

RECEIVED
APR 15 2021

TOWN OF AYER
TOWN CLERK

1:50pm (signature)

Town of Ayer
Select Board

Ayer Town Hall – 1st Floor Meeting Room
1 Main Street, Ayer, MA 01432



Tuesday April 20, 2021 – 6:00 PM

Open Session Remote Participation Meeting Agenda

Due to the ongoing COVID-19 Pandemic, Governor Baker issued an Emergency Order Temporarily Suspending Certain Provisions of the Open Meeting Law. Public bodies otherwise governed by the OML are temporarily relieved from the requirement that meetings be held in public places, open and physically accessible to the public, so long as measures are taken to ensure public access to the bodies' deliberations "through adequate, alternative means." This meeting will be broadcast live on Channel 8, and on Zoom. The public may participate remotely by following the call-in information on the bottom of the live broadcast screen.) For the Zoom meeting information relating to remote participation, please contact Carly Antonellis, Assistant Town Manager at atm@ayer.ma.us or 978-772-8220 x100 prior to the meeting.

6:00 PM

Call to Order

Pledge of Allegiance; Review and Approve Agenda; Announcements

Public Input

Individuals with public input and/or questions for the Select Board should call-in at this portion of the meeting and state their name and address when asked by the Chair. Any public input and/or questions may be sent to the Assistant Town Manager, Carly Antonellis at 978-772-8220 or at atm@ayer.ma.us

6:05 PM*

Discussion with the ASRSD School Committee on the Town Meeting Petition Article to Amend the Regional School Agreement

1. Call to Order of the ASRSD School Committee (for the purposes of discussion with the Select Board)

6:15 PM

Superintendent Mark Wetzel, Department of Public Works

1. Sewer Rules and Regulations
2. Spectacle Pond Wellfield PFAS Treatment Plant Change Order #1
3. Westford Road Sewer Update
4. Water Conservation Plan Update

6:30 PM

Town Manager's Report

1. Administrative Update/Review of Town Warrant(s)
2. COVID-19 Update/Reopening Plan Update
3. Recommendation to Extend the Families First Coronavirus Response Act
3. Annual Town Meeting Update
4. Discussion on status of Juneteenth Holiday

6:45 PM

New Business/Select Board Member Questions

6:50 PM

Approval Meeting Minutes

March 30, 2021

6:55 PM

Adjournment

**Agenda times are for planning purposes only and do not necessarily constitute exact time.*



Ayer Shirley Regional School District

115 Washington St.
Ayer, MA 01432
Phone: (978) 772-8800

To: Town Of Ayer Board of Select Board
Via Town Manager Mr. Robert Pontbriand
Via Town Clerk Mrs. Susan Copeland

Ayer Town Hall
1 Main Street
Ayer, MA 01432

RECEIVED
MAR 30 2021

TOWN OF AYER
SELECTMEN'S OFFICE

From: Jonathan Deforge, Secretary
Ayer Shirley Regional School District School Committee
115 Washington Street
Ayer, MA 01432

Subject: Citizen Petition – Amendment of the “Agreement Between the Towns of Ayer and Shirley With Respect to the Formation of a Regional School District”

Date: March 30, 2021

Dear Town Clerk Copeland, Town Manager Pontbriand, and members of the Ayer Select Board,

As Secretary of the Ayer Shirley Regional School District (ASRSD) School Committee, I am in receipt of a Citizen Petition from the Town of Shirley Town Clerk dated March 30, 2021. This petition seeks to amend the “Agreement Between the Towns of Ayer and Shirley With Respect to the Formation of a Regional School District” (hereinafter referred to as “the agreement”) by the procedure in Section XV, paragraph B of the agreement.

Per Section XV, Subsection B of the agreement, “[t]he selectmen of each member town shall include in the warrant for the next annual town meeting, or a special town meeting called for this and/or other purposes, an article which states the proposed amendment or the substance thereof.”

Per this letter, I am asking that you and the Select Board of Ayer include the proposed amendment in the warrant for your next Town Meeting. Per the agreement, “[s]uch amendment shall take effect upon its acceptance by all of the member towns, acceptance by each town to be by a majority vote at a town meeting as aforesaid.”

The proposed amendment is included as attachment to this notice.

I ask that for record keeping purposes you acknowledge receipt of this letter and the petition by signing and dating the below.

Should you have further questions regarding this matter, I can be reached at jdeforge@asrsd.org or 774-245-2930. Please note that my term on the ASRSD School Committee expires May 4, 2021, therefore I would also ask that you CC Michelle Towne, Administrative Assistant to the Superintendent, on any email correspondence. Mrs. Towne can be reached at mtowne@asrsd.org or 978-772-8600 ext. 1508.

