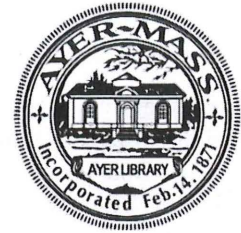


RECEIVED
JAN 19 2022

TOWN OF AYER
TOWN CLERK

10:25am (SD)

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



Broadcast and Recorded by APAC

Tuesday December 21, 2021
Open Session Meeting Minutes

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

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

Call to Order: S. Copeland called the meeting to order at 6:00 PM. Due to the ongoing COVID-19 Pandemic, in accordance with Chapter 20 of the Acts of 2021, suspending certain provisions of the Open Meeting Law (OML), public bodies otherwise governed by the OML are temporarily relieved from the requirement that meetings be held in public places, open and physically accessible to the public, so long as measures are taken to ensure public access to the bodies' deliberations "through adequate, alternative means." This meeting will be live on Zoom and Channel 8. S. Copeland stated that 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. **By Roll Call**

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

Public Input: None

Dan Van Schalkwyk, Director, DPW: *Approval of Change Order 1 for 2019-2021 Road Paving* – D. Van Schalkwyk presented Change Order 1 for 2019 - 2021 Road Paving. The change order amount is for \$35,045.84. The change is from the construction of the stormwater infiltration swale along Groton Shirley Road.

Motion: A motion was made by J. Livingston and seconded by S. Houde to approve Change Order 1 in the amount of \$35,045.84. **By Roll Call Vote:** J. Livingston, aye; S. Houde, aye; S. Copeland, aye. **Motion passed 3-0.**

Amendment for Wastewater Treatment & Disposal Services – MassDevelopment – D. Van Schalkwyk stated that the current agreement expires on December 31, 2021 and that negotiations have been ongoing with Devens. He is recommending the Board execute an Amendment to extend the current Agreement to April 1, 2022. S. Houde if the Town was going to be getting a lower rate in the new agreement. D. Van Schalkwyk stated that things are going well, and that the Town is looking to lower the current 800,000 gallons per day capacity to 350,000 gallons per day. Also the Town is looking to reduce the daily discharge amount from 100,000 gallons to 50,000 gallons.

Motion: A motion was made by S. Houde and seconded by J. Livingston to approve the amendment for Wastewater Treatment and Disposal Services as presented. **By Roll Call Vote:** J. Livingston, aye; S. Houde, aye; S. Copeland, aye. **Motion passed 3-0.**

Katie Petrossi, Director, Council on Aging - Acceptance of Donation: Dr. Petrossi reported that she received donations from Loaves and Fishes and one from a private citizen. She is requesting that the Board accept the donations on behalf of the Town.

Motion: A motion was made by S. Houde and seconded by J. Livingston to accept the donations as presented. **By Roll Call Vote:** J. Livingston, aye; S. Houde, aye; S. Copeland, aye. **Motion passed 3-0.**

Barbara Tierney, Treasurer/Tax Collector - Bond Issue for SCBA Compressor and Fill Station for Fire Dept.: R. Pontbriand stated that Ms. Tierney would not be in attendance, but he will present on her behalf. Bond Counsel has advised the Board to vote on the useful life of the SCBA Compressor and Fill Station, which was a Fire Department capital item. There was some confusion on the wording of the vote. J. Livingston stated that the memo was not clear as to wording. S. Houde asked if the useful life of the equipment was verified with the Fire Chief. R. Pontbriand confirmed it was.

Motion: A motion was made by J. Livingston and seconded by S. Houde that the Selectboard adopt the vote regarding the SCBA Compressor and Fill Station useful life determination as written and presented to this meeting and that such vote text be incorporated into the minutes of this meeting and that she as Clerk of the Select Board I, the Clerk of the Select Board of the Town of Ayer, Massachusetts certify that a meeting of the board held on December 21, 2021, of which meeting all member of the board were duly notified and at which a quorum was present, the following vote was unanimously passed/ all of which appears upon the official record of the board in my custody: that the maximum useful life of the department equipment listed below to be financed with a portion of the proceeds of the \$4,292,565 borrowing authorized by the vote of the Town passed April 26, 2021 (Article 11) is hereby determined pursuant to G.L. c.44, §7(1) to be as follows:

Purpose	Borrowing Amount	Maximum Useful
SCBA Compressor and Fill Station	\$70,000	10 Years

And she further certifies that the votes were taken at a meeting open to the public, that no vote was taken by secret ballot, that a notice stating the place, date, time and agenda for the meeting (which agenda included the adoption of the above votes) was filed with the Town Clerk and a copy thereof posted in a manner conspicuously visible to the public at all hours in or on the municipal building that the office of the Town Clerk is located, or, if applicable, in accordance with an alternative method of notice prescribed or approved by the Attorney General as set forth in 940 CMR 29.03(2)(b), at least 48 hours, not including Saturdays, Sundays and legal holidays, prior to the time of the meeting and remained so posted at a time of the meeting, that no deliberations or decision in connection with the subject matter of this vote were taken in executive session, all in accordance with G.L. C.30A §§18-25 as amended. **By Roll Call Vote:** J. Livingston, aye; S. Houde, aye; S. Copeland, aye. **Motion passed 3-0.**

Jeff Thomas, Dir., Parks Dept. & Alan Manoian, Dir., Community & Economic Development Office - Request for authorization - US Dept. of Interior/NPS Land & Water Conservation Fund Grant Program - "Kiddie Junction" Playground, Pirone Park: The Select Board was joined by Parks Director Jeff Thomas and Community and Economic Development Alan Manoian seeking authorization to apply for a grant from the Federal Land & Water Conservation Fund. If successful, this would offer up to \$1 million in reimbursements at the completion of the project.

