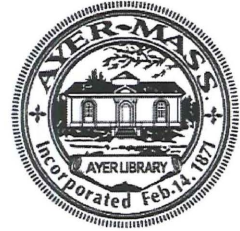


RECEIVED  
OCT 27 2020

TOWN OF AYER  
TOWN CLERK

10:30am  
Shaun Copeland

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 October 6, 2020**  
**Open Session Meeting Minutes**

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

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

**Call to Order:** S. Copeland called the meeting to order at 6:00pm.

**Pledge of Allegiance:** Select Board members and meeting attendees stood and recited the Pledge of Allegiance.

**Remote Access:** S. Copeland stated that pursuant to Governor Baker's March 12, 2020 Order 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.

**Approval of Meeting Agenda:**

**Motion:** A motion was made by S. Houde and seconded by J. Livingston to approve the meeting agenda. **Motion passed 3-0.**

**Announcements:** None

**Public Input:** Calvin Moore called in to express his concern about the lack of parking downtown due to the restriping of spaces. R. Pontbriand will follow-up with Mr. Moore.

**Select Board Recognition of Fire Chief Robert J. Pedrazzi:** The SB publicly honored Fire Chief Robert Pedrazzi and his wife Deb with a special presentation for the Chief's retirement (October 8, 2020) and in recognition of his distinguished 43-year career of dedicated service to the Ayer Fire Department and Town of Ayer.

**Ratification of Appointment of Ayer Fire Chief:** The SB welcomed Deputy Fire Chief Tim Johnston and his wife Cheryl and their family. R. Pontbriand appointed Deputy Chief Johnston to the position of Fire Chief effective October 8, 2020. Groton Fire Chief Steele McCurdy, who chaired the Search Committee, stated that Dep. Chief Johnston was the unanimous choice of the Search Committee. He stated the Committee was impressed with all candidates and he is happy to see the overall strength of the Department. R. Pontbriand is seeking ratification by the SB of his appointment.

**Motion:** A motion was made by J. Livingston and seconded by S. Houde to ratify the appointment by Town Manager Robert Pontbriand to appoint Deputy Chief Tim Johnston to the position of Fire Chief effective October 8, 2020. **Motion passed 3-0.**

**Public Hearing – Pole Petition by National Grid – Bligh Street:** J. Livingston opened the public hearing at 6:32 PM by reading the Public Hearing Notice. Mr. Robert Williams was participating remotely, representing National Grid who is seeking to locate poles, wires, and fixtures, including the necessary sustaining and protecting fixtures, along and cross the following public way: Bligh Street – National Grid to install 1 SO Pole on Bligh St. Beginning at a point approximately 101' feet west of the centerline of the intersection of Forest St. and Bligh St. and continuing approximately 40' feet in a west direction. R. Pontbriand stated that all Departments reviewed the request and there were no objections. Additionally, there were no abutters participating remotely.

**Motion:** A motion was made by S. Houde and seconded by J. Livingston to approve the National Grid Pole Petition for Bligh Street. **Motion passed 3-0.**

**Motion:** A motion was made by J. Livingston and seconded by S. Houde to close the Public Hearing at 6:35 PM. **Motion passed 3-0.**

**Affordable Housing Committee:** *Appointment of Committee Member* – The SB was joined remotely by AHC Chair Janet Providakes and Member Alicia Hersey who are recommending that Ms. Sara Withee be appointed to the AHC.

**Motion:** A motion was made by J. Livingston and seconded by S. Houde to appoint Ms. Sara Withee to the Ayer Affordable Housing Committee to fill a vacant term expiring June 30, 2022. **Motion passed 3-0.**

*Presentation of Proposed Ayer Housing Trust* – J. Providakes and A. Hersey gave a brief update to the SB about two upcoming Town Meeting Warrant Articles establishing an Affordable Housing Trust and transferring CPC funds to the Trust. The proposed Housing Trust allows municipalities to administer funds for the preservation and expansion of affordable housing within the community. If the establishment of the Trust is approved at the Fall Town Meeting, then the Affordable Housing Committee will begin the process of writing Bylaws and developing guidelines for consideration at the Annual Town Meeting in 2021.

**Superintendent Mark Wetzel, Department of Public Works:** *Execution of Contract for School Street Sidewalk Construction Project* – M. Wetzel reported that general bids for the School Street Sidewalk Construction Project were received at the DPW on September 9, 2020. The DPW received four (4) bids ranging from \$106,220.00 to \$184,455.00. The low bidder is D'Ambrosia, Inc. from Weymouth, MA. The project scope includes a new sidewalk from East Main Street to Pirone Park with granite curb and a mix of cement concrete and asphalt sidewalk. A paved path will connect from Bligh Street to the existing perimeter path at Pirone Park. Additionally, drainage work includes upgrading an existing catch basin to a hydrodynamic separator, installing a rain garden at the entrance to Pirone Park, and a leaching catch basin in the same area.

