



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

Broadcast and Recorded by APAC

June 20, 2023
Open Session Meeting Minutes

SB Present: Scott A. Houde, Chair; Jannice L. Livingston, Vice-Chair;

SB Absent: 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. Houde to approve the meeting agenda.

Motion passed 2-0.

Announcements: S. Houde announced that the “Independence in the Ayer” event will begin on Friday June 23, 2023 and run through Sunday June 25, 2023.

Recognition of Student T-Shirt Designers for the “Independence in the Ayer” Celebration: The SB recognized Page Hilltop 5th Graders, Torri Cauley, and Thomas Angers for designing this year’s T-Shirt for the “Independence in the Ayer” Celebration.

Public Input: Dennis Curran, 51 Pleasant Street stated that he wanted to speak about certain items on the agenda but would wait until they came up.

Dan Van Schalkwyk, Director, Department of Public Works - Stormwater Utility Update and Brief

Presentation: D. Van Schalkwyk was joined by Emily Scerbo from Tighe & Bond to give the Board a presentation on establishing a Stormwater Utility Fund. Since 2003, Ayer’s stormwater management program has included public education and outreach; water quality testing; oversight of construction sites and local permitting for new development and redevelopment to manage stormwater runoff. D. Van Schalkwyk stated that in 2011, Town Meeting approved a Stormwater Utility Enterprise Fund, but a funding mechanism still needs to be developed. In 2013, a Stormwater Utility Committee developed a funding mechanism – funding via the general fund – but Town Meeting voted to eliminate the fund all

together. In 2019, the DPW presented to the Select Board, and the Board supported revisiting the stormwater utility fund; capital funds were then approved at Town Meeting to work with a consultant to revisit the stormwater utility fund. The Town contracted with Tighe and Bond in 2023. E. Scerbo stated that replacement of the Town's drainage system would cost around \$90 Million. She also stated that under the new MS4 General Permit (coming later this year), she expects more stringent requirements. E. Scerbo stated that the benefit of establishing a stormwater utility fund is a dedicated revenue source that is equitable and fair. E. Scerbo continued the presentation detailing impervious area and how a fee is generated. DPW is looking to convene an Advisory Group (likely consisting of D. Van Schalkwyk, the Town Engineer, a local business leader, IPP representative, someone from the Town Manager's Office, a Select Board member, three residents and a member of the Planning Board) to make policy decisions as the town is reexploring the issue. The DPW is planning on presenting to the Town at the Annual Town Meeting in 2024 to allow for plenty of public input.

S. Houde asked if presenting at the Fall Town Meeting in 2023 was possible. D. Van Schalkwyk stated no that there is a substantial amount of public outreach involved and the Spring of 2024 would be ideal. S. Houde asked if the new fund would cover capital costs that the Town is already paying for. D. Van Schalkwyk stated yes. S. Houde clarified stating that the Town already spends funding on stormwater, but this fund would allow for a dedicated revenue source.

J. Livingston agreed that presenting this at the Fall Town Meeting in 2023 would be too soon. She stated that this is considered a "tax on rain". She asked about a homeowner who has a rain barrel system and whether someone from the DPW would be coming to measure the impervious surface. She said that things like that should be discussed at the Advisory Board. E. Scerbo stated that all measurements would be taken from satellite imagery. J. Livingston stated that the angle of the satellite should be taken into consideration.

R. Pontbriand agreed that the earliest the topic should go to Town Meeting is the Spring of 2024. He stated that the Town also has a Rate Review Committee and that the advisory board should present to the Committee in the future. One of the major concerns from the last time was the issue of commercial/industrial owners who do not live in Ayer and therefore cannot vote on the issue.

There was additional discussion. R. Pontbriand recommended adding a member of the Finance Committee to the advisory board.

Change Order 1 – Third Street Water and Drainage Improvement Project – Town Engineer Matt Herson presented a Change Order 1 for the Third Street Water and Drainage Improvements Project. It includes the replacement of additional drainage piping and structures not included in the original contract for a total amount of \$59,140.00. This additional drainage infrastructure replacement was not included in the original bid plans due to budgetary concerns at that time. He is also requesting a 45-day time extension on the original contract.

Motion: A motion was made by J. Livingston and seconded by S. Houde to approve Change Order 1 in the amount of \$59,140 with a 45-day extension with signature by the Chair. **Motion passed 2-0.**

Grove Pond Water Treatment Plant Production and Clearwell Storage Update – Water and Sewer Superintendent Kimberly Abraham provided an update to the Select Board. She stated that water usage in May and June has remained high with weekend use increasing. The DPW staff and the Town Manager met with the largest commercial user to request that they modify their production through the summer months. Since this meeting, the DPW has noticed a change in their water use but have not noticed a

change in overall water consumption and production. They also met with the second largest commercial user earlier today and made them aware of the situation and requested that they curb their use as much as possible. She is recommending conservation measures by all customers and that the Board declare a State of Water Supply Conservation to include that as of July 1st, all Town irrigation systems be banned from use until further notice. In addition, all other customers restrict irrigation use to odd/even day outdoor watering, but on the weekends only. This means that no watering will be allowed during the weekdays. Handheld watering would still be allowed.

