



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 January 18, 2022**  
**Open Session Meeting Minutes**

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

**SB Members Absent:** Shaun C. Copeland, Chair

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

**Call to Order:** S. Houde called the meeting to order at 6:01 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. Houde 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:** R. Pontbriand asked to table the recognition of Ms. Gabree to the February 1, 2022 meeting.

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

**By Roll Call Vote:** J. Livingston, aye; S. Houde, aye; **Motion passed 2-0.**

**Announcements:** S. Houde announced that the first public budget forum will be held on January 26, 2022 at 6:00 PM.

**Public Input:** James O'Connor, 12A Turtle Hill Road stated that he would like to bring attention the two vacancies on the Finance Committee. He asked interested candidates to forward a letter of interest to him as Town Moderator pursuant to the Town Bylaw. S. Houde stated that as a former member of the Finance Committee that he learned a lot and it was important for the Town have a full committee. J. Livingston stated that her recommendation is to run the notice again with less intimidating language. R. Pontbriand is encouraging members to submit a letter of interest to J. O'Connor.

**Public Hearing - Application for Flammable and Combustible Liquids, Gases and Solids License (G.L. 148 sec. 13) - ENI Fitchburg Road, LLC., 97 Fitchburg Road:** At 6:10 PM J. Livingston opened up the Public Hearing by reading the public hearing notice as advertised in the Lowell Sun on January 10, 2022 and sent to specified abutters. The applicant is seeking a new Flammable and Combustible Liquids, Gases and Solids License for the storage of up to 73,500 gallons of propane and 165 gallons of methanol pursuant to M.G.L. 148 sec. 13. Jody Ameden and Chris Tymela were in attendance on behalf of the applicants. Ms. Ameden stated that the license is required for any company that has bulk storage of propane and/or methanol on site.

J. Livingston asked whether this was a new or existing facility. J. Ameden stated that it was for a new facility. J. Livingston stated that she deferred to Fire Chief Tim Johnston on the specifics of the application. Chief Johnston stated that they have made several site visits and the applicant has met all requirements of the State Fire Marshal's Office and NFPA 58. In addition, water flows were tested and the flow exceeded what was required.

Sarah Withee, 11 Groton Shirley Road, stated that she submitted some questions prior to the hearing. She stated that she was hoping to learn more about the propane delivery process and asked if the propane and methanol were mixed on site. J. Ameden stated that yes methanol is added to the hose of the propane tanks to prevent freezing. S. Withee then asked about the bobtail trucks arriving with a delivery. J. Ameden stated that bobtails will come in and connect their hoses to the facility to fill their trucks. She stated that drivers monitor the filling process and are trained. S. Withee then asked about the structures located within 600' of the facility. Ms. Withee then asked additional questions regarding a utility easement. S. Withee asked the Fire Chief what the Ayer Fire Department response time would be in responding to an incident. Chief Johnston explained that in February there will be four full time firemen on every 24-hour shift. In addition, if an incident requires additional personnel, the Chief can activate the call department and mutual aid. Chief Johnston mentioned that all fire personnel are trained in valve leaks, etc.

Pauline Conley, 40 Cambridge Street asked the Fire Chief about federal regulations for these types of facilities. She asked if something was not secured what the safety measures were and how would the department know if there was a leak. Chief Johnston stated that the system includes redundant and automatic controls for the facility. He stated that if there was a leak, people would be able to smell it and it report it to 911. J. Ameden stated that the valves are only open when personnel are onsite. Chief Johnston noted that there is another facility double the size of this one currently operating in Town for the past 10 years and there have been zero incidents. P. Conley then asked about truck traffic in the neighborhood of this facility and who will be monitoring it? R. Pontbriand stated that the enforcement agent is the Ayer Police Department. P. Conley asked if any written comments were received by the Town Manager on this issue. R. Pontbriand stated that the Town only received correspondence from Ms. Withee.

Edith Stephen, 93 Groton School Road, stated that there are currently 18 wheelers traveling down Groton Shirley Road. S. Houde stated that we need to enforce our existing restrictions that are in place.

Cheryl Boissy, 63 Snake Hill Road stated that she grew up in Tewksbury at the time of the tank explosion. She asked what kind of safety measures are going to be in place. J. Ameden stated she is very familiar with the incident and that the technology and safety measures have come a long way since the 1970s. Ms. Boissy asked about the abutting properties and where the closest residences were in proximity to the facility. Chief Johnston stated that he thinks that James Brook Way is the closest residential house at about 1,900 feet.

