



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

Broadcast and Recorded by APAC

**May 16, 2023
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. 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.

Motion passed 3-0.

Announcements: J. Livingston announced that on May 20, 2023, the American Legion Post 139 will be posting flags on Veteran's graves in both cemeteries. Also, the Legion will be hosting Memorial Day activities on Saturday May 27, 2023.

Public Input: Dennis Curran, 51 Pleasant Street informed the Select Board that the Council on Aging is in need of volunteers to help deliver Meals on Wheels.

Vote of Approval for Bond Anticipation Note (BAN): Barbara Tierney, Finance Manager – Tax Collector/Treasurer was in attendance seeking approval of a Bond Anticipation Note. She stated that on May 10, 2023, the Town received competitive bids for a \$6,095,803 six-month BAN. This coming fall the Town will go to Bond, which will include the West Main Street Bridge project.

Motion: A motion was made by S. Copeland and seconded by S. Houde that the Select Board vote to approve the sale of \$6,095,803 4.50 percent General Obligation Bond Anticipation Note dated May 25, 2023 and payable to Jefferies, LLC. at par and accrued interest, if any, plus premium of \$23,407.89. The following vote will be signed by the Clerk and incorporated into the meeting minutes, as presented in this meeting: to approve the sale of \$6,095,803 4.50 percent General Obligation Bond Anticipation Notes (the "Notes") of the Town dated May 25, 2023, and payable October 12, 2023, to Jefferies LLC at par and accrued interest, if any, plus a premium of \$23,407.89. Further Voted: that in

connection with the marketing and sale of the Notes, the preparation and distribution of a Notice of Sale and Preliminary Official Statement dated May 3, 2023, and a final Official Statement dated May 10, 2023, each in such form as may be approved by the Town Treasurer, be and hereby are ratified, confirmed, approved and adopted. Further Voted: that the Town Treasurer and the Select Board be, and hereby are, authorized to execute and deliver a significant events disclosure undertaking in compliance with SEC Rule 15c2-12 in such form as may be approved by bond counsel to the Town, which undertaking shall be incorporated by reference in the Notes for the benefit of the holders of the Notes from time to time. Further Voted: that we authorize and direct the Town Treasurer to establish post issuance federal tax compliance procedures and continuing disclosure procedures in such forms as the Town Treasurer and bond counsel deem sufficient, or if such procedures are currently in place, to review and update said procedures, in order to monitor and maintain the tax-exempt status of the Notes and to comply with relevant securities laws. Further Voted: that any certificates or documents relating to the Notes (collectively, the "Documents"), may be executed in several counterparts, each of which shall be regarded as an original and all of which shall constitute one and the same document; delivery of an executed counterpart of a signature page to a Document by electronic mail in a ".pdf" file or by other electronic transmission shall be as effective as delivery of a manually executed counterpart signature page to such Document; and electronic signatures on any of the Documents shall be deemed original signatures for the purposes of the Documents and all matters relating thereto, having the same legal effect as original signatures. Further Voted: that each member of the Select Board, the Town Clerk and the Town Treasurer be and hereby are, authorized to take any and all such actions, and execute and deliver such certificates, receipts or other documents as may be determined by them, or any of them, to be necessary or convenient to carry into effect the provisions of the foregoing votes. **Motion passed 3-0.**

Dan Van Schalkwyk, Director, Department of Public Works: D. Van Schalkwyk presented an award that the Water Division received at the State House last week for Outstanding Excellence in Public Water Supply for the Town's PFAS remediation efforts.

Easy Street Easement Agreement- D. Van Schalkwyk presented an easement agreement for the Town to acquire stormwater easements for the maintenance of the two stormwater basins in the Easy Street subdivision. Steven Mariotti from the Easy Street Homeowner's Association was in attendance and was very supportive of this request.

