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TOWN OF AYER  
TOWN CLERK



9:00am

Town of Ayer  
Ayer Select Board  
Ayer Town Hall – 1<sup>st</sup> Floor Meeting Room  
Ayer, MA 01432



Broadcast and Recorded by APAC

Wednesday August 16, 2022  
Open Session Meeting Minutes

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

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

**Call to Order:** J. Livingston called the meeting to order at 6:00 PM.

**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. Copeland and seconded by S. Houde to approve the meeting agenda. **Motion passed 3-0.**

**Public Input:** None

**Ratification of Appointment of Benefits & Payroll Manager:** R. Pontbriand introduced Ms. Amanda Lewis, who is his recommended candidate for the Benefits & Payroll Manager position. He is requesting ratification of her appointment for a three-year term, effective September 12, 2022 – June 30, 2025. Ms. Lewis served in this role at the Ayer Shirley Regional School District for 18 years. J. Livingston welcomed her and asked why she was interested in changing her job. Ms. Lewis stated that she loves the Town of Ayer, lives in Town and would only ever leave the school district to come to work at the Town Hall.

**Motion:** A motion was made by S. Copeland and seconded by S. Houde to ratify the appointment of Ms. Amanda Lewis as the Benefits & Payroll Manager for a three-year term effective September 12, 2022 – June 30, 2025. **Motion passed 3-0.**

**Mr. Peter Cunningham, Nashua River Rail Trail - Request for Letter of Support:** Mr. Peter Cunningham is both a member of the Groton Select Board and the Friends of the Nashua River Rail Trail. He is seeking a letter of support to the Governor imploring DCR to put the Rail Trail on their Capital Improvement Plan, as there are many surface imperfections. A 2017 Trail Assessment Plan calls for paving to be done by 2022, which will clearly not happen this year. P. Cunningham noted that there was an increase in usage on all rail trails due to the pandemic.

**Motion:** A motion was made by S. Houde and seconded by S. Copeland that the Select Board sign the Letter of Support as presented by Peter Cunningham regarding the Nashua River Rail Trail. **Motion passed 3-0.**

R. Pontbriand then recognized Irving Rockwood and Marion Stoddard both of whom are members of the Friends of the Nashua River Rail Trail. P. Cunningham thanked the Ayer DPW who has done maintenance on the trail when needed.

**Susan Copeland, Town Clerk - Election Update:** S. Copeland announced that the State Primary Election will be held on Tuesday September 6, 2022 with early voting starting Saturday August 27, 2022 through Friday September 2, 2022. The State General Election will be held on Tuesday November 8, 2022, also with early voting preceding election day. S. Copeland noted that there was a provision in the VOTES Act, which was signed by Governor Baker in June 2022, relating to the assignment of Police Officers at Polling Locations and the requirement that the Select Board vote to authorize police officers working at polling locations in the absence of a Constable.

**Motion:** A motion was made by S. Copeland and seconded by S. Houde to approve enough police officer(s), in the absence of a constable, at the polling location of every election therein to preserve order and to protect the election officers and supervisors from any interference with their duties and to aid in enforcing the laws relating to elections, as required by Section 72 of the Chapter 92 of the Acts of 2022. **Motion passed 3-0.**

**Dan Van Schalkwyk, Director, Dept. of Public Works – Update on Drought and Water Supply:** D. Van Schalkwyk and Water & Sewer Superintendent Kimberly Abraham were in attendance. They reported that most of the Commonwealth is in a Level 3, Critical Drought and the Ayer/Littleton area is experiencing a 7" rain deficit at this point this year. Ayer has banned all non-essential outdoor water use for the time being. D. Van Schalkwyk stated both treatment plants at Grove and Spec Ponds have been running constantly. As of today, both of the Town's water tanks have rebounded from the low levels during August 5<sup>th</sup> – 8<sup>th</sup>.

S. Houde asked what would happen if there was a dip in the capacity of the wells due to the drought? D. Van Schalkwyk stated he would have to evaluate it on a case-by-case basis, as there could be several factors leading to a decrease in capacity. One option would be to establish an emergency interconnection with a neighboring Town or Devens to take pressure off the Ayer system. K. Abraham said that the Department is constantly monitoring everything, including rainfall, consumption, and usage.

J. Livingston said sometimes she sees reports on Facebook that McDonald's is running their sprinkler system. K. Abraham stated that she has spoken with the manager, and he will be shutting off the sprinkler system. Also, she stated that she spoke with the plant managers of some of the larger water uses and they were willing to cut their production temporarily to assist the Town, due to the drought conditions.

D. Van Schalkwyk stated that the SB needed to take a vote, that in accordance with the rules and regulations that the SB issue a State of Water Supply Conservation retroactively to August 4, 2022, which includes non-essential outdoor water usage.

**Motion:** A motion was made by S. Houde and seconded by S. Copeland that the SB issue a State of Water Supply Conservation, in accordance with the rules and regulations, retroactively to August 4, 2022, which includes non-essential outdoor water usage. **Motion Passed 3-0.**

*Agreement for Wastewater Treatment and Disposal Services – MassDevelopment* – D. Van Schalkwyk was pleased to report that the Town and MassDevelopment have finally reached an agreement. It is essentially the same agreement that the Town submitted in December, which reduces the Town's required flows from 100,000 gallons to 50,000 gallons per day and reducing the capacity from 800,000 gallons down to 350,000 gallons. This a ten-year agreement with a reopener.

S. Copeland asked what the financial impact of the new contract was. D. Van Schalkwyk stated that the cost savings will come from the reduction in flows.