**Motion:** A motion was made by S. Houde and seconded by J. Livingston to execute the contract with D'Ambrosia, Inc. for the School Street Sidewalk Construction Project in the amount of \$106,220. **Motion passed 3-0.**

*Brief PFAS Update & Spectacle Pond PFAS Treatment Facility Funding and Warrant Article* – M. Wetzel gave the SB an update on the Town's Drinking Water relating to PFAS contamination. He noted that Mass DEP has approved a maximum contaminant level for 6 PFAS chemicals at 20 parts per trillion. He stated that the Grove Pond PFAS Treatment Facility is substantially complete and will be fully online very shortly. A grant from the Army covered the cost of construction and initial startup and operating costs. The Spectacle Pond PFAS Treatment bids were opened on September 24, 2020. The low bid was \$5.15M and was submitted by the same contractor who built the Grove Pond Treatment Facility. Mass DEP continues to investigate the source of the

contamination. M. Wetzel discussed an upcoming article on the Fall Town Meeting Warrant seeking additional funding in the amount of \$610,000 for the remaining funding needed for the Spectacle Pond PFAS Plant. He noted that the Town recently received a \$200,000 grant from the DEP to assist in paying with engineering costs.

### **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 the Town Warrants in the meeting packet. R. Pontbriand stated he will be presenting the AV plan for overflow seating at the upcoming Town Meeting at the 10/20/20 SB meeting. He also reported that the Town recently held a successful Public Forum relating the Ayer Police Department.

*COVID-19 Update* – R. Pontbriand stated that things remain status quo and that overall Massachusetts is seeing a slight uptick in cases.

*Review and Approval of the 2020 Special Fall Town Meeting Warrant (October 26, 2020)* – R. Pontbriand presented the Final DRAFT of the 2020 Special Fall Town Meeting Warrant. There are nine articles for consideration. Articles 1-3 were the financial articles deferred from the Annual Town Meeting held on June 15, 2020. Article 1 would replenish the Town's UDAG Account with \$230,000 from Free Cash. This is the second of three UDAG replenishment payments for the Worthen Dale Depot Square Eminent Domain Settlement. Article 2 would forward fund the Town's pension assessment with \$300,000 from Free Cash. By doing this for two successive years (this would be the first) it will provide an estimate savings of \$1.3 million dollars through full funding in 2035. There will be a presentation at Town Meeting. Article 3 is the Stabilization Fund article which would transfer a total of \$949,139 from Free Cash into Stabilization of which \$9,139 will go into Stabilization and \$940,000 into Capital Stabilization.

Article 4 is seeking to authorize the Select Board to acquire 211 West Main Street for the purposes of building a new Senior Center. R. Pontbriand explained that the Town is seeking to complete the new Senior Center in two phases: first to purchase the land and then to go through the Capital Planning Process for the building and construction. The Town has negotiated with the seller a purchase price of \$670,000. The purchase is contingent on a satisfactory 21E environmental assessment and a fair market appraisal. This site was identified by the Senior Center Feasibility Study (previously authorized by the 2018 Annual Town Meeting) and the Town's Working Group as the optimal site. Key factors which made this the optimal site were the 4.5 acres provides the necessary land for the new building; the appropriate number of accessible parking spaces; a recreational walking path out to the river; it is consistent with the Town's new form based code for West Main Street; the proximity of the location to Downtown Ayer, Devens, and Shirley; and this project would serve as the first major project for the economic redevelopment of West Main Street.

R. Pontbriand advised that the Feasibility Study will be available and released prior to Town Meeting. The Feasibility Study was concluded at the height of COVID-19 and there have been delays in the production of the final study.

R. Pontbriand further advised that typically the land sale would go through the Town's Capital Planning Process (since the project is over \$300,000) which would consist of a two-part process involving Town Meeting approval and a ballot vote for the debt exclusion or capital exclusion. However, because of timing constraints in this instance, the Capital Planning process is problematic (because of the length of time involved) and will jeopardize the acquisition of the private property. Therefore, the Select Board may choose to forgo the Capital Planning Process due to the extraordinary nature of this project. In doing so, it is important to note that this would be a non-precedent setting action for all future projects that meet the criteria of the Town's Capital Planning Process. All future projects must and will adhere to the normal Capital Planning Process. No one likes to not follow a policy or process but on extraordinary occasions, and the acquisition of private land by a

municipality is one, the Town must act timely to secure the land. The private property owner is not going to wait for the Town to complete a lengthy process and may choose to sell the land to other interested parties.

