



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

Broadcast and Recorded by APAC

March 7, 2023
Open Session Meeting Minutes

SB Present: Jannice L. Livingston, Chair; Shaun C. Copeland, Vice-Chair (Via Zoom);
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. J. Livingston stated that this meeting/hearing of the Ayer Select Board will be held in-person at the location provided on this notice. Members of the public are welcome to attend this in-person meeting. Please note that while an option for remote attendance and/or participation via Zoom is being provided as a courtesy to the public, the meeting/hearing will not be suspended or terminated if technological problems interrupt the virtual broadcast, unless otherwise required by law. Members of the public with particular interest in a specific item on this agenda should make plans for in-person vs. virtual attendance accordingly. This meeting will be live on Zoom and Channel 8. The public may access the proceedings by joining Zoom (Meeting ID# 897 9080 0793) or by calling (929-205-6099).

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. Houde and seconded by S. Copeland to approve the meeting agenda.

Roll Call Vote: S. Copeland, aye; S. Houde, aye; J. Livingston, aye. **Motion passed By Roll Call Vote 3-0.**

Announcements: J. Livingston announced that the next Select Board meeting will be held on Monday March 27, 2023 at 6:00 PM. This meeting will be held on Zoom only. During this meeting there will be a Public Hearing for setting the FY '24 Water & Sewer Rates.

J. Livingston also announced that tomorrow evening at 6:00 PM, the Select Board, Town Manager, Finance Committee and all department heads will hold the 2nd Public Budget Forum, both at the Town Hall and via Zoom. All information can be found on the Town's website or social media pages.

J. Livingston said the upcoming Ayer Devens Symposium is being held on March 10, 2023 and March 11, 2023.

Public Input: Janine Nichipor, 95 Haymeadow Lane read the following statement: "Four years ago I was asked to join the COA Director and COA Board to start working on a new Senior Center. We started to work creatively and collaboratively, brainstorming ideas on what we need to serve the Town's growing elderly population. Together we made rough sketches and Wish lists. All of the original COA people are no longer on the project. Some moved away. One is dead. I do not speak for them, but in honor of them and the dream we had of a new Senior Center. I am here as a senior who has donated much of my time to make a new Senior Center happen. I have driven around looking at land, pored over aerial views online, contacted real estate agents, researched town documents and policies, met with MassDevelopment and attended many other meetings. I've also talked with seniors at the Center, at the grocery store,

or while out walking. I personally visited 7 Senior Centers and had extended interviews with two Directors who generously gave their time and expertise. One director I visited with was in the middle of the process of building a new center for their town and she explained her approach. She thought it was important to keep the public informed and involved in the whole process. After the announcement on Feb. 24 at the Senior Center regarding the latest plan for building on Pirone Park, I do not think the public has been kept informed. A lot of decisions have been made in closed door sessions. I met a neighbor to the project who had no idea of plans to build on Pirone Park. Most importantly, it appears our original project to build a new Senior Center has been hijacked. Ayer town officials keep trying to combine our project with other projects. I think this is disrespectful to the seniors who have been waiting for a new center, which could have been done by now if it hadn't been for the Town pushing to build first, on a contaminated site. (I reference the Fall Town Meeting 2020 which can be viewed on the Town's website. Note that this meeting was during the height of Covid, when many seniors were not able to go to an in-person meeting due to the risk to our age group.) Now, the Town is pushing for another potentially controversial project which would take about 1/3 of the field space away from Pirone Park. This would again be a combined project instead of just a Senior Center. If one looks at our own online resources, such as the Town Assessors maps, you can see the Town of Ayer owns many more acres besides Pirone Park. MassDevelopment has identified land on Devens, which the Town has not pursued. There may still be land available from the Feasibility Report. My two main points are: 1-That I would like to get back to the business of building a Senior Center and not solving other random problems that the officials want to piggyback onto our project. 2-I ask that we give the people of the Town of Ayer a chance to be involved in the process and have a say in choosing whether to change Pirone Park forever, or build our Senior Center on other available land. As part of this let's explore "any and all" good pieces of land, including other Ayer Town Land or land in Devens. I expect that the Building Committee, now the Site Selection Committee and I will soon be parting ways, and I will look for other ways to serve Ayer's seniors. Thank you for listening."

Daniel Van Schalkwyk, Director, Dept. of Public Works – Execution of Contract for the Third Street Water and Drain Improvements:

D. Van Schalkwyk was joined by Town Engineer Matt Hernon. D. Van Schalkwyk reported that the Town opened 8 bids for the project on February 16th. Bids ranged from \$422,700.00 to \$512,627.30. The engineer's estimate was \$457,900.00. The low bidder is CHB Excavating of Westford, MA. He is recommending executing the contract with CHB Excavating in the amount of \$422,700.00.

