



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

*Broadcast and Recorded by APAC*

**March 27, 2023**

**Remote Participation Only - Open Session Meeting Minutes**

**SB Present:** Jannice L. Livingston, Chair; Shaun C. Copeland, Vice-Chair (*Entered at 6:34 PM*); Scott A. Houde, Clerk (*All via Remote Participation*)

**Also Present:** Robert A. Pontbriand, Town Manager  
Carly M. Antonellis, Assistant Town Manager  
(*Both via Remote Participation*)

**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 on Zoom only. This meeting will be live on Zoom. 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:** R. Pontbriand asked to table the ratification of the cable license with Comcast until the next meeting.

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

**Public Input:** Michael Hamel and Ellen Fitzpatrick asked to be recognized during the discussion on the Senior Center Site Selection Committee.

**Public Hearing – Fiscal Year 2024 Water & Sewer Rates Recommendation:** S. Houde opened the public hearing at 6:05 PM by reading the public hearing notice. DPW Director Dan Van Schalkwyk and Water and Sewer Kimberly Abraham gave a presentation on setting the FY 24 Water and Sewer Rates. They presented the Water and Wastewater Capital Plans, as well as information on departmental costs. The Rate Review Committee contracted with Raftelis to update the rate review model. Dave Fox from Raftelis Consulting joined the meeting presenting an overview of the rate-setting model. The following are the proposed rates, recommended by the Rate Review Committee:

Quarterly minimum proposed: Water from \$10.00 to \$10.20 and Sewer from \$10 to \$10.50

Water Step 1 from \$3.01 to \$3.07

Sewer Step 1 from \$8.78 to \$9.22

Water Step 2 from \$3.72 to \$3.79

Sewer Step 2 from \$10.06 to \$10.56

Water Step 3 from \$4.42 to \$4.51

Sewer Step 3 from \$11.44 to \$12.01

Conservation Rate from \$4.42 to \$4.51

The impact on the average Ayer resident would be about \$20 per year. D. Van Schalkwyk stated that the committee also reviewed the connection fees for Water and Sewer. They are recommending increasing the Water connection fees by \$300 and Sewer connection fees to \$6,000.

Dennis Curran, 51 Pleasant Street asked about the new regulations for PFAS and whether the Town's infrastructure will be able to handle the new PFAS limits. D. Van Schalkwyk stated that yes the Town already exceeds the standard of 4 parts per trillion.

**Motion:** A motion was made by S. Houde and seconded by J. Livingston that the SB Select Board vote to increase water & sewer rates and connection fees as proposed by the Rate Committee effective July 1, 2023 by increasing the Water Rates by 2% effective July 1, 2023; increasing the Sewer Rates by 5% effective July 1, 2023; Revising the Connection fees to the following effective July 1, 2023: \$4,800 per ERU for Water Services 1", 1.5", 2"; 6,000 per ERU for a Sewer Service. **By Roll Call Vote:** S. Houde, aye; J. Livingston, aye. **Motion passed By Roll Call Vote 2-0.**

*S. Copeland entered at 6:33 PM.*

**Motion:** A motion was made by S. Houde and seconded by S. Copeland to close the public hearing at 6:34 PM. **Roll Call Vote:** S. Houde, aye; S. Copeland, aye; J. Livingston, aye. **Motion passed By Roll Call Vote 3-0.**

**Dr. Adam Renda, Superintendent, Ayer Shirley Regional School District - 2023 Statement of Interest (SOI) Process for new elementary school:** Superintendent Dr. Adam Renda was joined by Assistant Superintendent Charlie Caliri and Finance Director Bill Plunkett. He stated that the last major renovation for Page Hilltop was in 1980. The School District is looking to see if the Select Board is interested in submitting a Statement of Interest (SOI) to the Massachusetts School Building Authority and if the Town can financially support a new school in the future. The Statement of Interest is the first step in the MSBA process for construction of a new school in accordance with Massachusetts General Law Chapter 70B. He stated that a District can submit more than one SOI, but the SOI should only be filed for a facility where the district has the financial ability to proceed with a construction project at the time of submission. He noted that Harvard and Groton have recently finished elementary schools and North Middlesex has completed their high school. The projects ranged from \$53,000,000 to \$89,000,000 with a reimbursement rate ranging between 50-60%.