Respectfully submitted,



Jonathan Deforge

Ayer Shirley Regional School District School Committee, Secretary

Received by: Susan E Copeland

Signature Susan E Copeland

Printed Name March 30, 2021

Date

RECEIVED
MAR 30 2021
TOWN OF AYER
TOWN CLERK

Town of Shirley
TOWN CLERK

RECEIVED
MAR 30 2021

TOWN OF AYER
TOWN CLERK



7 KEADY WAY – SHIRLEY, MASSACHUSETTS - 01464-2812
William Oelfke, Town Clerk

TEL: (978) 425-2600,x205
Fax: (978) 234-9112

DATE: March 30, 2021

TO: Jonathan Deforge, Ayer Shirley Regional School District Committee Secretary

FROM: William Oelfke, Shirley Town Clerk

SUBJECT: Citizen Petition – Amendment of the “Agreement Between the Towns of Ayer and Shirley With Respect to the Formation of a Regional School District”

Attached please find a Citizen Petition to amend the “Agreement Between the Towns of Ayer and Shirley With Respect to the Formation of a Regional School District” submitted to this office. Based on Section XV, paragraph B of the agreement, the petition must be signed by 10 percent of the registered voters of any one of the member towns. The Town of Shirley has 4,333 registered voters as of March 22, 2021 which means this petition requires a minimum of 434 certified signatures to be put on a Town Meeting warrant.

The procedures process also states that a certification by the Town Clerk of such member town as to the number of registered voters in said Town according to the most recent voting list and the number of signatures on the petition which are signatures of registered voters of said Town, and said petition shall be presented to the secretary of the committee.

The Secretary of the committee must then mail or deliver a notice in writing to the board of Selectmen of each of the member towns that a proposal to amend this Agreement has been made and shall enclose a copy of such proposal (without the signatures).

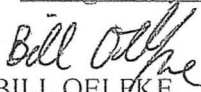
This letter serves as the certification by me, as Shirley Town Clerk, to you as to the number of registered voters in Shirley and the number of signatures of registered voters on the petition and you can use this as your notice in writing to the Boards of Selectmen that a proposal to amend this Agreement has been made.

NUMBER OF REGISTERED VOTERS IN SHIRLEY: 4,333


NUMBER OF CERTIFIED SIGNATURE OF VOTERS IN SHIRLEY ON THE ATTACHED PETITION: 470

MEETS THE 10% REQUIREMENT? YES / NO

If you have any questions, please feel free to contact by phone at 978-425-2600 X 1 or by e-mail at clerk@shirley-ma.gov.


BILL OELFKE
Town Clerk

RECEIVED:


JONATHAN DEFORGE

DATE:

March 30 2021

We the petitioners wish to amend the "Agreement Between the Towns of Ayer and Shirley With Respect to the Formation of a Regional School District" which was approved in March of 2010 and amended in September/October of 2012. This amendment request will follow the procedure outlined in Section XV of the agreement, specifically amendment by petition of 10 percent of the registered voters in Shirley.

to wit:

Striking the entirety of Section X: Incurring of Debt, and replacing it with :

"The School Committee is empowered to incur debt consistent with the terms and conditions of G.L. Chapter 71, Section 16. Except for the incurring of temporary debt in anticipation of revenue, the process that appears in subsection (d) of Chapter 71, Section 16 will be followed"



MEMORANDUM

Date: April 14, 2021
To: Ayer Select Board
From: Mark Wetzel, Superintendent of Public Works
Subject: **Agenda Items for April 20, 2021 Select Board Meeting**

1. **Sewer Rules and Regulations**– The DPW has updated the Town Sewer Rules and Regulations. These regulations have not had a significant update since 1998. A major part of these regulations are related to the Town and Federal Industrial Pretreatment Regulations and Requirements.

In general the regulations include;

- Sewer connection applications, permits, extensions and construction requirements
- Town responsibilities
- Sewer rates and fees
- Industrial discharge permitting, regulations and pretreatment
- Enforcement Actions

Regulations will be posted to the Town web site for review and comment with comments due by Friday May 7.

2. **Spectacle Pond Wellfield PFAS Treatment Plant Change Order 1** – Attached is Change Order 1 for the construction of the Spectacle Pond Wellfield PFAS Treatment Plant. The Change order reflects a credit of \$59,133 for “value engineering” items identified through discussions with the contractor. The remaining items include replacement of the existing transite transmission piping and pump controls for the replacement well 1B. The change order is for \$49,282 increasing the contract amount to \$5,195,171.

We recommend approve of Change Order No.1 for Spectacle Pond Well 1A Replacement Well, Winston Builders Corporation, Inc. in the amount of \$49,282 for signature by the Board.