Motion: A motion was made by S. Houde and seconded by S. Copeland to execute the contract with CHB Excavating for the Third Street Water and Drain Improvements project in the amount of \$422,700.00 for signature by the Board. **Roll Call Vote:** S. Copeland, aye; S. Houde, aye; J. Livingston, aye. **Motion passed By Roll Call Vote 3-0.**

Consideration and Votes on Form of Ballot Questions for the Annual Town Election on May 9, 2023 - Replacement of West Main Street Bridge Debt Exclusion; Fire Ladder Truck Debt Exclusions and Submission of Questions to Town Clerk for Inclusion on Annual Town Election

Ballot: R. Pontbriand stated that the Capital Planning Committee has recommended two debt exclusions for the replacement of the West Main Street Bridge and the purchase and equipping of a new Fire Ladder Truck subject to approval by the Annual Town Meeting on April 24, 2023 and subject to passage by ballot at the Annual Town Election on May 9, 2023. Pursuant to the provisions of G.L. c. 59, sec. 21C, the Select Board is required to vote by a two-thirds majority to place debt exclusion ballot questions before the voters at the annual or a special election. The Select Board is required to provide notice to the Town Clerk of such a determination no less than thirty-five (35) days prior to the election. The Select Board is respectfully requested to review and approve the following debt exclusion questions consistent with the statute for inclusion on the ballot for the Annual Town Election to be held on Tuesday, May 9, 2023 as follows:

Shall the Town of Ayer be allowed to exempt from the provisions of proposition two and one-half, so called, the amounts required to pay for the bond issued in order to fund the replacement of the West Main Street Bridge and any costs incidental and related thereto?
Yes ___ No ___

Shall the Town of Ayer be allowed to exempt from the provisions of proposition two and one-half, so called, the amounts required to pay for the bond issued in order to purchase and equip a Fire Ladder Truck and any costs incidental and related thereto?
Yes ___ No ___

And to further authorize the Town Manager to notify the Town Clerk of this vote and request in writing. R. Pontbriand emphasized that both measures have to pass both the Town Meeting and the at the ballot on May 9, 2023.

Dennis Curran, Pleasant St., asked if the Board was recommending the passage of the warrant article or just the wording of the question. J. Livingston stated the wording/form of the question. D. Curran had several questions about the Select Board sponsoring versus recommending warrant articles. J. Livingston stated regardless of how the Board members personally feel, they are advancing articles to be placed on the Town Meeting Warrant for the public to decide. Town Clerk Susan Copeland agreed that the Select Board tonight was approving the form of the questions to appear on the ballot. R. Pontbriand emphasized that the wording of the ballot questions is strictly set by State law.

Pauline Conley, 40 Cambridge Street asked if the amounts involved can be on the ballot question. R. Pontbriand had already answered no. She then asked about the warrant. R. Pontbriand stated that the amounts for both items will be placed on the Annual Town Warrant.

Sara Withee, 11 Groton Shirley Road asked if there would be presentations made on debt exclusions items. S. Houde stated that yes there will be a presentation at Town Meeting and at tomorrow night's budget forum.

Motion: A motion was made by S. Houde and seconded by S. Copeland to approve the wording of the debt exclusion question for the Main Street Bridge as presented. **Roll Call Vote:** S. Copeland, aye; S. Houde, aye; J. Livingston, aye. **Motion passed By Roll Call Vote 3-0.**

Motion: A motion was made by S. Houde and seconded by S. Copeland to approve the wording of the debt exclusion question for the Fire Ladder Truck as presented. **Roll Call Vote:** S. Copeland, aye; S. Houde, aye; J. Livingston, aye. **Motion passed By Roll Call Vote 3-0.**

Motion: A motion was made by J. Livingston and seconded by S. Houde to authorize the Town Manager to notify the Town Clerk in writing regarding this evening's vote. **Roll Call Vote:** S. Copeland, aye; S. Houde, aye; J. Livingston, aye. **Motion passed By Roll Call Vote 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.

R. Pontbriand stated that he was looking into a municipal aggregation program for the benefit of Town residents and businesses. More information will be available and a Town Meeting vote will be taken to start the process.

