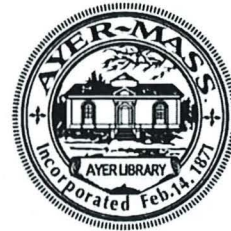


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TOWN OF AYER  
TOWN CLERK

*Scopeland*

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



*Broadcast and Recorded by APAC*

**November 7, 2023**  
**Open Session Meeting Minutes**

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

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

**Call to Order:** S. Houde called the meeting to order at 6:00 PM. S. Houde further stated that this meeting/hearing of the Ayer Select Board (SB) 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 J. Livingston and seconded by S. Copeland to approve the meeting agenda. **Motion passed 3-0.**

**Announcements:** S. Houde announced that the American Legion Post #139 will host a Veterans Day Ceremony at the Town Hall at 11:00 AM on Saturday November 11, 2023 at 11:00 AM and that the winter parking ban will be in effect from November 15 through April 15. This parking ban prohibits parking any motor vehicle on any street or sidewalk in the town of Ayer between the hours of 12:00 AM and 6:00 AM.

**Public Input:** Pauline Conley, 40 Cambridge Street, thanked the DPW Superintendent for reconfiguring the light at Adams and Central Street. She has requested in the past that the Town put up a flashing crosswalk sign at that intersection. She is also suggesting that the pedestrian crossing signs be double sided, as they are now single sided and is asking that a solar light be installed on the telephone pole to better illuminate the area.

**Public Hearing – Change/Alteration of Premise pursuant to G.L. c. 138, sec. 12 – All Alcoholic Beverages Restaurant – Mark A. Diccio Enterprises d/b/a Lucia's Tavola Ristorante, 31 Main St.**

**Ayer, MA:** S. Copeland opened the Public Hearing at 6:05 PM by reading the Public Hearing Notice. Mark A. Diccio joined the Select Board regarding his application for an alteration/change of premises at Lucia's Tavola. C. Antonellis stated that Lucia's is looking to expand their current footprint into neighboring 35 Main Street and make permanent their COVID outdoor seating section on the back patio. All departments have reviewed the request. C. Antonellis informed Mr. Diccio to contact the Nashoba

Boards of Health to expand his restaurant square footage with his food permit. There were no questions from the Board.

**Motion:** A motion was made by J. Livingston and seconded by S. Houde to approve the Change/Alteration of Premise pursuant to G.L. c. 138, sec. 12 – All Alcoholic Beverages Restaurant – Mark A. Diccico Enterprises d/b/a Lucia's Tavola Ristorante, 31 Main St. Ayer, MA to expand restaurant footprint to 35 Main Street and make the outdoor seating space permanent. **Motion passed 3-0.**

**Motion:** A motion was made by J. Livingston and seconded by S. Copeland to close the public hearing at 6:09 PM. **Motion passed 3-0.**

**Dan Van Schalkwyk, Director, Department of Public Works - Agreement for Kiddie Junction**

**Playground Improvement Project:** D. Van Schalkwyk presented the contract for execution for the Kiddie Junction Playground Improvement Project, which was awarded by the Board at its last meeting. The Contractor, Cella Construction Co., LLC, has provided all necessary bonds, insurance, and other paperwork required for a full contract. S. Houde asked when the project would begin? D. Van Schalkwyk stated in the spring of 2024.

**Motion:** A motion was made by S. Copeland and seconded by J. Livingston to execute the contract with Cella Construction Co., LLC, for the Kiddie Junction Playground Improvement Project in the amount of \$454,575.00 with signature by the Chair. **Motion passed 3-0.**

*Agreement for Wastewater Treatment Plant Boiler Replacement Project* – D. Van Schalkwyk presented a contract for the Wastewater Treatment Plant (WWTP) Boiler Replacement Project. This project will replace the original boilers from the 1980s. The DPW opened two (2) bids for the project, in the amounts of \$105,450 and \$115,000. The low bidder, Aalanco Services Corporation, is qualified to perform the work and has provided all bonds, insurance, and other paperwork. There were no questions.

**Motion:** A motion was made by J. Livingston and seconded by S. Copeland to execute the contract with Aalanco Services Corporation for the Wastewater Treatment Plant Boiler Replacement Project in the amount of \$105,450 for signature by the Chair. **Motion passed 3-0.**

*Recommendation to Adopt Revised Regulations for Woodlawn Cemetery* – D. Van Schalkwyk stated that the Ayer Cemetery Commission has been developing revisions to the Woodlawn Cemetery Regulations since 2022. At the Commission's October 16, 2023, meeting, they voted to recommend the Select Board adopt the revised regulations which are included in the packet. He noted that the regulations were reviewed by Town Counsel. He stated that the revised regulations contain monument and decoration requirements. He noted that Commission Member Betsy Diskin was in attendance and that the cemetery has been looking at green burials, similar to the Town of Westford.