S. Houde stated he was excited about this, as the Select Board has been talking about a new elementary school for several years. He noted that the Town has been putting aside money in Capital Stabilization to help offset the cost of the project. J. Livingston stated that it was time to get this process started.

Pauline Conley, Cambridge Street asked if it was an Ayer only elementary school or a regional elementary school. J. Livingston stated it was Ayer only.

Michelle Granger, Ayer Shirley Regional School Committee member asked to clarify that the Board felt comfortable in supporting both a new elementary school and new senior center. S. Houde stated that there is a longer runway in opening a new school, which gives the Town ample time to plan and set money aside.

S. Houde asked what the Board could do to assist? Dr. Renda stated that the Board could take a non-binding vote of support. If invited to the eligibility process, there will be binding votes needed.

**Motion:** A motion was made by S. Houde and seconded by S. Copeland that the Ayer Select Board support a Statement of Interest for a new elementary school in the Town of Ayer. **Roll Call Vote:** S. Houde, aye; S. Copeland, aye; J. Livingston, aye. **Motion passed By Roll Call Vote 3-0.**

**Mark Archambault, Town Planner - District Local Technical Assistance Program Grant Letter of Support:** M. Archambault is looking for a letter of support from the Ayer Select Board for a DLTA grant from MRPC for an infrastructure capacity study.

**Motion:** A motion was made by S. Copeland and seconded by S. Houde to write a letter of support for the DLTA grant application. **Roll Call Vote:** S. Houde, aye; S. Copeland, aye; J. Livingston, aye. **Motion passed By Roll Call Vote 3-0.**

**Site Recommendation for Center for Active Living:** R. Pontbriand stated that Dr. Katie Petrossi, COA Director and Jeff Thomas, Director of Parks and Recreation will be joining him. R. Pontbriand gave a brief history of the project noting in 2018 it was determined that a new Senior Center was needed and Town Meeting approved funding for a feasibility study. The result of the feasibility study was to use a portion of land off of West Main Street, which had environmental issues, but could be remediated. Town Meeting tabled that proposal due to concerns of the environmental history. He then convened a working group to identify a viable site for a new Senior Center. The working group looked at all the original sites listed in the initial feasibility report and then other additional sites. The working group issued an RFP seeking 1.5 – 2 acres for a new center to be built on. One response was received and that was from Devens but was considered to be non-viable. He stated that an opportunity presented itself in which the COA and the Parks Department would partner on a building to be built at Pirone Park. He listed the benefits of this option, as detailed in the Senior Center Site Selection Working Group Recommendation and Study Report. R. Pontbriand is asking the Board to vote on whether to support moving forward with the Pirone Park and to establish a formal Building Committee for the project.

Dr. Petrossi stated that the existing Senior Center does not meet the needs of Ayer seniors. There is a lack of space and parking. There is no commercial kitchen. The restroom facilities are not ADA compliant. She believes that a partnership with Parks and Recreation is a wonderful solution to all of the inadequacies of the current space. The schedules of a Senior Center and Parks and Recreation are complimentary.

J. Thomas was accompanied by Parks and Recreation Commission members Jason Mayo and Kevin Malantic. J. Thomas stated that the Parks Commission stated that a community center/parks building has been in discussion since 1998. Parks and Recreation programs would greatly benefit from an indoor gym. He is confident that this building would be used every day. There are minimal games played at Field 6 of Pirone Park and the Parks Commission is confident they could seek other locations to make up for it. J. Thomas said that the Commission wants to make sure that the neighbors' concerns are addressed during the building process.

S. Houde inquired about the newly built Parks and Recreation garage and office space located on Bligh Street. J. Thomas stated that there would no be interference with that facility. The current older building that the Parks Department uses as storage would likely be removed necessitating the need for additional storage in the new building.

J. Livingston stated that fundraising should be part of this process.

Michael Hamel, 17 School Street stated he is not in favor of this whatsoever. He stated that the Town is land poor, but there is 57 acres of land where the high school is. He stated that the land at Pirone Park is for open space. He is recommending that the item be tabled.

Ellen Fitzpatrick, Autumn Ridge Drive stated that she used the Senior Center a great deal prior to Covid. She loves the idea of situating the Senior Center at Pirone Park. She likes the idea of intergenerational contact.