3. **Westford Road Sewer Update**- See attached Memo.
4. **Water Conservation Plan Update** – For the past two years, the DPW has recommended and the Select Board has approved an outdoor water ban. This was required due to the supply limitations implemented to manage the PFAS contamination. Since the Grove Pond Treatment system is completed and in operation, we recommend that the Select Board return to the Odd-Even water conservation plan. The recommended plan for this season is as follows:
 - **Mandatory** – no outside water use between 9AM and 5 PM

- **Mandatory** - Odd / Even Outside Water Restriction (even numbered street address water on even numbered dates and odd numbered addresses on odd numbered dates)
- Voluntary - curb outside water use and conserve water
- Voluntary - no outside water use on Sundays

If the Board concurs with this recommendation, the DPW will provide a public notice and update the signs located around Town. Please note that central Massachusetts is in a stage 1 drought condition due to the lack of precipitation over the winter, so additional restrictions may be required by the MaDEP later in the summer.

CHANGE ORDER FORM

Ayer Spectacle Pond WTP PFAS Treatment

DWSRF No. 6635

<u>Change Order No.</u>	<u>1</u>
<u>Contract Amount (As-Bid)</u>	<u>\$5,145,889.00</u>
<u>Net Change in Contract Price (this Change Order)</u>	<u>\$49,282.00</u>
<u>Total Cost of Change Orders to date (excluding this C.O.)</u>	<u>\$0.00</u>
<u>Total Adjusted Contract Price (including this change order and all other change orders)</u>	<u>\$5,195,171.00</u>

This change order extends the time to complete the work by calendar days.

This extended completion date is: N/A

This change order is checked by: _____
CDM Smith

This change order is requested by: Town of Ayer

This change order is recommended by: CDM Smith

Consultant Engineer P.E. # _____ Date _____

The undersigned agree to the terms of the change order.

Winston Builders Corp. _____ Date _____

Shaun C. Copeland, Chair - Board of Selectmen _____ Date _____

Scott A. Houde, Vice-Chair - Board of Selectmen _____ Date _____

Jannice L. Livingston, Clerk - Board of Selectmen _____ Date _____

Certification of Appropriation under M.G.L. c.44, s.31C: Adequate funding in an amount sufficient to cover the total cost of this change order is available.

Lisa Gabree, Town Accountant _____ Date _____

Public Entity: Town of Ayer, Massachusetts

Change Order No.: 1

Contract Title: Spectacle Pond WTP PFAS Treatment

Owner's Name: Ayer, Massachusetts - Board of Selectmen

Owner's Address: 1 Main Street, Ayer, MA 01432

Contractor's Name: Winston Builders Corp.

Contractor's Address: PO Box 990, 55 Hopkinton Road, Westboro, MA 01581

ITEM 1 - Credit for Photographic Documentation

Description of Change:

This change provides compensation (credit) for photographic documentation included in the Contract documents (Specification Section 013233), but not required (or quantities reduced) due to an agreement with the Town on adequate photographs required for this project.

Reason for Change:

The Contract documents included a Construction Webcam to be mounted at the site, weekly video recordings to be taken and photographs to be taken by a professional photographer. The Town requested that weekly photographs (minimum of 10) be taken by the General Contractor and posted to Submittal Exchange. All photographs will be provided to the Town electronically at the conclusion of the project.

COST: -(\$21,000)

ITEM 2 - Credit for Substitution of EOne Grinder Unit vs. Prefabricated Pumping Station

Description of Change:

Environment/One (EOne) provide a cost for a grinder unit for the project; the cost included a pump, grinder, level controls, check valve, 1 HP 240V single phase electric motor and a 70 gallon high density polyethylene (HDPE) tank with one inlet. The cost for this unit was substantially less costly than the prefabricated pumping station package included with the Contract documents.

Reason for Change:

The Town requested that all parties perform a Value Engineering exercise to determine where potential cost savings are prior to Construction. EOne provided a package for review; based on a full review (grinder unit, excavation/backfilling, Electrical requirements, buoyancy, warranty, etc.) by the Engineer, and confirmation that these units are in use elsewhere in the Town, this unit was accepted and a cost savings realized.

COST: -(\$38,133)

ITEM 3 – Temporary Power to Well 1B**Description of Change:**

The General Contractor (and subcontractors) provided temporary power to Well 1B. The work consisted of installing temporary power from the relocated VFD location to the new well pump location, installation of temporary power from the existing MCC to the relocated VFD location and installation of temporary wiring between the existing RTU-5 cabinet and the location of the relocated RTU-3 cabinet. Once that work was completed, the existing VFD and RTU-3 were relocated to a new, weatherproof shed adjacent to Well 1B. The VFD, well pump and RTU communications were reinstalled, wired, and tested.

Reason for Change:

The scope of work for this Contract did not include the relocation of RTU-3; the design intent was to demolish existing RTU-3 and send the temporary VFD signals to the new MCP-SPEC. The new MCP-SPEC will not be installed prior to the VFD relocation and temporary swap over to the new well. With RTU-3 already programmed and available, all agreed that this was the best option. All new controls were placed in a weatherproof shed adjacent to Well 1B to allow for optimum operating conditions.