S. Withee asked about the discrepancy with the address. The application says 97 Fitchburg Road and the Planning Board process speaks of 99 Fitchburg Road. C. Antonellis stated that she was in contact with the Building Commissioner and he initially planning on numbering the facility at 97, but then after the Planning Board process switched to 99. S. Withee stated she did not feel comfortable with that answer. S. Withee stated that the numbers do not match up. Chris Tymela said that there was confusion in process, and they are looking for clarification. C. Antonellis stated she met with the Fire Chief, Building Commissioner, and the Town Planner earlier in the day and all confirmed 99.

P. Conley then asked if the Planning Board Chair could speak to the process? C. Antonellis stated that she spoke with Planning Board Chair Geoff Tillotson earlier in the day. G. Tillotson stated that C. Antonellis described the process accurately and that the applicant was very responsive.

Chief Johnston then stated that he was confused because a 99 Fitchburg Road already exists for KTR, a company in the area.

J. Livingston stated that she had a headache over this issue. She is asking for this item to be continued until the next meeting and to make sure the Building Commissioner to be in attendance.

**Motion:** A motion was made by J. Livingston and seconded by S. Houde to continue the hearing until 6:05 PM on Tuesday February 1, 2022. The meeting will be held on the Town's Zoom platform. **By Roll Call Vote:** J. Livingston, aye; S. Houde, aye; **Motion passed 2-0.**

**Susan Copeland, Town Clerk - Opening of the Annual Town Election:** Town Clerk Susan Copeland was in attendance requesting that the SB open the Annual Town Election, being held on Tuesday May 10, 2022, to begin the

nomination process. Nomination papers will be available tomorrow until March 18, 2022. She noted that there will also be a question on the Town ballot involving the appointment of a 3-member cemetery commission.

S. Houde stated that the The Annual Town Election will be held on Tuesday, May 10, 2022 from 7am – 8pm in the 2nd Floor Great Hall at 1 Main Street in Ayer, Massachusetts.

Nomination Papers for the following offices are now available as they will appear on the ballot:

Assessor (1)	3-year term	Board of Health (1)	3-year term
Commissioner of Trust Funds (1)	3-year term	Constable (1)	3-year term
Library Trustee (1)	3-year term	Planning Board (1)	3-year term
(1)	1 year term	Moderator (1)	3-year term
Park Commissioner (1)	3-year term	Select Board (1)	3-year term
(1)	1 year term		
Regional School District Committee (1)	3-year term		

Nomination papers can be requested from and submitted to the Town Clerk's Office; 1 Main Street; Ayer, Massachusetts during regular business hours. The last day to request nomination papers is Friday, March 18th, 2022, at 12:00 PM. The last day to submit nomination papers is Tuesday, March 22nd, 2022, at 5:00 PM.

Ayer Town Meeting voted at the October 2021 Fall Town Meeting to authorize the creation of an appointed Cemetery Commission subject to approval by the voters at the next Annual Town Election. The ballot question will read:

*Shall the Town vote to have its Select Board appoint a three-member Cemetery Commission? Yes/No*

**Motion:** A motion was made by J. Livingston and seconded by S. Houde to open the nomination process for the Annual Town Election offices and Ballot Question to appear on the ballot as read by the Chair. **By Roll Call Vote:** J. Livingston, aye; S. Houde, aye; **Motion passed 2-0.**

**Dan Van Schalkwyk, Director, and Mark Wetzel, Special Project Manager, DPW:** *Vote to Authorize Usage of ARPA Funds for Spectacle Pond Water Transmission* – D. Van Schalkwyk reported that the Capital Planning Committee met on December 15, 2021, discussed the funding request for the Spectacle Pond Water Transmission Main Project and passed a motion requesting the Select Board utilize American Rescue Plan Act (ARPA) funds. There are corrosion issues in the line, which need to be resolved as soon as possible. The estimated cost for repair is approximately \$600,000. ARPA funds can be used for water, wastewater infrastructure projects. The Select Board has already authorized \$700,000 in ARPA funding for the Westford Road Sewer Replacement. Ayer will receive a total of \$2.4 M in funding.

S. Houde stated that the Capital Planning Committee looked at the use of ARPA funding because it fit within the scope of use of ARPA funds. He stated that with the size of the project and the immediate need for funding, the use of ARPA funding made the most sense.