Laurie Nehring, 35 Highland Avenue stated that she is in favor of the concept of combining youth and seniors and that the facility is needed. She questioned the location and feels that there needs to be a Town-wide vote. She stated that she is concerned about the views at Pirone Park, and she is concerned that just a handful of people are making the decision. L. Nehring asked if Town funds would be used for this prior to a vote. R. Pontbriand stated that there is no existing funding, and the funding requests would be in the purview of the Building Committee.

There was additional discussion.

Ken Diskin, 181 Washington Street said he was asked to join the Site Selection Committee several years ago. He was surprised at the number of inherent land issues across Ayer. The Committee looked at over 20 sites and the Town continually found obstacles. The Site Selection working group made a very cooperative effort in the end to meet all the criteria of the committee.

Bob Gardner, Sandy Pond Road said he is 74 years of age and participates at the Senior Center daily. He is suggesting that the Select Board adopt a proposal to begin due diligence at Pirone Park.

Pauline Conley stated that she leans to Mike Hamel's opinion on the matter and asked whether the Site Selection Committee look at the deed. She asked if the project location could be moved to the other side of the park. She then asked where the meeting minutes could be located. R. Pontbriand stated that it was a working group, not a committee. There was no quorum of any public board and therefore not subject to the Open Meeting Law. The Building Committee would be subject to the Open Meeting Law.

There was additional discussion.

J. Livingston also wondered about the other side of the park. J. Mayo stated that would destroy all the 22223430 other programming that the Park Department offers.

Laurie Nehring stated that the Town could put pressure on MassDevelopment and the Army to get land back at Devens.

Dennis Curran, Pleasant Street stated the working group started with the idea of building a standalone senior center, as that was the original charge of the site selection group. He stated that the Parks Commission has wanted an indoor space for more than 22 years. The joint community center would allow Parks and the COA to offer much more programming.

There was additional discussion. R. Pontbriand showed a slide with sites that have been looked at by the working group.

Marge Withee, Groton Shirley Rd. stated that seniors she has talked to are in favor of the Pirone Park location.

Beth Suedmeyer, Nashua Street is requesting that much more of a public process is done before a decision is made. She stated that Pirone Park is the most valuable recreation land. She would like a Master Plan of the Park to be done to assess the building location and future needs.

S. Houde stated that we are early in the process, and he is in favor of moving this forward. He stated, in response to L. Nehring saying people would get used to driving to Devens, if the center was placed there,

that he had to pick his children up in Shirley at the Middle School and he never got used to it. He can't imagine telling seniors to drive another 10-15 minutes extra to socialize.

S. Copeland stated he was also in favor of moving this proposal forward.

There was additional discussion.

**Motion:** A motion was made by S. Houde and seconded by S. Copeland that the SB approve the creation of a building committee to review the Center for Active living, as proposed. **Roll Call Vote:** S. Houde, aye; S. Copeland, aye; J. Livingston, aye. **Motion passed By Roll Call Vote 3-0.**

**Dan Van Schalkwyk, Director, Department of Public Works - Execution of Easement Agreement with National Grid for Jonathan Drive Cross-Country Water Main:** D. Van Schalkwyk presented a Grant of Easement and Agreement to allow the Town to install and maintain a cross-country water main across National Grid property. The easement is part of the Jonathan Drive Cross-Country Water Main Project, an important infrastructure project which will create a water main loop between Pleasant Street and Jonathan Drive. Town Counsel reviewed and assisted in the development of the Agreement with National Grid. He is recommending that the Board execute the Easement Agreement with New England Power Company.

**Motion:** A motion was made by S. Copeland and seconded by S. Houde to approve the execution of easement and agreement with National Grid for the Jonathan Drive Cross-Country Water Main, as presented. **Roll Call Vote:** S. Houde, aye; S. Copeland, aye; J. Livingston, aye. **Motion passed By Roll Call Vote 3-0.**

**Ratification of Cable License with Comcast:** This item was tabled until the next Select Board meeting being held on April 4, 2023.

**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 noted that construction for the base of the Howitzer project is underway.

*Appointments – Marilyn Schmalenberger, Alternate, Zoning Board of Appeals* – R. Pontbriand is recommending that the SB appoint Ms. Marilyn Schmalenberger to the ZBA as an alternate with a term to expire on June 30, 2024.