COST: \$22,774

ITEM 4 – New DI Water Main/Removal of Unsuitable Material**Description of Change:**

The General Contractor installed a new 16” ductile iron (DI) water main and appurtenances on the South side of the access road, from the 45-degree bend to the existing location of the 16” asbestos cement (AC) line and to the 16” raw water line entrance into the existing Treatment Facility. The existing 16” water main was abandoned in place. Secondly, this change includes the labor and material cost for the installation of two (2) 10” butterfly valves in front of the new PFAS Treatment Facility. Thirdly, this change includes compensation for the removal and replacement of unsuitable material (peat) encountered during the installation of the 10” TW and GFW lines, the 6” BWW line and the 16” DI installation. Based on unsuitable material removed to date, this change will include a not-to-exceed total upper limit of \$20,000 for material to date plus any material encountered with future excavation. All future

unsuitable material encountered will be compensated at \$100/yard (removal of unsuitable material and replace with filter fabric and sand) and \$135/yard (removal of unsuitable material and replace with filter fabric and processed gravel).

Reason for Change:

The existing 16" DI raw water main feeding water from the wells to the Spectacle Pond Treatment Facility changes from 16" DI to 16" AC pipe in front of the existing building and run North to Well 1A; this location is within 5' of the earthwork required to install the concrete footings and wall for the new PFAS Treatment Facility. The installation of the new 16" DI pipe eliminates current and future concerns relative to the potential failure (and shutdown of facility) of the 16" AC pipe. Secondly, the installation of the 2 new butterfly valves allows the operators to have more isolation control of the facility. Thirdly, the removal of the unsuitable material allows for a more stable material (more readily compacted) adjacent to the utilities on site.

COST: \$85,641 (Not-to-Exceed)

DEPARTMENT OF PUBLIC WORKS

Mark L. Wetzel, P.E., Superintendent
Pamela J. Martin, Business Manager

25 BROOK STREET
AYER, MASSACHUSETTS 01432
T: (978) 772-8240
F: (978) 772-8244

Memorandum

Date: April 15, 2021
To: Ayer Select Board
From: Mark Wetzel P.E., Public Works Superintendent
Re: Westford Road Sewer

On March 25, the DPW was alerted of a sewer back-up on Westford Road at New England Way. This is the location of where the sewer force main pipe from the Stony Brook wastewater pumping station discharges to the gravity sewer system. The DPW Sewer Division responded and discovered that the sewer pipe had collapsed. During the repair, it was determined that the pipe was severely corroded, most likely due to hydrogen sulfide gas, which is common in some sewer systems. Note that the repair cost over \$20,000.

We reviewed the sewer records and performed some minor video inspection of the sewer. The sewer pipe in Westford Road, from New England Way to Sandy Pond Road is a 12-inch asbestos cement (AC) pipe, 1600 feet in length with 8 manholes. The pipe provides sewer service to the New England Way and Nemco Way Industrial Parks, the Mulberry Circle and Loon Hill residential neighborhoods and the Town of Groton sewer connection. Daily flow is in excess of 200,000 gallons per day. The phot below shows the deterioration of the inside of the pipe.



Based on the condition, it was determined that the repair or replacement of this section of sewer pipe is a high priority. We worked with our engineers and developed two options for repairing / replacing this sewer. The options include:

Option 1 – Spot sewer repair and relining with new structural liner. The concern with this is that the sewer pipe may fail as the relining in being done.

Option 2 – Design and construct a replacement pipe. There is limited area in the road for an additional pipe, so there would need to be a temporary bypass sewer during construction.

Fortunately we are currently under contract with a company to reline sewer pipes in Town and Option 1 could be added to the contract as a change order. Option 2 will require survey, design and bidding to construct. The estimated costs for the two options are:

Option 1 Reline with Spot Repair

Construction of 269 LF of new sewer pipe and 2 new manholes using on-call contractor, estimate 3 days. Includes removal of approximately 15' of AC pipe.	\$60,000
Trench patch	\$5,000
Bypass pumping (New England Way to Sandy Pond)	\$15,000
Police/traffic control	\$5,000
Standby Contractor Fee	\$10,000
Subtotal	\$95,000
Insituform Change Order (CCTV and CIPPL 1,295 LF of 12" and 15")	\$70,951
	\$165,951
Engineering Services During Construction - Design & CA	\$18,075
Resident Engineering during Construction - 120 hours	\$11,280
	\$29,355
Total	\$195,306

Option 2 Construct Replacement Sewer

Temporary Bypass	\$30,000
Replacement of 1,564 LF of 12 and 15" sewer and 8 manholes	\$400,000
Subtotal	\$430,000
Contingency (20%)	\$86,000
Total Construction Cost	\$516,000

Planning & Engineering

Survey	\$10,000
Geotechnical	\$8,000
Police/traffic control	\$30,000
Design, Bid and Construction Phase Services	\$103,200
Total Planning & Engineering	\$151,200

Total	\$667,200
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The DPW currently has some funding available (\$80,000) in the FY21 Town Meeting Article 11 and will have additional \$750,000 on the FY22 Town Meeting Warrant. My recommendation is that we proceed with Option 1 and the preliminary engineering for Option 2. This will allow us to execute a replacement sewer relatively quickly if we determine that it is not feasible to reline the sewer.