R. Pontbriand further advised that it is important to note that Town Meeting still must authorize the purchase of the land, hence Article 4 but in terms of the borrow authorization for the land, the authorization would not go through a capital/debt exclusion ballot vote. Not having the ballot vote for a debt/capital exclusion is the deviation from the Town's Capital Planning Process per the Town's Capital Planning Policy due to extraordinary nature of this land acquisition and specifically the timing constraints with respect to the private property owner.

R. Pontbriand recommending that the SB authorize the amount of \$750,000 for Article 4. The definitive land price is \$670,000 but an additional \$80,000 borrow authorization for unforeseen contingencies involved with the acquisition. With respect to the \$80,000, the Town will only borrow if necessary.

J. Livingston stated that there is support for the project as the 2018 Annual Town Meeting authorized funding for a Feasibility Study.

S. Houde stated he would like to see investment into the West Main Street Corridor. S. Houde said he respects the Town's Capital Planning Policy and the process but also understands that this is an extraordinary project/situation. Town Meeting still must authorize the purchase and borrowing, it is just for this specific project and only this project that there will not be a debt or capital exclusion ballot vote.

R. Pontbriand stated that there will be a full presentation on Article 4 at Town Meeting which will include the Feasibility Study Report; why 211 West Main Street is the optimal site; a detailed explanation on the timing challenges for acquisition; and a clear presentation on the safe guards in place for the Town. If the environmental assessment indicates that the acquisition is not in the best interests of the Town than the Town will not proceed. Additionally, a fair market appraisal will be done with respect to the property. Again, if it is not in the best interests of the Town than the Town will not proceed.

R. Pontbriand emphasized that Article 4 does two things: it authorizes the SB to acquire the property and it authorizes the borrowing of \$670,000 for the land (and an additional \$80,000 for contingencies). There are the added safeguards of a satisfactory 21E environmental assessment and a fair market appraisal.

The SB agreed to proceed with Article 4 and the borrow authorization of up to \$750,000 for Town Meeting to consider and decide. R. Pontbriand continued with the overview of the Warrant as follows:

Article 5 is a borrow authorization up to \$610,000 for the Spectacle Pond PFAS Plant. The bids have been opened and additional funding in necessary to award the contract and proceed with the project.

Article 6 establishes an Ayer Affordable Housing Trust as recommended by the Ayer Affordable Housing Committee. This Article, if passed, adopts the State statute to create the Trust with seven members to be appointed by the SB. At the Annual Town Meeting in April of 21, the Affordable Housing Committee will come back with an Article for Town Meeting approval that contains the bylaw(s) for the Affordable Housing Trust. Article 7 would transfer \$30,000 from Community Preservation Funds – Housing Category into the Ayer Affordable Housing Trust as initial funding.

Article 8 would authorize \$187,340 from Community Preservation Funds – Historic Resources Category for Phase II of the Sandy Pond School House historic preservation.

Article 9 would seek Town Meeting authorization to extend the water and sewer lines from the Ayer/Harvard

Town Line down Ayer Road to 320 Ayer Road in Harvard for the purposes of a private development consisting of 150 to 180 bedroom units and an assisted living component. If approved the Town of Ayer would enter an Intermunicipal Agreement with the Town of Harvard which would stipulate the requirements, responsibilities, specific water and sewer rates and connection fees. The private developer would be responsible for all costs to extend the water and sewer service.

S. Houde asked if more specific details could be provided in the explanatory note for the Article and at Town Meeting regarding this proposed project. How many units? How much revenue could it bring into Ayer? Do we have appropriate water and sewer capacity?

R. Pontbriand agreed and would revise the explanatory note for the Article to include more details. He further advised that the DPW Superintendent will have a presentation for Article 9 at Town Meeting.

**Motion:** A motion was made by S. Houde and seconded by J. Livingston to approve the 2020 Special Fall Town Meeting Warrant as presented with the edits suggested by the SB this evening. **Motion passed 3-0.**

*Discussion on Reducing the Quorum for the Special Fall Town Meeting due to COVID-19* – Per the prior SB meeting, R. Pontbriand discussed reducing the quorum of the Fall Special Town Meeting due to COVID-19 pursuant to Section 7 of Chapter 92 of the Acts of 2020 which allows Town's to lower the quorum to no less than ten percent (10%) of the quorum requirement. The quorum requirement for Town Meeting in Ayer is fifty (50) registered voters. This is not a permanent quorum reduction but specific for the upcoming October 26, 2020 Town Meeting. To move forward, the SB must post a public meeting (remote public participation) at which they will be voting to reduce the quorum no less than seven (7) days prior to said meeting occurring. The Select Board may vote by simple majority to reduce the quorum to no less than ten percent (10%) of the Town Meeting quorum requirement. Not less than ten (10) days after a vote of the Select Board to reduce the quorum requirement, the Town Clerk shall notify the Attorney General of the adjusted quorum requirement. R. Pontbriand is recommending reducing the quorum to 25 registered voters as it will ensure a quorum for the Town Meeting to proceed timely at 7pm and ensure that the Town Meeting does not run the risk of losing a quorum during the Town Meeting. R. Pontbriand noted that reducing the quorum does not prevent nor prohibit any voter from attending and participating in Town Meeting. The SB decided to meet on Tuesday October 20, 2020 at 5:45 PM for the sole purpose of considering a quorum reduction. After that agenda item the SB will adjourn and open a new meeting at 6:00 PM to conduct regularly scheduled business.