**Motion:** A motion was made by S. Copeland and seconded by S. Houde to appoint Marilyn Schmalenberger as an Alternate on the Zoning Board of Appeals, term to expire June 30, 2024. **Roll Call Vote:** S. Houde, aye; S. Copeland, aye; J. Livingston, aye. **Motion passed By Roll Call Vote 3-0.**

*FY '24 Budget Update* – R. Pontbriand stated that that Board has the Final DRAFT of the budget in their packet. The overall increase over last year's budget was less than a million dollars or 5% over last year. He stated that the SB will be meeting in a joint session with the Finance Committee on April 4, 2023 to review and approve the warrant and budget.

*DRAFT Annual Town Meeting Warrant Review* – R. Pontbriand stated that there is a 3 article Special Town Meeting immediately prior to the Annual Town Meeting. He reviewed both warrants with the SB.

*Adoption of Ch. 269 of the Acts of 2022 (One-time COLA for Town Retirees)* – R. Pontbriand stated that the Middlesex County Retirement Board has adopted Chapter 269 of the Acts of 2022 which would permit a one-time cost of living adjustment (COLA) of five percent (5%) on the first \$16,000 of the COLA base for retirees that are members of the Middlesex County Retirement System. The Finance Manager has calculated that the estimated cost impact on the Town of Ayer would be estimated at \$275,520 to be paid as part of the Town's Retirement Assessment starting in FY 2026 through FY 2036 (to be paid over a ten-year period). He is recommending that the Select Board consider voting to adopt Chapter 269.

**Motion:** A motion was made by S. Copeland and seconded by S. Houde to adopt Chapter 269 of the Acts of 2022. **Roll Call Vote:** S. Houde, aye; S. Copeland, aye; J. Livingston, aye. **Motion passed By Roll Call Vote 3-0.**

*Discussion/Recommendation on Use of ARPA Funds – West Main St. Bridge* – R. Pontbriand stated that as the Board continues to discuss recommended uses for the Town's remaining ARPA Funds, in consultation with the DPW Director, they are recommending that the Board consider voting to authorize \$500,000 in ARPA Funds for the purposes of the West Main Street Bridge Replacement Project. There is approximately \$1.5 million in ARPA funds, which may be spent at the discretion of the Select Board. He referenced the memo in the Select Board packet.

S. Copeland thought this was a good idea and is supportive of spending the ARPA funds. S. Houde asked what the savings to the taxpayer would be if we used the \$500,000 in ARPA funds. S. Houde thought it might be wiser to save the ARPA funding to help offset another capital project in the future. Finance Manager B. Tierney stated that the estimated savings would be .02 cents off the tax rate of the borrowing need, resulting in a \$10 dollar decrease in annual savings per household per year for 20 years. The Board will make their decision on this at the next meeting on April 4, 2023.

*Amendment #1 - Cell Tower Agreement with SBA Towers II, LLC.* – R. Pontbriand is recommending that the Board approve Amendment #1 to the Cell Tower Agreement between the Town and SBA Towers, II. Amendment #1 adjusts the start date of the new agreement to commence on October 6, 2023 when the current agreement expires.

**Motion:** A motion was made by S. Houde and seconded by S. Copeland to approve Amendment #1 to the Cell Tower Agreement. **Roll Call Vote:** S. Houde, aye; S. Copeland, aye; J. Livingston, aye. **Motion passed By Roll Call Vote 3-0.**

**New Business/Select Board Member Questions:** *DRAFT Letter Regarding Noise Issues to MassDevelopment (J. Livingston):* J. Livingston referenced a letter in the packet to MassDevelopment about the level of noise of the racing near the Airfield. She was approached by several residents about the constant noise all weekend long during the summer months. S. Houde said he would like some time to review the letter and asked if there was any legal recourse. J. Livingston stated there is something in the Devens legislation about noise levels.

**Approval of Meeting Minutes:** A motion was made by S. Copeland and seconded by S. Houde to approve the meeting minutes from March 7, 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 8:55 PM a motion was made by S. Houde and seconded by S. Copeland to enter into Executive Session pursuant to MGL Chapter 30A, Section 21A, Exemption #3 (Union Negotiations) to ratify the Town Hall Clerical Union Contract and to adjourn at the conclusion of the Executive Session. He 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:** April 18 2023

**Signature Indicating Approval:** Scott A. [Signature]