DEPARTMENT OF PUBLIC WORKS

Mark L. Wetzel, P.E., Superintendent
Dan Van Schalkwyk, P.E. Town Engineer
Pamela J. Martin, Business Manager

25 BROOK STREET
AYER, MASSACHUSETTS 01432
T: (978) 772-8240
F: (978) 772-8244

Important Notice Please Conserve Water

In order to protect the Town's water resources and drinking water supply, the Ayer DPW is asking everyone to conserve water and comply with the Town outdoor water restrictions:

- **Mandatory** – no outside water use between 9AM and 5 PM
- **Mandatory** - Odd / Even Outside Water Restriction (even numbered street address water on even numbered dates and odd numbered addresses on odd numbered dates)
- Voluntary - curb outside water use and conserve water
- Voluntary - no outside water use on Sundays

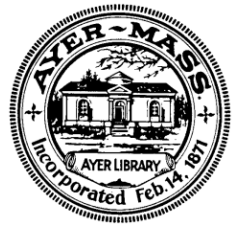
The Ayer DPW will be monitoring outside water use and will be enforcing the mandatory water restrictions, including ticketing / fines / water shut-off for violations.

Do the right thing and help us save our water supply!

Mark Wetzel P.E., Public Works Superintendent 978-774-8240 mwetzel@ayer.ma.us

Effective May 1, 2021

Office of the Select Board
Office of the Town Manager



Town of Ayer | Ayer Town Hall | 1 Main Street | Ayer, MA 01432 | 978-772-8220 | www.ayer.ma.us

MEMORANDUM

DATE: April 16, 2021

TO: Ayer Select Board

FROM: Robert A. Pontbriand
Town Manager

SUBJECT: Town Manager's Report for the April 20, 2021 Ayer Select Board Meeting

Dear Honorable Select Board Members,

I am pleased to transmit to you the following Town Manager's Report for the April 20, 2021 Ayer Select Board Meeting. If you have any questions prior to the meeting, please do not hesitate to contact me directly. Thank you.

Administrative Update/Review of Town Warrant(s):

- At the meeting I will provide a brief Administrative Update on the various activities, projects, and initiatives of the Administration since the Select Board last met on April 6, 2021.
- I have reviewed, approved, and signed the following Town Warrants since this Select Board last met on April 6, 2021:

Payroll Warrant #21-20 in the amount of \$336,419.83 was reviewed, approved, and signed on April 6, 2021.

Accounts Payable Warrant #21-20 in the amount of \$491,417.42 was reviewed, approved, and signed on April 15, 2021.

COVID-19 Update/Reopening Plan Update:

- At the meeting I will provide a brief COVID-19 Update regarding the Town's various ongoing COVID-19 preparedness efforts as well as an update on the Town's Reopening Plan.

Recommendation to Extend the Families First Coronavirus Response Act:

- I will be joined by Mr. Kevin Johnston, Benefits & Payroll Manager to discuss and respectfully request that the Select Board vote to extend the Emergency Paid Sick Leave and Expanded Family and Medical Leave benefits in accordance with the provisions of the American Rescue Plan Act through September 30, 2021. Please see the attached memo. (See attached)

Annual Town Meeting Update:

- I will provide a brief update at the meeting on the Town's plans for the Annual Town Meeting including all COVID-19 safety protocols which will be in place. The Town Meeting will take place in person on Monday, April 26, 2021 at 7pm in the Ayer Shirley Regional High School Auditorium. For all information related to the 2021 Town Meeting and the FY 2022 Budget please visit www.ayer.ma.us/townmeeting

Discussion on the Status of the Juneteenth Holiday:

- I will be joined with Mr. Kevin Johnston, Benefits & Payroll Manager to discuss with the Select Board the status of the Juneteenth Holiday. Massachusetts General Law, Chapter 124 of the Acts of 2020 made changes to the list of Massachusetts Legal Holidays to include June nineteenth, Juneteenth Independence Days as a legal holiday. Please see the attached memo prepared for this discussion as well as a copy of the Town's current Holidays as set forth in the Town of Ayer Personnel Policies and Procedures Manual (See attached).

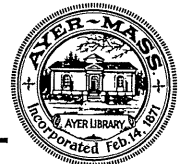
Thank you.