*Update/Review DRAFT FY '22 Budget Calendar* – The DRAFT FY'22 Budget Calendar has had some dates added regarding the release date of Capital Directive and Budget Directives. R. Pontbriand is hoping to present a final DRAFT at the SB Meeting on 10/20/20.

*Reschedule of November 3, 2020 SB Meeting due to Presidential Election* – The SB agreed to meet on Monday November 2, 2020 due to the conflict with the General Election on November 3, 2020.

*Amendment No. 6 to Agreement for Veterans Services, Devens* – C. Antonellis presented Amendment #6 to the SB which extends for another year the Ayer Veterans Service Agent to provide services to those residing in Devens in territorial Ayer.

**Motion:** A motion was made by S. Houde and seconded by J. Livingston to approval Amendment #6 between the Town of Ayer and Devens for Veterans services. **Motion passed 3-0.**

*Discussion on Extension of Outdoor Dining Service* – C. Antonellis stated she has been working with Department Heads to discuss extending the Outdoor Dining License pursuant to COVID-19 Order 35. All public safety departments are recommending that the Main Street (Bar25 and Lucia's Tavola Front) outdoor dining expire on

November 15, 2020 to coincide with the Winter Parking Ban. C. Antonellis is recommending that the licenses for Lucia's Tavola and the Nashoba Club extend until 60 days after the State of Emergency Order is lifted, pursuant to Order 35.

**Motion:** A motion was made by S. Houde and seconded by J. Livingston to extend Main Street Outdoor Dining for Bar25 and Lucia's Tavola Front through November 15, 2020. **Motion passed 3-0.**

**Motion:** A motion was made by S. Houde and seconded by J. Livingston to extend Outdoor Dining for Lucia's Tavola Rear and The Nashoba Club until 60 days after the State of Emergency Order is lifted through November 15, 2020. **Motion passed 3-0.**

**New Business/Selectmen's Questions:** *Special Recognition of Ms. Lauri Fritz, Assistant Town Clerk (SB Member S. Copeland)* – S. Copeland and other SB members thanked Assistant Town Clerk Ms. Lauri Fritz who recently celebrated her 30<sup>th</sup> anniversary working with the Town.

*Rate Review Committee Update (SB Member J. Livingston)* – J. Livingston reported that the Rate Review Committee met recently and at this time they are not recommending any increases in permit rates or bag rates at the Transfer Station for calendar year 2021. The Committee will be monitoring and will revisit the issue of rates for the Transfer Station in the Spring of 2021. The good news is that there are no rate increases currently. The Committee has established a regular meeting schedule to meet every other month on the fourth Tuesday of the month at 4pm. The Committee also discussed doing some additional public outreach regarding the benefits of the Transfer Station. The Committee looked at the Water and Sewer revenues which are on target at this time. The Committee also discussed the potential creation of two new positions. One position would be a Water and Sewer Superintendent which would oversee the Water and Sewer operations. The second position would be most likely a part-time position which would handle the water and sewer billing and serve as a backup for the DPW Business Manager. Currently, the DPW Business Manager is the only one who know how to do the water and sewer billing. We need to have a back-up and plan for the future.

*Special Recognition of Ms. Mary Spinner (SB Member J. Livingston)* – J. Livingston and other SB members thanked Ms. Mary Spinner for her years of service to the Town serving on various elected and appointed committees. Ms. Spinner recently stepped down.

**Approval of Meeting Minutes:**

**Motion:** A motion was made by S. Houde and seconded by J. Livingston to approve the Meeting Minutes from September 15, 2020. **Motion passed 3-0.**

**Executive Session:** At 8:05 PM, J. Livingston made a motion, seconded by S. Houde, enter into Executive Session pursuant to MGL Chapter 30A, Section 21A, Exemption #2 (Non-Union Personnel Contract Negotiations) Fire Chief Contract and Exemption #6 to consider the purchase, exchange, lease value of real property) for 211 West Main Street and to adjourn from Executive Session. To discuss these items in Executive Session would be detrimental to the Town's negotiating strategy. **By Roll Call Vote:** S. Houde, aye; J. Livingston, aye; S. Copeland, aye. **Motion passed by Roll Call Vote 3-0.**

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

Date Minutes Approved by BOS: 20 OCT 2020

Signature Indicating Approval: 