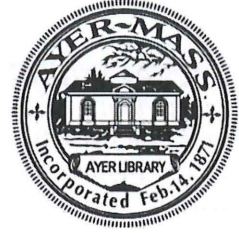


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TOWN OF AYER  
TOWN CLERK



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 March 1, 2022**  
**Open Session Meeting Minutes**

**SB Remotely Present:** Shaun C. Copeland, Chair; Scott A. Houde, Vice-Chair

**SB Absent:** 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.

**Announcements:** None

**Approval of Meeting Agenda:** R. Pontbriand asked to amend the agenda by tabling the approval of the February 15, 2022, meeting minutes.

**Motion:** A motion was made by S. Houde and seconded by S. Copeland to approve the meeting agenda, as amended. **By Roll Call Vote:** S. Copeland, aye; S. Houde, aye; **Motion passed 2-0.**

**Recognition of Lisa Gabree, Finance Manager/Town Accountant:** The Select Board and R. Pontbriand recognized Finance Manager/Town Accountant Ms. Lisa A. Gabree who recently retired after 28 years of service to the Town. The Board and others thanked Ms. Gabree and wished her well on her well-deserved retirement.

**Public Input:** None

**Ratification of Appointment for Finance Manager/Town Accountant:** R. Pontbriand introduced Mr. Fred Aponte and is requesting ratification of the appointment of Mr. Aponte as Ayer Finance Manager/Town Accountant effective April 4, 2022. Mr. Aponte brings twenty-six years of municipal accounting and finance experience. He is currently the Town Accountant/Operations Manager for the Town of Sterling. He is a Certified Governmental Accountant and brings a wealth of technical experience with MUNIS. The Town received six applicants for the position. Of the six applicants, Mr. Aponte was the most qualified and the top choice of the Screening Committee, which consisted of the Town Manager, Assistant Town Manager, Finance Manager, Treasurer/Tax Collector, Benefits & Payroll Manager, and DPW Director. Mr. Aponte thanked the Select Board for the opportunity and is looking forward to beginning in April.

**Motion:** A motion was made by S. Houde and seconded by S. Copeland to ratify the appointment of Mr. Fred Aponte as the Town of Ayer's Finance Manager/Town Account effective April 4, 2022. **By Roll Call Vote:** S. Copeland, aye; S. Houde, aye; **Motion passed 2-0.**

**Dan Van Schalkwyk, Director, Department of Public Works:** *Approval of Change Order 2 Spectacle Pond Water Treatment Plant – PFAS Treatment Facilities* - D. Van Schalkwyk presented Change Order 2 for the construction of the Spectacle Pond Wellfield PFAS Treatment Plant. The change order adds 45 calendar days to substantially complete the project and \$4,488 to install plywood subflooring on the mezzanine level. He is asking for approval with signature by the Board.

**Motion:** A motion was made by S. Houde and seconded by S. Copeland to approve Change Order #2 as presented. **By Roll Call Vote:** S. Copeland, aye; S. Houde, aye; **Motion passed 2-0.**

*Execution of Contract – Main Street Streetlight Improvements* – D. Van Schalkwyk presented a contract for execution for improvements to the Main Street streetlights. The Town received 6 bids for the project ranging from \$54,010 to \$84,995. The low bidder is Mass Bay Electrical Corp. The project included an add alternate to include an additional streetlight and he is recommending approval, for a total contract amount of \$60,310.

**Motion:** A motion was made by S. Houde and seconded by S. Copeland to approve Change Order #2 as presented. **By Roll Call Vote:** S. Copeland, aye; S. Houde, aye; **Motion passed 2-0.**

**FY '23 Budget Update (DRAFT #2 of the FY '23 Budget):** R. Pontbriand gave an update on DRAFT #2 of the FY '23 budget. He noted that the second public budget forum is being held on March 16, 2022, at 6:00 PM. He noted that in FY '22, the budget increased 4.26%. The annual average since FY '14 is 4.77%. As of right now, in DRAFT #2 of the FY '23 budget there will be a 3.07% increase over last year, but that is subject to change as the process continues. There were \$186,000 in net reductions from DRAFT #1 to DRAFT #2. There were several significant increases from DRAFT #1 to DRAFT #2, including an adjustment in the police department overtime and Conservation Commission consulting services. The remaining variables for the budget are the Non-Union COLA, DPW Contract Impacts, 3 Personal Service Contracts and the amounts for the Town's general insurances. R. Pontbriand stated that the Annual Town Meeting Warrant closes on Friday April 1, 2022, at 12:00 PM. The Select Board and Finance Committee will review and approve the warrant at the April 5, 2022, Select Board Meeting. M. Smith and L. Conrad from the Finance Committee were in attendance, neither had questions.