Motion: A motion was made by S. Houde and seconded by J. Livingston to approve the easement agreement as presented. **Motion passed 3-0.**

Grove Pond WTP Production Evaluation Presentation – D. Van Schalkwyk was joined by Water and Sewer Superintendent Kimberly Abraham and Town Engineer Matt Hernon. They stated that since PFAS treatment began, the Water Division has experienced a decrease in production capacity, particularly at the Grove Pond Treatment Facility. An Engineering Firm, Woodward and Curran, was hired to evaluate the issue; tonight, they are summarizing the current conditions and the recommended solution. K. Abraham gave a brief overview of the history of the water system, noting it was authorized in 1887 and services 3,340 accounts. She noted that water consumption has increased, especially in the summer months, but due to PFAS treatment the capacity has decreased. There is significant pressure loss in the PFAS treatment system, which is causing decreased production. They are recommending the installation of a Clearwell and Finished Water Pumps. The Clearwell is a storage tank that is at the end of the treatment process. This will create a hydraulic break between the facility and the distribution system. They are estimating the total project cost to be \$2.7 Million. This summer, during high demand, they'll be monitoring the need to recommend conservation measures.

S. Houde asked if the engineering study took into account future needs, especially with West Main Street

and Fitchburg Road projects being permitted. K. Abrahams stated that the study looked at getting the Town back to where they were prior to PFAS remediation. Once that point is reached, they'll be able to serve the increased population.

S. Copeland said it would be helpful to do a PSA for all water customers.

Dennis Curran, 51 Pleasant Street asked what the maximum capacity will be and its correlation to upcoming development projects. D. Van Schalkwyk stated that the Town has a 10-year Master Plan which evaluates capacity.

R. Pontbriand asked about the 50% reduction in capacity at Grove Pond and whether it would further deteriorate or if it had plateaued. K. Abrahams believed it had plateaued. R. Pontbriand asked about a potential timeline for the installation of the Clearwell. K. Abrahams anticipates it could be completed by the end of next summer.

D. Van Schalkwyk stated that the Town planned to speak with the Army about the need for further funding related to this project. S. Copeland asked if a Clearwell was needed at Spectacle Pond. M. Hernon stated that not for a very long time. S. Houde asked if there was any thought given to building a new water tank. D. Van Schalkwyk stated that an additional tank was not in the Master Plan, but the Clearwell would give us additional storage capacity.

DPW Project Updates – D. Van Schalkwyk gave an update on the following projects:

West Main Street Bridge – The Debt Exclusion recently passed at the May 9, 2023 election. DPW is in the process of re-permitting the project. It will then be re-bid. In Spring of 2024 construction will begin.

Main Street TIP – The Town is in the process of submitting the design justification workbook as part of the 25% design. There will be a public input session this summer. There will be a public design hearing this coming winter.

Central Ave./Groton Harvard Road Intersection – The Town is wrapping up design for the 4-way stop. There will be a great deal of public notice well in advance of the project commencement. The work will be completed in-house by the DPW.

J. Livingston asked about the handicap parking near the post office. She is concerned about cars parking in the "No Parking Zone" in front of the Post Office.

Sandy Pond Road – The Complete Streets project is underway.

Route 2A/Willow Road Intersection – Mass DOT has begun reconstructing this past year. There will be a detour for the first two weeks of June.

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.

Appointments – COA Board of Directors and Senior Center/Community Center Building Committee - R. Pontbriand, in consultation with the Council on Aging Board, recommended the appointment of Judge Robert Gardner to the COA Board for a three-year term (unexpired) to expire on June 30, 2024.

Motion: A motion was made by S. Copeland and seconded by S. Houde to appoint Judge Robert Gardner to the COA for a term to expire on June 30, 2024. **Motion passed 3-0.**

R. Pontbriand, in consultation with the COA Board, recommended the appointment of Ms. Mary Markham to the COA Board for a three-year term (unexpired) to expire on June 30, 2024.

Motion: A motion was made by S. Copeland and seconded by S. Houde to appoint Ms. Mary Markham to the COA for a term to expire on June 30, 2024. **Motion passed 3-0.**

R. Pontbriand recommended the following individuals for appointment to the Senior Center/Community Center Building Committee in accordance with the terms authorized by the Select Board at the April 4, 2023. He also stated that for the three resident seats on the Committee, the Town did advertise the opportunities publicly and received three applicants for which the Board has their letters of intent in the meeting packet. R. Pontbriand recommended the following individuals for appointment to the Senior Center/Community Center Building Committee as follows: Dennis Curran (COA Representative selected by the COA and an Ayer resident); Dr. Katie Petrossi, COA/Senior Center Director; Kevin Malantic (Parks Commission Representative selected by the Parks Commission and an Ayer resident); Jeff Thomas, Parks Director (Ayer resident); Dan Van Schalkwyk, P.E., DPW Director; Ken Diskin (Planning Board Representative selected by the Planning Board and an Ayer resident); Ellen Fitzpatrick (Ayer resident); Christine Logan (Ayer resident); Marge Withee (COA Member and Ayer resident).

