

RECEIVED  
JUL 10 2020

TOWN OF AYER  
TOWN CLERK

10:10am  
Shirley Copeland

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



**Tuesday July 14, 2020 - 4:45 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 Cindy Knox, IT Director at [cknox@ayer.ma.us](mailto:cknox@ayer.ma.us) or 978-772-8252 prior to the meeting.*

**4:45 PM**

**Call to Order**

Pledge of Allegiance; Review and Approve Agenda; Announcements

**Public Input**

*Due to the unique and unprecedented circumstances of the COVID-19 Pandemic; 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](mailto:atm@ayer.ma.us)*

**4:50 PM\***

**Superintendent Mark Wetzel, Department of Public Works**

1. DPW Highway Storage Garage Change Order and Request for Use of UDAG Funds

**4:55 PM**

**Ayer Affordable Housing Committee, Janet Providakes, Chair**

1. Request to reduce the number of seats on the AHC Committee
2. Update on the various activities of the AHC

**5:10 PM**

**Town Manager's Report**

1. Administrative Update/Review of Town Warrant(s)
2. August Meeting Date

**5:15 PM**

**New Business/Selectmen's Questions**

**5:20 PM**

**Approval of Meeting Minutes**

June 17, 2020; June 30, 2020

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

*The next regularly scheduled Select Board will be scheduled at this meeting.*

# 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

## MEMORANDUM

Date: July 9, 2020  
To: Board of Selectmen  
From: Mark Wetzel, P.E. Superintendent of Public Works  
Subject: **Agenda Items for July 14, 2020 BOS Meeting**

- 1. DPW Highway Storage Garage Change Order and Request for Use of UDAG Funds** – The DPW recently completed the construction of the new storage garage at the DPW yard. During construction, there were unanticipated sub-surface conditions, resulting in additional work. These conditions were:
  - Large boulders buried in the back of the site
  - Sewer Force Main was discovered under the building location, not where shown on record plans. This required concrete encasement to protect the sewer.

We have prepared a change order to cover the additional costs that the contractor incurred related to these issues. The change order totals \$53,490; \$9,859 for the boulder removal and \$43,631 for the sewer encasement

Town Meeting appropriated \$825,000 for this project and the cost to date, not including this change order, is \$824,000. Based on discussions with the Town Manager and Town Accountant, the additional cost for this change order will need to be appropriated by Town Meeting, as this is a capital project.

Therefore, the DPW is respectfully requesting that the Board of Selectmen consider voting up to \$53,490 from UDAG Funds so that we can close out this contract. We will request that these funds are replenished at a future Town Meeting.

If the Board concurs with this request, Change Order No. 2 in the amount of \$53,490 is attached for signature by the Chairman.

**SECTION 00842  
CHANGE ORDER**

**No. 2**

Date of Issuance: July 14, 2020

Effective Date: July 14, 2020

Project: **DPW Highway Garage**

Owner: **Ayer DPW**

Owner's Contract No.: **18DPW01**

Contract:

Date of Contract: **Feb. 15, 2019**

Contractor: **Nadeau Corporation**

Engineer's Project No.:

**The Contract Documents are modified as follows upon execution of this Change Order:**

Unanticipated Subsurface Conditions – Excavation of boulders and concrete encasement of sewer force main

Attachments: (List documents supporting change):

Boulder excavation letter dated 12-2-2019

Sewer Force Main letter dated 06-29-2020

**CHANGE IN CONTRACT PRICE:**

Original Contract Price:

\$ 746,600

Increase from previously approved Change Orders

No. 1 to No. \_\_\_\_\_:

\$ 11,119.46

Contract Price prior to this Change Order:

\$ 757,719.46

Increase of this Change Order:

\$ 53,490

Contract Price incorporating this Change Order:

\$ \$811,209.46

**CHANGE IN CONTRACT TIMES:**

Original Contract Times: ☐ Working days ☐ Calendar days

Substantial completion (days or date): \_\_\_\_\_

Ready for final payment (days or date): \_\_\_\_\_

[Increase] [Decrease] from previously approved Change Orders

No. \_\_\_\_\_ to No. \_\_\_\_\_:

Substantial completion (days): \_\_\_\_\_

Ready for final payment (days): \_\_\_\_\_

Contract Times prior to this Change Order:

Substantial completion (days or date): \_\_\_\_\_

Ready for final payment (days or date): \_\_\_\_\_

[Increase] [Decrease] of this Change Order:

Substantial completion (days or date): No Change

Ready for final payment (days or date): No Change

Contract Times with all approved Change Orders:

Substantial completion (days or date): \_\_\_\_\_

Ready for final payment (days or date): \_\_\_\_\_

RECOMMENDED:

By: 

Engineer (Authorized Signature)

Date: July 9, 2020

ACCEPTED:

By: \_\_\_\_\_

Owner (Authorized Signature)

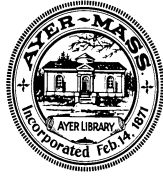
Date: \_\_\_\_\_

ACCEPTED:

By: \_\_\_\_\_

Contractor (Authorized Signature)

Date: \_\_\_\_\_



**Town of Ayer**  
**Ayer Affordable Housing Committee**

Town Hall \* One Main Street \* Ayer, MA 01432

Robert Pontibrand  
Ayer Town Manager  
One Main Street  
Ayer, MA 01432

Re: Request to Reduce the Number of Committee Members for Ayer Affordable Housing Committee

Dear Mr. Pontibrand:

We, the current members of the Ayer Affordable Housing Committee, would like to request the Select Board of Ayer, MA to reduce the number of active committee members for our committee to 5 members, from the current level of 7 members.