Attachment(s): Memo Re: Extension of COVID-19 Related Emergency Paid Sick Leave and Expanded Family and Medical Leave (Prepared by Benefits & Payroll Manager, April 14, 2021)

 Juneteenth Independence Day Memo (Prepared by Benefits & Payroll Manager, April 14, 2021)

Town of Ayer

Benefits and Payroll Department



1 Main Street – Ayer, Massachusetts - 01432
Kevin A. Johnston, Benefits and Payroll Manager

Tel: (978) 772-8220, x104
Fax: (978) 772-3017

Memorandum

Date: April 14, 2021

To: Members of the Select Board

From: ^{KAS} Kevin A. Johnston, Benefits & Payroll Manager

Subject: Extension of COVID-19 Related Emergency Paid Sick Leave and Expanded Family and Medical Leave

The voluntary extension of the Families First Coronavirus Response Act (FFCRA) mandate to provide Emergency Paid Sick Leave (EPSL) for employees with a COVID-19 diagnosis or exposure and Expanded Family and Medical Leave (EFML) for employees with dependent children whose school or place of day care is closed due to COVID-19 that was approved by the Select Board in January expired on March 31, 2021.

The federal American Rescue Plan Act (ARPA) approved in March 2021 includes a provision for the employer to voluntarily extend both the EPSL and EFML benefits through September 30, 2021. The voluntary extension includes up to an additional 80 hours of EPSL for COVID-19 and expands the use of EPSL to include use when seeking or waiting for a COVID-19 test result from an exposure to COVID-19; if the employer asks the employee to get a diagnosis or test; or the employee is obtaining an immunization related to COVID-19 or recovering from any injury, disability, illness, or condition related to such immunization.

I request the Select Board approve an extension of the Emergency Paid Sick Leave and Expanded Family and Medical Leave benefits through September 30, 2021 in accordance with the provisions of the American Rescue Plan Act.

Thank you for your consideration of this request.

cc: Town Manager

Town of Ayer

Benefits and Payroll Department



1 Main Street – Ayer, Massachusetts - 01432
Kevin A. Johnston, Benefits and Payroll Manager

Tel: (978) 772-8220, x104
Fax: (978) 772-3017

Memorandum

Date: April 14, 2021

To: Town Manager Robert Pontbriand

From: ^{KAS} Kevin A. Johnston, Benefits & Payroll Manager

Subject: Juneteenth Independence Day

Information about the newly established Juneteenth Independence Day holiday is provided as follows:

- Massachusetts General Law (MGL) Chapter 124 of the Acts of 2020 made changes to the list of Massachusetts Legal Holidays to include June nineteenth, Juneteenth Independence Day, as a legal holiday.
- Juneteenth Independence Day is listed on the Massachusetts Secretary of the Commonwealth's list of Massachusetts Legal Holidays.
- MGL Chapter 136, Section 12 states that public offices shall be closed on all legal holidays except March seventeenth, May twentieth, and June seventeenth.
- The Personnel Manual, Section 16, Holidays includes all the Massachusetts Legal Holidays.

I am available at your convenience to discuss this matter further or to answer any questions.

16. HOLIDAYS

The following holidays shall be recognized by the Town on the day on which they are legally observed by the Commonwealth of Massachusetts, and on these days, employees, without loss of pay, shall be excused from all duty except in cases where the appointing authority determines that the employee is required to maintain essential Town services:

- New Year's Day
- Martin Luther King Day
- Presidents' Day
- Patriot's Day
- Memorial Day
- Independence Day
- Labor Day
- Columbus Day
- Veterans Day
- Thanksgiving Day
- Day after Thanksgiving Day
- ½ day before Christmas (excluding when this holiday falls on Sunday or Monday)
- Christmas Day
- 1/2 day before New Year's Day (excluding when this holiday falls on Sunday or Monday)

16.1 Coverage

Regular employees, who work at least 20 hours per week or work 1040 hours in a year, shall be entitled to time off with pay for each scheduled holiday based upon their normal hourly rate. In no case shall any employee receive more than eight (8) hours of holiday pay. Holiday time shall be considered hours worked but shall not count towards overtime. An employee will receive holiday pay only for his/her regularly scheduled hours on that holiday.

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



Broadcast and Recorded by APAC

Tuesday March 30, 2021
Open Session Meeting Minutes

SB Present: Shaun C. Copeland, Chair; Scott A. Houde, Vice-Chair; Jannice L. Livingston, 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: S. Copeland called the meeting to order at 6:00 PM.

Remote Access: S. Copeland stated that pursuant to Governor Baker's March 12, 2020 Order Temporarily Suspending Certain Provisions of the Open Meeting Law, MGL Chapter 30A, Section 18 and the Governor's March 15, 2020 Order imposing strict limitations on the number of people that may gather in one place, this meeting of the Ayer Board of Selectmen is being conducted via remote participation. No in-person attendance of members of the public will be permitted, but every effort has been made to ensure that the public can adequately access the proceedings as provided in the Order. All votes will be taken by Roll Call.

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 J. Livingston to approve the meeting agenda. **Roll Call:** S. Houde, aye; J. Livingston, aye; S. Copeland, aye. **Motion passed by Roll Call Vote 3-0.**

Announcements: None

Observation of a Moment of Silence in Memory of Janet S. Lewis: Select Board members and meeting attendees observed a moment of silence in memory Janet Lewis, who worked in the Select Board's Office for over 30 years.