Motion: A motion was made by S. Copeland and seconded by S. Houde to appoint the individuals as presented by the Town Manager to the Senior Center/Community Center Building Committee. **Motion passed (3-0).**

Update on Opioid Settlement Allocation - R. Pontbriand advised that since the last meeting on May 2, 2023 he has formally contacted the State Attorney General's Opioid Settlement Division regarding the apparent disparity between the Town of Ayer and the Town of Harvard's opioid settlement allocations as discussed by the Select Board on May 2, 2023. He is awaiting a response currently. Additionally, he advised that he has contacted State Senator Eldridge and State Representative Sena regarding this issue. He will continue to keep the Select Board update and hopes to have a detail update on the issue for the June 6, 2023, Select Board Meeting.

Review/Approval of Policy – Disposition of Town of Ayer Surplus Tangible Supplies - R. Pontbriand stated that the Town is in need of a formal, written policy regarding the disposition of surplus tangible supplies. This would include equipment and furniture, but not real property as governed by the provisions of MGL Chapter 30B, Section 15. The need for this policy recently presented itself when the Library Board of Trustees wanted to dispose of a shed that was purchased during COVID for the purposes of checking out books and materials. The Library declared the shed surplus and no value to them but multiple inquiries of interested parties were made regarding obtaining the shed. The creation of a policy, in accordance with the provisions of MGL Chapter 30B, Section 15, for the disposition of supplies with an estimated value of less than \$10,000 is in the Town's best interests. The Assistant Town Manager provided an overview of the proposed policy in the Board meeting packet.

Motion: A motion was made by S. Houde and seconded by S. Copeland to approve the Policy for Disposition of Town of Ayer Surplus Tangible Supplies as presented for signature by the Board. **Motion passed 3-0.**

New Business/Select Board Member Questions: *Devens Committee Discussion/Update (Select Board Member S. Houde)* - S. Houde made a brief presentation to the Select Board regarding the Devens Committee and next steps. The Committee will be focused on a review and analysis of potential impacts of potential decisions with respect to the former Fort Devens which include local communities retaking original borders; local communities retaking modified borders; Devens remaining a MassDevelopment Enterprise Zone; Devens becomes its own town. The Committee will look at the financial, social, and environmental impacts of these decisions. Additionally, the impacts on services for Ayer residents and the impacts on Devens residents and businesses will be analyzed. The Committee will take a preliminary approach looking at historic and existing conditions; work with Ayer departments, committees, and boards to look at impacts and the impacts to Ayer's Master Plan. The Committee will also work closely with the Devens Jurisdictional Framework Committee and look at possible cross collaboration with other Towns' Devens Committees.

J. Livingston stated that there is a nice application for interested members in the Committee in the Packet.

Pauline Conley, 40 Cambridge Street (Resident) was recognized by J. Livingston and stated that she would like a copy of S. Houde's presentation and that she would be very interested in working on this Committee.

Approval of Meeting Minutes:

Motion: A motion was made by S. Houde and seconded by S. Copeland to approve the meeting minutes from April 4, 2023 and May 2, 2023. **Motion passed 3-0.**

Reorganization of the Select Board:

Motion: A motion was made by S. Copeland and seconded by S. Houde to have S. Houde serve as Chair; J. Livingston serve as Vice-Chair; and S. Copeland serve as Clerk. **Motion passed 3-0.**

Adjournment:

Motion: A motion was made by S. Houde and seconded by S. Copeland to adjourn at 7:28 PM. **Motion passed 3-0.**

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

Date Minutes Approved by SB: 6/6/2023

Signature Indicating Approval: 