**Motion:** A motion was made by J. Livingston and seconded by S. Houde to authorize up to \$600,000 in ARPA funds for the Spectacle Pond Water Transmission Main Project. **By Roll Call Vote:** J. Livingston, aye; S. Houde, aye. **Motion passed 2-0.**

*Ayer Tree Inventory and Management Plan* – M. Wetzel gave a presentation on the 2021 Tree Inventory Analysis and Management Plan. Half of the funding for the plan was awarded via grant from Mass. Dept. of Conservation and Recreation. The Davey Resource Group conducted the work associated with the study. They did an inventory/assessment of all Town maintained trees, such as in road rights-of-way, public parks and at public buildings. They have prepared a management plan for prioritizing tree maintenance and planning. The 10 year estimated cost for implementing the management plan is about \$1.4M, which includes hazard tree removals, stump removals, pruning, routine inspections and planting. For FY '23 he is proposing the total budget should be in the \$65,000 range

with \$15,000 coming from the YouthWorks budget. He will further refine the figures with the Town Manager and Finance Manager.

**Opening of the April 25, 2022 Annual Town Meeting Warrant:** R. Pontbriand is requesting that the Select Board open the Warrant for the April 25, 2022 Annual Town Meeting. All warrant articles and citizen's petitions will be due by 12:00 PM on Friday April 1, 2022.

**Motion:** A motion was made by J. Livingston and seconded by S. Houde to open the Annual Town Meeting Warrant for the Annual Town Meeting on April 25, 2022. **By Roll Call Vote:** J. Livingston, aye; S. Houde, aye. **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.

*Appointments – Ayer Housing Authority Tenant Board* – R. Pontbriand is recommending that the SB appoint Mr. Roger Martel as the Ayer Housing Authotiiyyu Tenant Member for a term to expire May 2026.

**Motion:** A motion was made by S. Houde and seconded by J. Livingston to appoint Mr. Roger Martel as the Tenant Board Member to the Ayer Housing Authority, term to expires May 2026. **By Roll Call Vote:** J. Livingston, aye; S. Houde, aye; **Motion passed 2-0.**

*FY 23 Budget Update* – R. Pontbriand stated that the first budget public forum will be held on Wednesday January 26, 2022. He noted that the budget is a process and is subject to change.

*Wild and Scenic River Update Report* – R. Pontbriand stated that at the request of the Nashua River Wild & Scenic Stewardship Council and the Town's representative to the Stewardship Council, Ms. Beth Suedmeyer, he was asked to provide a brief update to the Select Board regarding the recent activities of the Stewardship Council which includes their Community Grants Program. He referenced a memo in the packet highlighting some of the accomplishments of the Nashua, Squannacook, and Nissitissit River Wild & Scenic Stewardship Council.

*Recommendation of Capital Planning Committee – UDAG Funds for Depot Square* – R. Pontbriand stated that at the December 15, 2021, Capital Planning Committee, the Committee agreed to recommend the FY 2023 Request for the Completion of Depot Square be referred to the Select Board for funding to come from the Town's UDAG Funds. He noted that the rationale behind having this request funded by UDAG is that the project speaks to the true intent of the UDAG Funds which are to be used for Economic Development/Infrastructure Projects; there are potential supply chain delays and shortages for some of the components of this project which could negatively impact the targeted completion date of September 1, 2022. He is requesting that the SB vote to authorize \$65,000 for the Completion of Depot Square from the Town's UDAG Funds. S. Houde added that the funding would go towards purchasing the waiting shelter, trash receptacles, benches and landscaping.

P. Conley, 40 Cambridge Street stated she would like the Select Board to review the costs of the trash receptacles and benches at \$900+ each. She is suggested the *Big Belly* Trash Cans for Depot Square. C. Antonellis stated that the price proposals came from DPW, and they will continue to look at costs.

**Motion:** A motion was made by J. Livingston and seconded by S. Houde to authorize up to \$65,000 in UDAG funding for the completion of Depot Square as recommended by the Capital Planning Committee. **By Roll Call Vote:** J. Livingston, aye; S. Houde, aye. **Motion passed 2-0.**

**New Business/Selectmen's Questions:** *Initial Discussion on Town's 5-Year Capital Plan and Future Debt Exclusion Projects (Select Board Member S. Houde):* S. Houde stated he wanted to start some initial discussions on the 5-year capital plan and future debt exclusions. He stated that his concern is that projects that would trigger a debt exclusion are often pushed down the road a year. He would like to plan out larger expenditures and coordinate with the school district about the rehab/replacement of the elementary school.

**Approval of Meeting Minutes:**

**Motion:** A motion was made by J. Livingston and seconded by S. Houde to approve the meeting minutes from December 21, 2021. **By Roll Call Vote:** J. Livingston, aye; S. Houde, aye. **Motion passed 2-0.**

**Adjournment:** A motion was made by J. Livingston and seconded by S. Houde to adjourn at 7:46 PM. **By Roll Call Vote:** J. Livingston, aye; S. Houde, aye. **Motion passed 2-0.**

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

Date Minutes Approved by SB: \_\_\_\_\_

2/15/2022

Signature Indicating Approval: \_\_\_\_\_

