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TOWN OF AYER
TOWN CLERK



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



Broadcast and Recorded by APAC

Tuesday September 20, 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.**

Announcements: S. Copeland thanked the Town Clerk's Office for a successful State Primary Election.

Public Input: None

Susan Copeland, Town Clerk: S. Copeland stated that pursuant to the VOTES Act, the adjustment of In-Person Early Voting hours now requires a vote of the Select Board. She is proposing the following In-Person Early Voting schedule for the State General Election being held on Tuesday November 8, 2022:

Week 1

Saturday October 22, 2022	9:00 AM – 3:00 PM
Monday October 24, 2022 – Friday October 28, 2022	8:00 AM – 12:00 PM

Week 2

Saturday October 29, 2022	9:00 AM – 3:00 PM
Monday October 31, 2022 – Friday November 4, 2022	
Monday, Wednesday, Thursday	12:00 PM – 4:00 PM
Tuesday	12:00 PM – 6:00 PM
Friday	8:00 AM – 2:00 PM

Motion: A motion was made by S. Copeland and seconded by S. Houde to approve In-Person Early Voting hours for the Town of Ayer as presented by the Town Clerk, as follows: Saturday October 22, 2022 9:00 AM – 3:00 PM; Monday October 24, 2022 - Friday October 28, 2022 9:00 AM – 12:00 PM; Saturday October 29, 2022 9:00 AM – 3:00 PM; Monday October 31, 2022, Wednesday November 2, 2022, Thursday November 3, 2022 12:00 PM – 4:00 PM; Tuesday November 1, 2022 12:00 PM – 6:00 PM; Friday November 4, 2022 8:00 AM -2:00 PM. **Motion passed 3-0.**

Request for One Day Liquor License – St. Mary's Parish, October 15, 2022 – S. Copeland was in attendance on behalf of St. Mary's Parish requesting a One Day Beer and Wine License for a parish Polish Dinner being held on Saturday October 15, 2022 at 5:00 PM.

Motion: A motion was made by S. Houde and seconded by S. Copeland to approve a One Day Beer and Wine License for St. Mary's Parish on October 15, 2022 from 4:00 PM – 9:00 PM for their parish Polish Dinner. **Motion passed 3-0.**

Public Hearing – Application for Transfer of c. 138, sec. 15 All Alcoholic Beverages Package Store License from the Vineyard, LTD to Jalaram Bapa, Inc. – 63 Park Street: S. Copeland opened the Public Hearing at 6:11 PM by reading the Public Hearing Notice, as advertised in the *Nashoba Valley Voice* on Friday September 9, 2022. Vineyard owner Jeff Gendron and Attorney Peter Knox (for Jalaram Bapa, Inc.) were in attendance. Jeff Gendron stated that he is retiring and selling the business to Jalaram Bapa, Inc. There was no public input. C. Antonellis stated that all relevant departments have reviewed the request and there were no issues.

Motion: A motion was made by S. Houde and seconded by S. Copeland to approve the transfer of the c. 138 sec.15 All Alcoholic Beverages Package Store License from the Vineyard, LTD to Jalaram Bapa, Inc. located at 63 Park Street.
Motion passed 3-0.

Motion: A motion was made by S. Houde and seconded by S. Copeland to close the Public Hearing at 6:16 PM. **Motion passed 3-0.**

Mr. Dan Rivera, CEO, MassDevelopment: Mr. Rivera was in attendance to meet with the Select Board. J. Livingston thanked Mr. Rivera for attending. She stated that the relationship between Devens and Ayer needed some tweaking. As a member of the Devens Jurisdiction Framework Committee (DJFC), she was distressed about the notification that MassDevelopment was pulling out of the Committee. J. Livingston stated that pursuant to Chapter 498 of the Acts of 1993, a report by the Select Boards in all four towns, is due to the State Legislature recommending a permanent government structure for Devens. She stated that the overall feeling is that MassDevelopment doesn't care and wants to run out the clock. She said that residents living in Devens feel disenfranchised.

Mr. Rivera stated that he understands that the reuse of Devens is very important to many people. He stated as an agency, they have to do a good job with redevelopment and that MassDevelopment pulled out of the DJFC to focus on the correct things. He stated this has brought up a good opportunity for the three communities to bring up what they would like to see happen. He stated that his staff is modest, and they are supportive. He feels that three years before the 2033 reporting deadline would be the appropriate time for his staff to focus on the report. He and the Governor are both very supportive of housing and the need to increase affordable housing. MassDevelopment is not trying to run out the clock.

S. Houde stated that 4 years ago MassDevelopment said that they wanted to talk about disposition before 2033. He stated that the challenge with housing in Devens is Super Town Meeting, where you have three towns that need to come together and wholeheartedly agree on everything, which creates uneasiness. He stated that the ability for the communities to have discussion and do analysis now about disposition will help create housing redevelopment at Devens. He noted that disposition of Devens will have a generational impact in all three communities.