We have had 2 resignations, Steve Quinn and Hilary Curtis. We have not been able to find replacements, so making a quorum has been difficult.

Along with the 5 active, voting members, we would like to have 2 alternates. These individuals will not be able to vote, unless they comprise the quorum at that respective meeting.

With the 2 alternates, we will have new members in the pipeline, should members leave the committee.

Thank you for presenting this memo to the Select Board of Ayer.

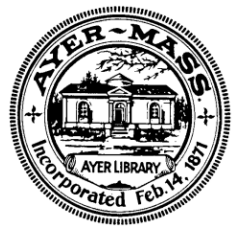
Sincerely,

Janet Providakes  
Chair, Ayer Affordable Housing Committee

Cc: Alicia Hersey  
Ayer Affordable Housing Committee

**Office of the Select Board  
Office of the Town Manager**

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Town of Ayer| Ayer Town Hall| 1 Main Street| Ayer, MA 01432|978-772-8220| [www.ayer.ma.us](http://www.ayer.ma.us)

**MEMORANDUM**

**DATE:** July 10, 2020

**TO:** Ayer Select Board

**FROM:** Robert A. Pontbriand  
Town Manager

**SUBJECT: Town Manager's Report for the July 14, 2020 Select Board Meeting**

Dear Honorable Select Board Members,

I am pleased to transmit to you the following Town Manager's Report for the July 14, 2020 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):**

- I will provide a brief Administrative Update at the meeting of the various activities, initiatives, and projects of the Administration since the Select Board last met on June 30, 2020.

**Review of Town Warrant(s):**

- I have reviewed, approved, and signed the following Town Warrants since the Select Board last met on June 30, 2020:

Accounts Payable Warrant #21-01A in the amount of \$1,811,731.25 was reviewed, approved, and signed on July 1, 2020.

**August Meeting Date:**

- The Select Board originally selected Tuesday, August 11, 2020 at 6pm as their August meeting date. However, it has come to our attention that there is a conflict with the Planning Board which is also meeting that evening at 6:15pm. Additionally, the Planning Board has scheduled and advertised for some specific hearings to occur at that meeting which would make rescheduling this meeting for them problematic.
- Therefore, it is respectfully recommended that the Select Board consider one of the following alternatives: consider meeting at 4:45pm on August 11 or reschedule to Tuesday, August 18, 2020 at 6pm.

Thank you.

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



*Broadcast and Recorded by APAC*

**Wednesday June 17, 2020**  
**Open Session Meeting Minutes**

**BOS Present:** Shaun C. Copeland, Chair; Scott A. Houde, Vice-Chair (*via remote participation*); Jannice L. Livingston Clerk

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

**Call to Order:** S. Copeland called the meeting to order at 4:00 PM.

**Remote Access:** S. Copeland stated that pursuant to Governor Baker's March 12, 2020 Order 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.

**Pledge of Allegiance:** Select Board members and meeting attendees stood and recited the Pledge of Allegiance.

R. Pontbriand reminded the public to contact the Town prior to a meeting to get the Zoom/Call-In information, as the Town is not providing the access code on agendas due to "zoom bombers" and hackers. He explained that the Town has experienced these issues twice since the Governor's order went into effect. He stated that someone who had received the Zoom/Call-In information from the Town has posted it publicly on different social media forums and that the meeting was now susceptible to hackers. He has asked the Police Chief and the IT Director to be on today's meeting in the event of hack.

**Vote to Approve Outdoor Seating Policy pursuant to COVID-19 Order 35:** R. Pontbriand reported that there has been a lot of erroneous chatter on various social media forums regarding an outdoor seating policy. The Town Administration, in consultation with Town Counsel, has developed a policy and application for outdoor seating pursuant to Executive Order 35. The Town has received two formal inquiries on outdoor seating from the Nashoba Club and Bar25. R. Pontbriand stated that the minute a business formally approaches the Town of Ayer, we are happy to work with them. R. Pontbriand is seeking approval for the Outdoor Seating Policy and to vote to authorize the Town Manager to approve all applications to expedite the process for business owners. All applications are subject to inter-departmental review by the Health Agent, Police Chief, Fire Chief, DPW Superintendent and Economic Development Director.

J. Livingston and S. Houde stated that it is a wise idea to have the Town Manager approve the requests to expedite the process.

**Motion:** A motion was made by J. Livingston and seconded by S. Houde to approve the Outdoor Seating Policy pursuant to COVID-19 Order 35 as presented. **By Roll Call Vote:** J. Livingston, aye; S. Houde, aye, S. Copeland, aye. **Motion passed by Roll Call Vote 3-0.**

**Vote to authorize the Town Manager to approve Outdoor Seating Requests (both alcoholic and non-alcoholic) pursuant to Outdoor Seating Policy Outdoor Seating Policy Pursuant to Executive Order 35:**

**Motion:** A motion was made by J. Livingston and seconded by S. Houde to authorize the Town Manager to approve all outdoor seating (alcoholic and non-alcoholic) applications. **By Roll Call Vote:** J. Livingston, aye; S. Houde, aye, S. Copeland, aye. **Motion passed by Roll Call Vote 3-0.**

**Adjournment:**

**Motion:** A motion was made by S. Houde and seconded by J. Livingston to adjourn at 4:17 PM. **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:** \_\_\_\_\_