S. Houde stated that the Parks Commission has also begun discussions with the Community Preservation Commission about contributing funding towards the project.

Motion: A motion was made by J. Livingston and seconded by S. Houde to authorize the application to the Federal Land & Water Conservation Fund Grant Program for the Kidde Junction Playground at Pirone Park. **By Roll Call Vote:** J. Livingston, aye; S. Houde, aye; S. Copeland, aye. **Motion passed 3-0.**

Chuck Shultz, Director, Facilities Department - Contract Execution – Thomas E. Snowden, Inc. – Police Station HVAC Rooftop Unit Replacement: C. Shultz is requesting that the SB execute the contract between the Town of Ayer and Thomas E. Snowden, Inc. for the PD Rooftop Replacement project.

Motion: A motion was made by S. Houde and seconded by J. Livingston to execute the contract between the Town of Ayer and Thomas E. Snowden, Inc. as presented. **By Roll Call Vote:** J. Livingston, aye; S. Houde, aye; S. Copeland, aye. **Motion passed 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. R. Pontbriand stated that the Ice Sculptures were installed at Town Hall over the past weekend. The Santa parade was also well-received by the residents. He noted that the Holiday lights looked great throughout Town. He reported that COVID-19 numbers have increased in Ayer and across the state. He has updated the mask mandate to mandatory while in Town buildings. R. Pontbriand then reported that approximately \$122,000 in CARES funding request that was originally denied by the state, was recently approved after the Town submitted an appeal. R. Pontbriand wished the Select Board a happy holiday season.

Appointments – Cultural Council – R. Pontbriand is recommending that the SB appoint Catherine Marino-Dobosz to the Cultural Council to a vacant three-year term to expire on June 30, 2024.

Motion: A motion was made by J. Livingston and seconded by S. Houde to appoint Ms. Catherine Marino-Dobosz to the Cultural Council; term to expire on June 30, 2024. **By Roll Call Vote:** J. Livingston, aye; S. Houde, aye; S. Copeland, aye. **Motion passed 3-0.**

Authorization for Letter of Support for Sandy Pond School Association (SPSA) – Irving Rockwood from the SPSA joined the SB. R. Pontbriand stated that the Sandy Pond School Association, Inc. is requesting a letter from the SB in support of the SPSA's action in a complaint in which the SPSA, Inc. is seeking adverse possession to resolve the title issue of the Sandy Pond School property. They are further requesting that the letter state that the Sandy Pond School Association, Inc. has been the only entity that the Town is aware of as to ever having custody of and control of the schoolhouse property. R. Pontbriand presented a DRAFT letter of support. I. Rockwood stated that the SPSA was totally unaware of the title issue until last year. He explained that when the SPSA incorporated in 1956, they failed to transfer the title to the new entity, which is SPSA, Inc., the current owner.

Motion: A motion was made by S. Houde and seconded by J. Livingston to put forth a letter of recommendation for the Sandy Pond School Association, as amended this evening. **By Roll Call Vote:** J. Livingston, aye; S. Houde, aye; S. Copeland, aye. **Motion passed 3-0.**

FY '23 Budget Update – R. Pontbriand stated that Version 1 of the FY '23 operating budget will be sent to the SB and Finance Committee and posted on the Town's website by Friday January 14, 2022.

Notice of Proposed Sale of Chapter 61 Land by David A. Rogers, 4 Pierce Ave. – R. Pontbriand presented a Notice of Proposed Sale of Chapter 61 Land submitted by David Rogers, which the Town received on December 8, 2021. The Town has thirty (30) days to respond, as the Town has the first right of refusal in purchasing the land, as a condition of the land being in Chapter 61. The parcel is 3,885 square feet and located behind Pierce Avenue and Snake Hill Road; the small parcel is landlocked. This letter has been sent to all Town Departments and all have recommended not purchasing the property. Additionally, the Planning Board and Conservation Commission have each voted not to pursue this land acquisition.

Motion: A motion was made by J. Livingston and seconded by S. Houde to not pursue the purchase of the Chapter 61 Land as submitted by David Rogers. **By Roll Call Vote:** J. Livingston, aye; S. Houde, aye; S. Copeland, aye. **Motion passed 3-0.**

New Business/Selectmen's Questions: None

Approval of Meeting Minutes:

Motion: A motion was made by S. Houde and seconded by J. Livingston to approve the meeting minutes from December 7, 2021. **By Roll Call Vote:** J. Livingston, aye; S. Houde, aye; S. Copeland, aye. **Motion passed 3-0.**

Executive Session pursuant to MGL Chapter 30A, Section 21A Exemption #3 (Contract Negotiations) Fire

Contract: A motion was made at 6:43 PM by J. Livingston and seconded by S. Houde to enter into Executive Session pursuant to MGL Chapter 30A, Section 21A Exemption #3 (Contract Negotiations) Fire Contract and to adjourn from Executive Session. J. Livingston further stated to discuss these items in Open Session would be detrimental to the Town's negotiating strategy. **By Roll Call:** J. Livingston, aye; S. Houde, aye; S. Copeland, aye. **Motion passed 3-0.**

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

Date Minutes Approved by SB:

1/18/2022

Signature Indicating Approval:

Garnie Lee Rungtun