Mr. Rivera stated that these are critically important conversations to have. He stated that he has a difference of opinion that you have to know the end state of Devens to make those decisions. He stated that the real estate staff at his agency has been refocused to meet the mission of redevelopment in Massachusetts.

J. Livingston stated that it is greatly appreciated that Mr. Rivera is in attendance because he is putting a face on the agency. She noted that all communities need to look at everything down to who will cut the grass. J. Livingston asked if Mr. Rivera could attend the next meeting of the DJFC.

Dennis Curran, Pleasant Street Ayer stated that he is a member of the Building Committee for a new Senior Center. He said that it has been near impossible to find approximately 2 acres of land in Ayer to build the Senior Center. He noted that a colleague on the committee has reached out to MassDevelopment to explore the potential of locating space in Devens (historical boundary of Ayer) to construct a new Senior Center. He asked Mr. Rivera to be aware that any decisions regarding Devens Disposition will be significant for the Town.

D. Rivera stated that he is excited to have the conversations about the Senior Center. He noted that MassDevelopment does not take the conversations lightly and they want to be a good partner. Anything that the communities are requesting he will provide in writing. He does not want to have a dog in the fight and wants to support the communities.

J. Livingston reiterated her request for MassDevelopment to attend the next DJFC Meeting on October 12, 2022. She thanked him for attending.

Chief Brian P. Gill, Ayer Police Department - Presentation on Project Lifesaver: Chief Gill stated that several years ago, he along with Sgt. Kularski and Detective Barhight, implemented the *Bring Me Home Program*, which registers individuals, at their family's request, with cognitive disorders with the APD so that if they wander/get lost, they APD has valuable information to make finding them faster to ensure a positive outcome. He was approached by a resident Mr. Matt Murphy who presented *Project Lifesaver* to the Department. Mr. Murphy has family members who have cognitive disorders, and he is also a professional fundraiser. Chief Gill spoke with R. Pontbriand and the Finance Manager who said that it would be ok for the Town to accept a gift/donation for startup costs for this program. He is looking for the Board's support, as the fundraising for the startup costs will be donated to the Town. He explained that *Project Lifesaver* has rescued almost 4,000 people since its inception. He stated that a family would approach the Town to opt-in to the program and their family member would receive an ankle/wrist bracelet, which would be activated in the event of them being lost. The average timeframe for rescue is 30 minutes.

R. Pontbriand stated that this evening's presentation was made to make the Board aware of the program and that the Town will be fundraising for the startup costs. He and Chief Gill are looking for the Board's support.

Dennis Curran, Pleasant Street stated that the program sounded good, but more broadly speaking how are the participants' civil liberties affected by being tracked. J. Livingston stated that the issue would be between the family.

Matt Murphy stated that he has two young children with disabilities and that their civil liberties take a backseat, especially if they are lost/wandered off. Chief Gill stated that families opt into the program and all missing persons would be officially logged as a report.

S. Houde asked how long after the \$16,000 in start-up costs were raised would the program be deployed. The Chief said very shortly after the funds are raised, he will reach out to set up training to implement the program in Ayer.

Motion: A motion was made by S. Houde and seconded by S. Copeland to support *Project Lifesaver*. **Motion passed 3-0.**

Chief Timothy P. Johnston, Ayer Fire Department - Presentation on Mutual Aid: Chief Johnston was joined by Deputy Fire Chief Jeremy Januskiewicz to give a presentation on Mutual Aid. Chief Johnston gave a presentation (also in the Select Board Meeting Packet) on the need to provide and receive mutual aid. Mutual aid is an agreement between fire departments to help each other across jurisdictional boundaries. The Chief and Deputy referenced statutory requirements relating to mutual aid, which are MGL c. 40, Section 4J and 105 CMR 170.355. The Chief stated that he will be working with the Town Manager and the Finance Director to update rates for ambulance transportation. They also showed a brief video which showed a side-by-side comparison of two rooms that were ignited by placing a lit stick candle on the sofa. It shows that modern day materials used to make furniture and home décor burns much faster than in the past.

Dennis Curran, Pleasant Street stated that, prior to the SAFER grant award allocation, Ayer had 15 fulltime firefighters which is on the higher end of similarly sized Towns in Massachusetts. He stated that comparative analysis is necessary to determine whether Ayer's staffing is appropriate for a Town of its size. He said that a third of the Town's mutual aid responses were provided out of town. He stated that the Town of Ayer is the de facto mutual aid provider for surrounding communities and the taxpayers of Ayer are subsidizing emergency response services in other towns. D. Curran stated that he would like to see the Town's public safety budget broken out for Town Meeting and that the Town hire a third party to evaluate staffing and mutual aid. He asked how other Town's with similar size populations can keep their residents safe with less personnel.

S. Houde stated that the ambulance is really the crux of the question. He stated if a third of our calls are going out to other communities and were footing the bill for ALS, what is the outlying cost to the Ayer taxpayer? He said if we put

together the data and go the State and demonstrate that we are providing regional ALS service, perhaps the State could provide regional funding.