R. Pontbriand stated that the Senior Center Site Selection Committee will come to the March 27, 2023 SB meeting with a recommendation. He wanted to clarify a few points that were made under public input earlier in the evening. The initial West Main Street site was not just chosen from the sky; it was the recommendation after working with a professional consultant in identifying available land. The issue in Ayer, being 9.5 square miles, the Town does not own any viable 1.5-2 acre sites for redevelopment. The proposal was tabled by the 2020 Fall Town Meeting. R. Pontbriand then put together a working group to identify other potential sites. There are eleven members of the working group: the Senior Center Director, Town Manager, Assistant Town Manager, DPW Director, Dennis Curran, Chair of the COA Board, Janine Nichipor from the COA Board, Ken Diskin from the Planning Board, the Parks Director, and the Economic Development Director and Alicia Hersey from the Economic Development Office. An RFP was issued soliciting sites for potential redevelopment. R. Pontbriand then said that paying for a senior center on Devens with Ayer taxpayer money will not fly. S. Houde stated he would like it in the borders of Ayer. R. Pontbriand stated that the committee is coming to the next Select Board meeting with two years' worth of work.

J. Livingston asked if Super Town Meeting was needed to build on MassDevelopment land. R. Pontbriand answered no. J. Livingston stated that whatever happens, the Town has a say, correct? R. Pontbriand said of course. R. Pontbriand stated that if the Board accepts the suggestion of the Site Review Committee, the next step would be to form a formal building committee. R. Pontbriand stated that there will not be anything to do with this project on the upcoming Annual Town Meeting Warrant.

J. Nichipor then stated if you go to the Assessor's website and query land owned by the Town of Ayer, there are several parcels on MacPherson Road. She also met with MassDevelopment officials who stated that they would be willing to work with Town officials to work through the process. R. Pontbriand stated he has met with MassDevelopment numerous times on this issue; there are a substantial number of obstacles.

FY '24 Budget Update – R. Pontbriand stated that the 2nd Budget Forum will be held tomorrow night at 6:00 PM; DRAFT #3 will be presented. He also noted that there will be a public hearing on the FY '24 Water and Sewer Rates at the March 27, 2023 Select Board Meeting.

2023 Annual Town Meeting Warrant Update – R. Pontbriand handed out the DRAFT warrant as it currently stands. The deadline for articles and citizen's petitions is Friday March 31, 2023. R. Pontbriand went over the current warrant articles.

Discussion on Proposed Recommendations for the Use of FY '22 Free Cash – R. Pontbriand presented several slides on potential uses of the FY '22 certified free cash. He presented the current balances in the Stabilization, Capital Stabilization accounts. Recommended uses for Free Cash are as follows:

UDAG Replenishment – Park St. Study	\$14,185
Library HVAC – Replenishment of Library Special Fund	\$35,000
GASB 45 – OPEB	\$145,636
Forward Funding of Pension Proposal	\$300,000
Compensated Absences Special Revenue Fund	\$10,000
Capital Stabilization	\$750,000
Stabilization	\$359,073
Bond Anticipation Note Payment	\$322,565

	Total	\$1,936,459
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Pauline Conley, Cambridge Street asked if Free Cash will be discussed tomorrow at the Budget forum. R. Pontbriand said yes.

Request for One Day Beer/Wine License – St. Mary’s Church – March 18, 2023 – St. Mary’s Church is requesting a Beer/Wine License for Saturday March 18, 2023 from 4:00 PM – 8:00 PM for their St. Patrick’s Day dinner.

Motion: A motion was made by S. Houde and seconded by S. Copeland to approve a One Day Beer Wine License for St. Mary’s Parish from 4:00 PM – 8:00 PM on Saturday March 18, 2023. **Roll Call Vote:** S. Copeland, aye; S. Houde, aye; J. Livingston, aye. **Motion passed By Roll Call Vote 3-0.**

New Business/Select Board Member Questions: J. Livingston would like to discuss uses of ARPA funds at the March 27, 2023 SB meeting.

Approval of Meeting Minutes: A motion was made by S. Copeland and seconded by S. Houde to approve the meeting minutes from February 21, 2023. **Roll Call Vote:** S. Copeland, aye; S. Houde, aye; J. Livingston, aye. **Motion passed By Roll Call Vote 3-0.**

Executive Session Pursuant to MGL Chapter 30A, Section 21A, Exemption #2 (Non-Union Personnel) Town Clerk Personal Services Contract: At 7:11 PM a motion was made by J. Livingston and seconded by S. Copeland to enter into Executive Session pursuant to MGL Chapter 30A, Section 21A, Exemption #2 (Non-Union Personnel) to discuss the Town Clerk’s Personal Services Contract and to adjourn at the conclusion of the Executive Session. She further noted that discussing these matters in Open Session would be detrimental to the Town’s negotiating strategy. **By Roll Call Vote:** J. Livingston, aye; S. Houde, 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 SB: March 27 2023

Signature Indicating Approval: 