the purview of the Legislative Delegation and that is very sympathetic to all those affected in Devenscrest, noting that the Town has provided referral resources for tenants. R. Pontbriand stated that taking the property by eminent domain is a non-starter, as the Town does not have the capacity financially. He stated that eminent domain must be for the whole town's public interest. C. Sullivan stated that eminent domain needs to be left on the table, as a choice of last resort. C. Sullivan stated that the scope was much smaller than the Town Manager purported and that evicted tenants may be camping out on the front lawn of Town Hall or looking for shelter in the Great Hall. C. Sullivan is also asking the Board to consider an eviction moratorium. C. Antonellis stated that in her conversations with Town Counsel, that the moratorium would have to be town wide, not just a specific neighborhood. J. Livingston stated that the Devenscrest situation makes her sick to her stomach. She stated that her job as a Select Board member is to balance the needs of the whole town. C. Sullivan stated that it was nice to hear J. Livingston's passion about the issue. He also stated that the Town could take the properties and then deed them to a non-profit agency. S. Houde proposed reaching out to the State delegation regarding funding, and other options. J. Livingston also proposed looking into an eviction moratorium.

Class 1 License Application – JP Rivard Trailer Sales, Inc.: Attorney Tom Gibbons was in attendance on behalf of JP Rivard Trailer Sales, Inc. who is applying for a Class1 Auto Sales License. C. Antonellis is recommending a continuance as the Town is waiting on a Zoning review from Town Counsel. Attorney Gibbons stated that in 2002-2003 there was an issue of Zoning compliance, in which the Town found the use to be non-conforming; his client's use is the same as prior owners. C. Antonellis stated that the current use is not in question, but the addition of sales to the property. Attorney Gibbons wanted clarification that the current use isn't the issue. C. Antonellis confirmed that Counsel was only reviewing the addition of Class 1 sales to the property.

The Board took a brief recess at 6:35 PM.

Motion: A motion was made by J. Livingston and seconded by S. Houde to continue the application to September 21, 2021 at 6:05 PM. **Motion passed 2-0.**

Mark Wetzel, DPW Director and Dan Van Schalkwyk, Town Engineer, Dept. of Public Works: *Approval of Change Order 1 for FY 21 Sanitary Sewer Rehabilitation Project* – D. Van Schalkwyk presented Change Order No. 1 for the FY21 Sanitary Sewer Rehabilitation Project. The change order amount is for \$12,857.50. The changes are for additional rehabilitation requested by the DPW, including manholes being raised above grade and reset and additional cementitious manhole lining to prevent infiltration.

Motion: A motion was made J. Livingston and seconded by S. Houde to approve Change Order 1 with Insituform Technologies in the amount of \$12,857.50. **Motion passed 2-0.**

Safe Drinking Water Act Lead and Copper Rule Public Education Presentation – M. Wetzel presented information on lead in the Town's drinking water. Sampling results from May 2021 for 40 homes in Ayer exceeded the lead Action Level resulting in the implementation of a Public Education Program. More information is available on the Town's website and by calling the DPW.

Chief Tim Johnston, Ayer Fire Department: *Firefighters SAFER Grant* – Chief Johnston announced that the Town was successful in applying for the Staffing for Adequate Fire and Emergency Response (SAFER) Grant. The Town will be awarded \$992,680 to hire four additional firefighters for the grant period of 2/12/22-2/11/2025. The grant was applied for to bring the AFD in line with staffing standards established by the National Fire Protection Agency.

Motion: A motion was made J. Livingston and seconded by S. Houde to accept the Firefighters SAFER grant as presented. **Motion passed 2-0.** R. Pontbriand noted that he will be presenting a savings plan to the Select Board for year 4 when the Town will assume the costs of the additional personnel.