Public Input: None

Continued from March 16, 2021 - Public Hearing – Pole Petition – National Grid and Verizon – Copeland Dr. - No. 30324776: S. Copeland reopened the public hearing at 6:05 PM. DPW Superintendent Mark Wetzel stated that he met on site with National Grid to go over the concerns brought forth at the last meeting. National Grid is going to tap into P9 and run electric to P1 and they'll put the new pole on the little island near Lazy Mary's. M. Wetzel stated that he asked about the lines being installed underground, but that the company requesting the work would have to pay a high cost to do so. M. Wetzel is recommending approval.

Motion: A motion was made by S. Houde and seconded by J. Livingston to approve Pole Petition No. 30324776 as presented. **Roll Call:** S. Houde, aye; J. Livingston, aye; S. Copeland, aye. **Motion passed by Roll Call Vote 3-0.**

Motion: A motion was made by S. Houde and seconded by J. Livingston to close the Public Hearing at 6:15 PM.

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

Annual Town Election Update – Ms. Susan Copeland, Town Clerk: S. Copeland stated that the State Legislature recently updated several election laws in advance of the Town Election being held on May 11, 2021. The Town will be able to offer mail-in ballots for the local Town elections. The deadline to submit an application for a mail-in ballot is May 5, 2021. The last day to register to vote for the April 26, 2021 Annual Town Meeting and the Town Election is April 6, 2021.

Town Manager's Report: *Administrative Update/Review of Town Warrant(s)* - R. Pontbriand provided the Select Board with an update on the various activities, initiatives, and projects of the Administration since the Select Board last met. He also provided a list of signed Town Warrants in the meeting packet. He stated that the Administration is focusing on the FY '22 budget finalization, Town Meeting preparation, and the Town Reopening Plan.

COVID-19 Update/Reopening Plan Update – R. Pontbriand reported that Ayer went from green to yellow on the DPH Community Map. He stated the Town will take a phased in approach to reopening, beginning April 5, 2021 in coordination with schools reopening fulltime. Phase 1 of the Reopening Plan is an appointment-only system. The Town has also set up a Tent outside to meet with residents. The Town Hall will go through service window/counter retrofits to install glass, which will be funded through the CARES Act. R. Pontbriand stated that the Parks Commission is working on a reopening plan for Sandy Pond for Memorial Day.

Update on FY '21 Ambulance Enterprise Fund –R. Pontbriand stated there is need to have a one item Special Town Meeting prior to the Annual Town Meeting to transfer funding in the FY '21 Ambulance Enterprise Fund. L. Gabree stated that there was a decrease in service due to COVID-19. R. Pontbriand, L. Gabree, and Chief Johnston are recommending transferring \$20,000 from Ambulance Retained Earnings. S. Copeland asked if the shortfall could be covered by CARES funding. L. Gabree stated no, not at this time.

FY '22 Budget & Annual Town Meeting Update - R. Pontbriand reported that the budget remains in DRAFT 3. He reported that the Bi-Board recently met and will be meeting again prior to Town Meeting. The only outstanding items are the Patrol and Communicators Collective Bargaining Agreements. Since last reviewing the warrant, one article has been added about matching funds for a Green Communities Grant. He stated that the warrant closes on Friday April 2, 2021 at 12:00 PM for both articles and citizen's petitions. He reported that the Town did receive a petition relating to amending the Regional School Agreement (RSA). Per the RSA section 15, 2/3rds of the school committee could vote to change the agreement; a public hearing would be held, and each Town would consider it at Town Meeting. There is also a second method where a resident of either town can get 10% of voters to petition the Towns to make a change to the RSA, which would also require Town Meeting authorization. Mr. Jim Quinty, from the Ayer Shirley Regional School Committee and Shirley resident obtained the necessary signatures to submit a petition to be placed on both Town's Annual Town Meeting warrants. The petition seeks to make changes to Section 10 "Incurring of Debt". R. Pontbriand stated that debt is incurred pursuant to GL c. 71 sec 16n; this petition seeks to change the incurring of debt to GL c. 71 sec.16d. In order for this to pass it would have to pass in both Towns and then be certified by the Commissioner of Education.

S. Houde asked if this would impact future school projects and that his fear is that if Ayer went forward with an elementary school project that the debt would have to be approved in both Towns. R. Pontbriand noted that he shared his concerns.

Pauline Conley, 40 Cambridge Street asked if 10% of the voters have signed the petition in Ayer to allow it to go forward. R. Pontbriand stated that there only has to be 10% of registered voters of one Town to move forward with the petition process.

R. Pontbriand stated that the Town will be holding a public information forum on Wednesday April 14, 2021 at 6:00 PM regarding the Catania Spagna TIF proposal.