**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 main focus has been the FY'23 budget and Town Meeting preparations. The FY '23 Water and Sewer Rate Hearing will be held on Tuesday March 15, 2022. At the next SB meeting, he will be bringing forth a consulting agreement for the ARPA funds.

*License Agreement – Woodlawn Cemetery* – R. Pontbriand stated that the Town was legally required to conduct a title search report to ensure there is legal title to the Cemetery. That process was started after the Town Meeting in the Fall of 2021 and normally takes about six weeks to complete. In the process of the title work, it was discovered that there is an issue with the deed/title for the western portion of the Cemetery. He stated to resolve this deed/title issue, the Town's title examiner needs to physically access the historic records at the Registry of Deeds in Cambridge. Unfortunately, due to COVID-19, the Registry of Deeds in Cambridge is closed to the public and we have been unable to date to get physical access to resolve this issue. Once this issue is resolved we can they proceed with the official transfer of the Cemetery. In the meantime, Town Counsel has drafted a license agreement whereby the Town assumes operation on April 4, 2022. This license agreement will be in effect until the deed/title issue is resolved.

P. Conley, 40 Cambridge Street asked when the last time that the Town met with the Woodlawn Cemetery Committee. P. Conley then asked how the Woodlawn Cemetery has agreed to the license agreement if they haven't met. R. Pontbriand stated that she would have to ask them and that he has been dealing with Ms. Ginny Matthews, the Woodlawn Cemetery's point person on the transfer. He noted that he also met with Rick Skoczylas and Ted Maxant who are also in agreement with the license agreement.

**Motion:** A motion was made by S. Houde and seconded by S. Copeland to approve the license agreement for Woodlawn Cemetery going into effect April 4, 2022. **By Roll Call Vote:** S. Copeland, aye; S. Houde, aye; **Motion passed 2-0.**

*Determination and Consent Pursuant to the Massachusetts Rules of Professional Conduct, Rule 1.7 –Representation of Towns of Ayer, Boxborough, Groton, Littleton, Pepperell, Stow, and Westford Re: Memorandum of Agreement—Nashoba Area Police Anti-Crime Task – R. Pontbriand stated that Town Counsel, KP Law, P.C. has been asked by another Town to review a memorandum of agreement and related policy regarding the Nashoba Area Police Anti-Crime ["NAPAC"] Task Force. The Town of Ayer is also listed as a signatory to this MOA, and as KP Law, P.C., also represents Ayer, Town Counsel has an obligation to review this matter for potential conflicts of interest and to receive consent from each signatory to this MOA to perform the review in question.*

**Motion:** A motion was made by S. Houde and seconded by S. Copeland to approve the determination as presented. **By Roll Call Vote:** S. Copeland, aye; S. Houde, aye; **Motion passed 2-0.**

**New Business/Select Board Member Questions:** *Plan for Resuming In-Person Meetings* (Select Board Member S. Copeland) - S. Copeland stated that he would like to talk about returning to in-person meetings now that the COVID-19 numbers are trending downward in the right direction. R. Pontbriand stated that emergency remote participation provisions of the Open Meeting Law, set to expire on April 15, 2022, were extended to July 15, 2022. R. Pontbriand is suggesting that the Town return to in-person meetings on April 1, 2022. He is also recommending a mask be optional, per CDC guidance. He is working with the IT Office to determine how to allow for remote participation moving forward. S. Copeland asked if the Town could return to in-person meetings and still offer remote participation. R. Pontbriand said yes. S. Houde stated that April 1, 2022, is a good benchmark for returning in-person. He stated that last time the Town was in a hybrid model, there was a lot of sounds quality issues and he would like those resolved prior to April 1, 2022.

James O'Connor, 12A Turtle Hill Road asked if the SB meeting on March 15, 2022 to reappoint the members to the Nashoba Valley Technical School Committee could be moved to 5:30 PM instead of 6:00 PM due to a scheduling conflict.

Pauline Conley, 40 Cambridge Street stated that she has become a convert to Zoom. She likes that one person can participate at a time and allows for more people to participate. She also likes that it is easier to hear on Zoom.

**Executive Session:** At 7:07 PM, a motion was made by S. Houde and seconded by S. Copeland to enter into Executive Session, pursuant to MGL c.30A, sec. 21A Exemption #2 (Non-Union Personnel) Finance Manager/Town Accountant; Assistant Town Manager; Town Manager and Exemption #3 (Collective Bargaining) DPW Contract Update and to adjourn from Executive Session. S. Houde further stated that the discuss these items in Open Session would be detrimental to the Town's negotiating strategy. **By Roll Call Vote:** S. Copeland, aye; S. Houde, aye. **Motion passed 2-0.**

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

Date Minutes Approved by SB: 5 APR 22

Signature Indicating Approval: 