Adoption of MGL c. 48 sec. 59A; c. 40 secs. 4J and 4K relating to Mutual Aid – Chief Johnston is recommending that the Town approve 3 mutual aid laws MGL c. 48 sec. 59A; c. 40 secs. 4J and 4K as a housekeeping measure. The three laws give the Department the same immunities and privileges as if they were performing in Ayer. It will cover Fire, DPW and Emergency Management.

Motion: A motion was made by S. Houde and seconded by J. Livingston to adopt MGL c. 48 sec. 59A; c. 40 secs. 4J and 4K. **Motion passed 2-0.**

Authorization of UDAG Funds for PFAS Fire Foam Remediation – Chief Johnston is seeking \$15,000 in UDAG funding to purchase new PFAS-free fire foam and to dispose of all current firefighting foam that contains PFAS. Laurie Nehring asked about using Dept. of Environmental Protection funding to do this. Chief Johnston stated that the DEP fund was totally depleted.

Motion: A motion was made by J. Livingston and seconded by S. Houde to authorize the use of up to \$15,000 to remediate PFAS in the fire foam. **Motion passed 2-0.**

Alan Manoian, Director, Community & Economic Development Office: *Approval of FY '22 Economic Development*

Budget from UDAG Funds – A. Manoian is requesting that \$56,430 of UDAG funding be approved for the Community and Economic Development FY '22 budget.

Motion: A motion was made by J. Livingston and seconded by S. Houde to approve \$56,430 in UDAG funding for the FY '22 Community and Economic Development FY '22 budget. **Motion passed 2-0.**

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. He noted that the Town's new Audit Firm is Roselli, Clark & Associates out of Woburn. He also reported that Dr. Katie Petrossi, new Director of the COA began on September 1, 2021. R. Pontbriand gave a brief update of the STM warrant for the October 25, 2021 Town Meeting.

Appointments - R. Pontbriand is recommending that Diane Miller be appointed to the Cultural Council filling a vacant term to expire on June 30, 2023.

Motion: A motion was made by J. Livingston and seconded by S. Houde to appoint Diane Miller to the Cultural Council to fill a vacant term to expire on June 30, 2023. **Motion passed 2-0.**

Discussion on Remote Participation for Public Meetings – R. Pontbriand stated that with the increasing numbers of COVID-19 cases, he wants to discuss plans for the upcoming winter months. Remote participation is authorized through April 1, 2022. He is recommending status quo for the time being, cautioning it could change very quickly. The Board discussed the noise/audio issues. R. Pontbriand will inquire with IT and APAC about a potential solution.

Review/Discussion of DRAFT #2 2021-2022 Budget Schedule – R. Pontbriand went over DRAFT #2 of the FY '23 Budget Calendar as contained in the meeting packet. He will have an updated version at the next SB meeting.

Amendment #7 – Agreement for Veterans Services – MassDevelopment Devens – R. Pontbriand presented Amendment 7 of the Agreement for Veterans Services with Devens. He is recommending approval.

Motion: A motion was made by S. Houde and seconded by J. Livingston to approve Amendment #7 between the Town of Ayer and MassDevelopment. **Motion passed 2-0.**

New Business/Selectmen's Questions: J. Livingston asked that the Select Board be ready to meet next week, if needed, relating to the Devenscrest situation. She is also suggesting it could be posted as an emergency meeting.

Approval of Meeting Minutes:

Motion: A motion was made by S. Houde and seconded by J. Livingston to approve the Meeting Minutes from August 17, 2021. **Motion passed 2-0.**

Executive Session Pursuant to G.L. 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 G.L. c. 30A, sec. 21A Exemption 3 (Litigation Strategy) relating to the National Opioid Litigation and to adjourn at the conclusion of the Executive Session. J. Livingston stated that to discuss these items in Open Session would be detrimental to the Town's negotiating strategy. **By Roll Call Vote:** S. Houde, aye; J. Livingston, aye. **Motion passed by Roll Call 2-0.**

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

Date Minutes Approved by SB: 10/5/2021

Signature Indicating Approval: 