**Motion:** A motion was made by S. Copeland and seconded by S. Houde to approve the Agreement for Wastewater Treatment and Disposal Services with Mass Development. **Motion passed 3-0.**

*Change Order 1 – Westford Road Water and Sewer Replacement* – D. Van Schalkwyk presented Change Order 1 for the Westford Road Water and Sewer Replacement. The change order includes the addition of one hydrant, one sewer manhole, and escalations as required by MGL c30 s39M in a total amount of \$20,090.87. He is recommending approval of Change Order No. 1.

**Motion:** A motion was made by S. Houde and seconded by S. Copeland to approve Change Order Number 1 between the Town of Ayer and J.P. Cardillo & Sons, Inc in the amount of \$20,090.87. **Motion passed 3-0.**

*Change Order 3 - Spectacle Pond Treatment Plant – PFAS Treatment Facility* – D. Van Schalkwyk presented Change Order 3 for the Spec Pond PFAS Treatment Facility. This is the final change order for the project which moves the

substantial completion date to June 6, 2022, and final completion to September 30, 2022. Additionally, the change order reduces the Contract amount by \$18,391.80 with Winston Builders Corporation, Inc.

**Motion:** A motion was made by S. Houde and seconded by S. Copeland to approve Change Order Number 3 between the Town of Ayer and Winston Builders Corporation, Inc. in the amount of \$-18,391.80. **Motion passed 3-0.**

*Main Street Traffic Calming* – Alan Manoian, Director of Community and Economic Development joined D. Van Schalkwyk. They gave a brief presentation of their tactical urbanism traffic calming measures which includes dedicated bike lanes, painted curb extensions and stenciled “25 MPH” in various spots on Main Street. A painted island at the corner of Main and Columbia Streets also helps delineate traffic and calm speeds. A. Manoian stated that in his observation these measures have been working.

S. Copeland asked about installing flashing lights at Washington Street because it gets very busy downtown at night. D. Van Schalkwyk will make a note of it and take it under consideration.

**Opening of the Fall Special Town Meeting Warrant – October 24, 2022:** R. Pontbriand is recommending that the SB open the Fall Special Town Meeting Warrant this evening and close it on Friday September 30, 2022, at 1:00 PM for Warrant Articles and Citizen’s Petitions. The SB will then review and approve the warrant at their Tuesday October 4, 2022, meeting and it will go to print on October 7, 2022; it will be mailed to all households the following week. The Special Town Meeting will be held on October 24, 2022, at 7:00 PM in the Auditorium of the Ayer Shirley Regional High School, 141 Washington Street.

**Motion:** A motion was made by S. Copeland and seconded by S. Houde to Open the Fall Special Town Meeting Warrant and to close it on Friday September 30, 2022, at 1:00 PM for Warrant Articles and Citizen’s Petition. **Motion passed 3-0.**

**Town Manager’s Report - Administrative Update/Review of Town Warrant(s):** R. Pontbriand provided a brief Administrative Update to the Select Board on the various activities, initiatives, and projects of the Town since the Select Board last met and referenced the Town Warrants that are in the Select Board’s packet that were approved since the Select Board last met. He stated that in the area of personnel, the Town is very busy. The new Assessing Administrator has started, the new Benefits & Payroll Manager will start on September 12, 2022. Additionally, the Assistant Town Manager and other relevant Department heads are working on finalizing the job description for the Town Social Worker position. The Town will be going out for advertising for the Assistant Zoning Enforcement Officer position within the next week or so. He stated that the Town’s Financial Team and Bi-Board have been working on updating the Town’s Financial Policies. He stated that the Cable Advisory Committee will be convening the last week of August. He updated the SB on other administrative items, including the upcoming discussion on Mutual Aid, the HVAC System at the Ayer Library and a progress update on Depot Square.

*Acceptance of Donation – COA-* Per request of the COA Director, Dr. Katie Petrossi, R. Pontbriand is asking the Board to vote to accept a \$100 donation from Compassus Home Health & Hospice. The COA was honored to assist one of their clients, a longtime Ayer resident, with his final wish to go fishing. This donation will be placed in the COA donation account.

**Motion:** A motion was made by S. Houde and seconded by S. Copeland to accept the \$100 donation to the donation account. **Motion passed 3-0.**

*September Meeting Schedule* - The SB discussed their next meeting date, which was originally scheduled for September 6, 2022 but will have to be rescheduled due to the upcoming State Primary Election. The SB decided to move their meeting to Wednesday September 7, 2022 at 5:30 PM, both in-person and via Zoom.

*Update on Restoration of the Town Hall Cannon (Howitzer)* – R. Pontbriand stated that A. Manoian is actively working to get the estimates and quotes for the refurbishment of the cannon. The Facilities Department has gotten their estimates on the use of the crane and the landscaping work.

**New Business/Select Board Member Questions:** None

**Approval of Meeting Minutes:**

**Motion:** A motion was made by S. Houde and seconded by S. Copeland to approve the meeting minutes from July 13, 2022. **Motion passed 3-0.**

**Executive Session Pursuant to MGL Chapter 30A, Section 21A Exemption #2 (Non-Union Personnel) Benefits & Payroll Manager:** At 7:15 PM a motion was made by S. Copeland and seconded by S. Houde to enter into Executive Session pursuant to MGL Chapter 30A, Section 21A Exemption #2 (Non-Union Personnel) to discuss the contract for the recently appointed Benefits and Payroll Manager and to adjourn from Executive Session. S. Copeland stated that to discuss these matters in Open Session would be detrimental to the Town's negotiating strategy. **Roll Call Vote:** S. Houde, aye; S. Copeland, aye; J. Livingston, aye. **Motion passed by Roll Call Vote 3-0.**

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

Date Minutes Approved by SB: Sept 7 2022

Signature Indicating Approval: 