Chief Johnston stated that the Town supported providing an ALS service in 2004 and there is a lack of paramedics available statewide. Chief Johnston stated that Ayer has always been the leader in the Ayer in terms of staffing.

D. Curran stated that a comparative analysis ought to be done and Ayer shouldn't be providing 300+ runs to Groton every year. J. Livingston stated that there is a moral obligation to respond.

R. Pontbriand stated that even similar size towns aren't comparing apples to apples; for instance, the Town of Groton does not have a freight rail, commuter rail, industrial park, hospital and doesn't have the density that Ayer has. It's more than just looking at population size.

There was additional discussion.

J. Livingston leaves room at 7:57 PM.

Dan Van Schalkwyk, Director, Dept. of Public Works - Discontinuance of the Bottled Water Rebate: D. Van Schalkwyk was in attendance. He stated that on July 14, 2021, the Select Board voted to offer bottled water rebates to customers of the sensitive subgroups of PFAS6. Ayer's water is now completely treated for PFAS6 and concentrations are non-detectable. He is recommending that the Board vote to discontinue the bottled water rebate program retroactive to the date of full operation of the Spectacle Pond PFAS Water Treatment of July 25, 2022.

Motion: A motion was made by S. Houde and seconded by S. Copeland to discontinue the bottled water rebate retroactive to July 25, 2022. **Motion passed 2-0.**

Lead Service Line Application for SRF Funding - Under the Lead and Copper Rule Revisions finalized in 2021, the EPA is requiring all public water supply systems to develop and submit a lead service line (LSL) inventory to MassDEP by October 16, 2024. The Massachusetts Clean Water Trust (CWT) is providing financial assistance for the LSL inventories via the Drinking Water State Revolving Fund (SRF). A special LSL Planning Program has been created by the CWT with 100% loan forgiveness and is available on a first come first serve basis. We recommend the Board authorize the Town Manager to file the application for SRF funding. He is also asking the SB to use UDAG funds to demonstrate a local match for the project, which will then be reimbursed by the SRF through a loan forgiveness program.

J. Livingston reentered at 8:00 PM.

Motion: A motion was made by S. Houde and seconded by S. Copeland to authorize the Town Manager to file the application for SRF funding. **Motion passed 3-0.**

Motion: A motion was made by S. Houde and seconded by S. Copeland to authorize the use of UDAG funds up to \$130,000 for the SRF funding to be replenished when the funding is received back from the State. **Motion passed 3-0.**

Agreement for Pirone Park Playground Phase 1 Demolition – D. Van Schalkwyk stated that at the September 7, 2022 SB meeting, the Board awarded the Contract for the Phase 1 playground project at Pirone Park, titled "Demolition of Playground and Soil Remediation Pirone Park Playground" in the amount of \$173,000 to Brighter Horizons Environmental (Ayer, MA). The Contractor has provided the required bonds, insurance, and signed agreements.

Motion: A motion was made by S. Copeland and seconded by S. Houde to execute the contract between the Town of Ayer and Brighter Horizons Environmental, Inc. in the amount of \$173,000 for the Demolition of Playground and Soil Remediation at Pirone Park with signature by the Chair. **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.

Fall Special Town Meeting Update – R. Pontbriand stated that the deadline for warrant articles and citizen's petitions is Friday September 30, 2022. They are currently 4 warrant articles: 2 CPC articles and 2 street acceptance articles.

FY 2024 Budget and Proposed Budget Calendar – R. Pontbriand presented the proposed FY '24 budget calendar and would like the SB to approve at their next meeting. J. Livingston noted that the Rate Review Committee, the Bi-Board and the Capital Planning Committee meeting dates still need to be populated on the calendar.

Approval of CPC Letter of Recommendation – Howitzer – R. Pontbriand presented a DRAFT of a letter of support from the SB to the CPC committee. The Town has applied to the Community Preservation Committee seeking up to \$31,000 in CPC funding for the historic preservation of the 1943 Howitzer located at Town Hall.

Motion: A motion was made by S. Houde and seconded by S. Copeland to approve the letter of support for the Howitzer CPC project. **Motion passed 3-0.**

New Business/Select Board Member Questions: None

Approval of Meeting Minutes: C. Antonellis stated that while the agenda states approval of minutes from August 16, 2022, the Board will be considering the meeting minutes from September 7, 2022, which were in the packet.

Motion: A motion was made by S. Copeland and seconded by S. Houde to approve the meeting minutes from September 7, 2022, as amended (the minutes in the packet stated September 7, 2002). **Motion passed 3-0.**

Adjournment: A motion was made by S. Copeland and seconded by S. Houde to adjourn at 8:17 PM. **Motion passed 3-0.**

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

Date Minutes Approved by SB: 11/11/2022

Signature Indicating Approval: 