Recommendation on the Uses of FY 2022 Free Cash – R. Pontbriand stated he recently met with the Bi-Board to discuss this issue. He started by saying that FY '20 Free Cash was certified late this year because of delays relating to COVID-19. He reported as of December 2020, the Stabilization Fund balance is \$2.6M; Capital Stabilization \$2.7M and the FY '20 Free Cash was certified at \$1.5M. R. Pontbriand presented several items to be paid out of Free Cash, including the UDAG replenishment from the Worthen Dale Law Suit; OPEB Funding, Forward Funding of the Town's Pension; compensated absences special revenue fund with the remainder going to Capital Stabilization and Stabilization. He and the Finance Manager are recommending that the bulk of the remainder of Free Cash go towards Capital Stabilization, since the Stabilization fund has exceeded the State's benchmark. Also building up the Capital Stabilization Fund will allow a funding option for a new elementary school or Senior Center Project. He presented 3 FY '22 Stabilization scenarios; the consensus of the Bi-Board was to go with Scenario #1, which is \$790,000 into Capital Stabilization and \$5,607 into Stabilization.

S. Houde stated that in the event the Town was sued, Capital Stabilization does not count towards the Town's assets, whereas Stabilization does. He also added that the Bi-Board agrees putting more funding towards Capital Stabilization so when the Town is ready with a project, the funding in Capital Stabilization could offset the burden to the taxpayer.

L. Gabree stated that she agreed with the approach and is looking to reduce the burden on the taxpayer.

P. Conley asked who was on the Bi-Board? R. Pontbriand responded SB Member S. Houde, Fin Com Members Pat Diamond and Mark Smith, the Town Manager, the Assistant Town Manager, the Finance Director and the Treasurer/Tax Collector. P. Conley then asked if there were any residents on the Board. S. Houde stated that the meetings are posted, publicly held and residents of the Town are welcome to participate. P. Conley stated she would be happier if Free Cash was being used to cover the \$115,000 in Capital Budget requests. She stated that she does not like to borrow money and would prefer to see the items bought outright. The SB had further discussion with P. Conley's relating to her concerns.

J. Livingston asked for some additional clarification on the explanatory notes in the DRAFT warrant.

Update on Woodlawn Cemetery Transfer Proposal – R. Pontbriand stated that the Trustees of the Woodlawn Cemetery approached the Town with a proposal for the cemetery to be transferred to the Town. He stated that transfer would include Woodlawn Cemetery land, property and equipment and their funds and perpetual care accounts. He stated the current Board of Trustees would like to leave the cemetery in good hands. Currently and in the future, Woodlawn Cemetery does not have the capacity to continue to operate. The funds being transferred will be for cemetery use only. He noted that the transfer process is a two-step process: #1 the Town must obtain authorization to proceed with the Transfer and #2 as authorized by Town Meeting, the transfer would occur once the Town did their due diligence over the coming year including inventory, assessment of cemetery conditions, assess and audit all financial information and establishing a governance structure and operating plan. He anticipates that he will be bringing the adoption of the Cemetery Commission Statue for consideration at the 2021 Fall Town Meeting. The goal is to have the Town operating the cemetery by July 1, 2022. DPW would oversee cemetery operations governed by a Cemetery Commission. The transfer to the Town is only for the purpose of Woodlawn Cemetery remaining a cemetery in perpetuity.

R. Pontbriand noted that Jody Davin, Rich Skoczylas, and Ginny Matthews, current Trustees were in attendance.

Sara Withee, 11 Groton Shirley Road, asked for a GIS map of proposal and said it would be helpful to see. She wants to note for the record that she is watching and this isn't a situation where no one asked.

R. Pontbriand stated that there are models that the Town will be reviewing: subcontracting the work, performing all work in-house by DPW. The sale of graves, could be done by DPW and the Town Clerk's Office will likely be the holder of the permanent records.

Ginny Matthews, current Treasurer of the Board of Trustees, stated she will help in any way she can.

Dave Bodurtha, 28 Coolidge Road, said it sounds like it a good idea, but he is uncomfortable not knowing the financials at the upcoming Town Meeting and he is uncomfortable with the Select Board doing the due diligence and then making a decision. R. Pontbriand stated that this is a two-part process and Town Meeting will vote on it again in October of 2021, once all due diligence has been completed.

New Business/Selectmen's Questions: None

Motion:

Executive Session Pursuant to MGL c. 30A, sec. 21A: At 7:45 PM a motion was made by J. Livingston and seconded by S. Houde to enter into Executive Session Pursuant to MGL c. 30A, sec. 21A, Exemption #3 Union Contract Negotiations – Police Patrol and Dispatch Contract Update and to adjourn from Executive Session. To discuss these matters in Open Session would be detrimental to the Town's negotiating strategy. **Roll Call:** S. Copeland, aye; S. Houde, aye; J. Livingston, aye. **Motion passed by Roll Call Vote 3-0.**

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

Date Minutes Approved by BOS: _____

Signature Indicating Approval: _____