**Motion:** A motion was made by J. Livingston and seconded by S. Copeland to adopt the Town of Ayer Woodlawn Cemetery Regulations as included in the packet and recommended by the Ayer Cemetery Commission, effective immediately. **Motion passed 3-0.**

*Proposed Safety Zone – Washington Street* – D. Van Schalkwyk was joined by Police Chief Brian Gill and Town Engineer Matt Hernon. They have been working on the implementation of a "Safety Zone" to be established by the Select Board on Washington Street near Nashoba Valley Medical Center and Apple Valley Nursing and Rehab Center pursuant to G.L. c.90 sec. 18B. The speed limit is 20 mph and needs to be adjacent to a land use that is likely to attract vulnerable users, such as medical facilities. M. Hernon presented a slide of where the new signage will be installed. Chief Gill stated that MassDOT is making a significant push to protect vulnerable road users. He noted that the Town has another established safety

hard copies of any materials from the Town Manager's Office. The FY '25 Budget Process Update will be a standing item moving forward.

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

**Approval of Meeting Minutes:**

**Motion:** A motion was made by J. Livingston and seconded by S. Copeland to approve the meeting minutes from October 17, 2023. **Motion passed 3-0.**

**Executive Session:**


**Motion:** At 7:03 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] *Building Commissioner Contract Amendment* and Exemption #6 (Consideration of Acquisition of Real Property) *71 Sandy Pond Road* and to adjourn at the conclusion of the Executive Session. He also stated that to discuss these items in Open Session would be detrimental to the Town's negotiating strategy. **By Roll Call Vote:** S. Houde, aye; J. Livingston, 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: \_\_\_\_\_

11/21/23

Signature Indicating Approval: \_\_\_\_\_



zone on Sandy Pond Road near the beach, but the signs were not installed. Those signs will be installed as part of an upcoming project. S. Houde asked about the timing of the sign installation. D. Van Schalkwyk stated that the signs could be ordered soon out of the current DPW budget.

**Motion:** A motion was made by S. Copeland and seconded by J. Livingston to approve the establishment of a Safety Zone on Washington Street adjacent to the Nashoba Valley Medical Center and the Apple Valley Nursing and Rehabilitation Center. **Motion passed 3-0.**

**Chuck Shultz, Facilities Director - Update on Great Hall Sound Improvement Project:** Chuck Shultz, Facilities Director was joined by Mr. Robert Rosati of Rosati Acoustics to provide a presentation and update to the Select Board on the proposed Great Hall Sound Improvement Project. Chuck Shultz stated that Mr. Rosati performed a series of acoustical and sound analysis tests in the Great Hall to develop a proposed recommendation to resolve the sound issues in the Great Hall. R. Rosati advised that there is an abundance of sound reflections and vibrations and that absorption materials need to be added to the room which would include special sound dampening drapes and theatrical curtains, which are also fire retardant and would be motorized. He would recommend specific sound equipment as well as insulation panels on the ceiling. He also recommended a projection system behind the drapes; as well as speakers bolted to the stage, as they would be too heavy to suspend from the ceiling. There would be microphones installed and everything would be programmable. He advised that the total estimated cost for the entire project would be \$664,000.

R. Pontbriand asked for clarification on the cost amount and asked if the project could be scaled back in terms of costs. C. Shultz stated, yes. This is just to total estimated cost if we did everything as recommended by the professional consultant.

S. Houde stated that perhaps this project could also be phased in to spread out costs. He would like to have the Capital Planning Committee review and discuss the project. C. Shultz agreed and said that he would get all the specifications and information from Mr. Rosati over the next couple of weeks.

J. Livingston stated that we should also approach this project in terms of uses for the Great Hall. What do we want to use the space for and design the system around that.

**Town Manager's Report - Administrative Update/Review of Warrants:** 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 he has approved. He stated that the Town has started the Capital Planning Process, and that the Committee will have its first meeting this Thursday. The Town had a successful dedication of the fountain at Depot Square on October 20, 2023. The Insurance Advisory Committee continues to work on the transition from Minuteman Nashoba Health Group to MIAA for the Town's health insurance plan effective July 1, 2024. The Library Boiler has been successfully replaced ahead of schedule. He thanked the Assistant Town Manager for all her work in getting the annual license renewals out.

*Appointments* – R. Pontbriand is recommending that Mr. Bob Williams be appointed to the Ayer Affordable Housing Trust for a term to expire on June 30, 2025.

**Motion:** A motion was made by S. Copeland and seconded by J. Livingston to appoint Mr. Bob Williams to the Affordable Housing Trust with a term to expire June 30, 2025. **Motion passed 3-0.**

*FY 2025 Budget Process Update* – R. Pontbriand referenced the FY '25 Budget Calendar in the Board Packet as approved. The FY '25 Budget Directive will go out on December 1, 2023, to all Departments that will then have until December 29, 2023, to return all budget submissions. All the Capital Plans have been submitted and are posted to the Capital Planning Committee webpage. The public can request