K. Abraham then gave an update on the Grove Pond Clearwell Project. The project is needed to restore water production capacity at Grove Pond to the levels experienced prior to PFAS treatment. The first phase of the project is design and bidding, she is requesting \$300,000 in ARPA funds for Phase 1 to be able to get the project going. For potential sources for funding for the overall project, the DPW is looking at an Army Grant, ARPA funding, State Revolving Fund, USDA Revolving Funds and Congressional Earmarks.

S. Houde asked about going back to the manufacturer of the PFAS treatment system. D. Van Schalkwyk stated that he is still looking into that, in addition to an Army Grant.

Dennis Curran, 51 Pleasant Street, asked that before a decision is made on this request, a discussion be had about other uses of ARPA funds by other departments. S. Houde stated that other ARPA funding requests would be discussed later on this evening.

Sarah Withee, 11 Groton Shirley Road, asked if the Board was voting on the water restrictions. S. Houde said yes. She stated that she wants to use her water more than one day on the weekend.

Motion: A motion was made by J. Livingston and seconded by S. Houde to approve up to \$300,000 in ARPA funding for the design on the Clearwell for the Grove Pond Treatment Facility. **Motion passed 2-0.**

S. Houde went back to the issue of the Declaration of a State of Water Supply Conservation. He asked what the public outreach would be. K. Abraham said they will do an email blast, a reverse 911, place notices on the website and social media and on the Town's electronic sign board.

Dennis Curran asked when the end date was. K. Abraham said they will continue to monitor.

There was additional discussion.

Pauline Conley, 40 Cambridge Street, asked about enforcement of the ban. D. Van Schalkwyk stated that the enforcement is noted in the water regulations that there is a first violation, then a written warning and then charges may be assessed. K. Abraham stated that the goal is compliance.

Sara Withee stated that she uses the Town's water 52 weeks a year. There was additional discussion.

Motion: A motion was made by J. Livingston and seconded by S. Houde that the following water conservation restrictions be made: Only use irrigation on odd/even days on the weekends only; no watering between 9:00 AM – 5:00 PM on all days; total ban on Town's irrigations systems to ease the use of the water treatment facility to ensure no major issues in the future. **Motion passed 2-0.**

Sandy Pond Road Complete Street Conceptual Design – M. Hernon gave a presentation to the Select Board for the Sandy Pond Road Complete Street Conceptual Design. A Complete Street is one that provides safe and accessible options for all travel modes – walking, biking transit and vehicles – for all ages and

disabilities. He presented several conceptual plans; the project will be broken into two phases. The total cost is estimated to be about \$1.7 million. The next step is to hold public input meetings.

S. Houde asked whether it was worth splitting the project into two phases? M. Hernon stated that he agreed it would be better to do it all at once since there is a lot of room for improvement on Sandy Pond Road. J. Livingston agreed, stating that costs will only increase as time goes on.

Request for Abatement – Water Bill - 95 Washington Street: Matt Murphy, 95 Washington Street stated that he saw a significant spike in his water bill over the past nine months. He detailed the increase in rates. He has been in communication with the DPW and they have changed the meter. Since the replacement of the new meter, the bill has returned to its normal usage. The Board discussed the dollar amount requested in the abatement. S. Houde suggested that Mr. Murphy review the request to come up with a dollar amount and be added to the next agenda in July. J. Livingston agreed.

Correspondence to MassDevelopment – Moore Airfield Autocross Events: S. Houde presented a DRAFT letter inviting MassDevelopment to the next meeting to discuss noise levels at the Moore Airfield. J. Livingston stated she reviewed the letter and supports it. She would like MassDevelopment to be aware that the Town of Ayer would like more of a seat at the table.

Motion: A motion was made by J. Livingston and seconded by S. Houde to approve and sign the letter in the packet to MassDevelopment regarding noise levels. **Motion passed 2-0.**

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.

Reappointments Part 2 – C. Antonellis referenced the memo contained in the meeting packet. She is recommending the following be either appointed or reappointed:

New Appointment		
Board / Committee	Length of Term	Seeking Appointment
Historical Commission	3 Years	Chris Pataky *Effective July 1, 2023
Reappointments		
Board / Committee	Length of Term	Current Member
Commission on Disabilities	3 Years	Russell Anderson
		Mindy Titus
Recycling Committee	3 Years	Bonnie Tillotson

Motion: A motion was made by J. Livingston and seconded by S. Houde to approve the appointments and reappointments as presented in the packet. **Motion passed 2-0.**

FY 2023 Year-End Reserve Fund Transfers for Various Town Departments – R. Pontbriand reported that the current balance in the FY '23 Reserve Fund is \$300,000. He is seeking approval on the following RFT requests, which will then be put before the Finance Committee for their consideration. All departments are in attendance in the event the Board has questions.

Department	RFT Amount Request	Justification	Vote	Questions
Accounting	\$10,000	Unforeseen personnel change and additional audit due to personnel change	Motion to approve by J. Livingston; seconded by S. Houde Approved 2-0	P. Conley, 40 Cambridge asked whether the RFT was for wages. R. Pontbriand and K. Cooper answered no.
Assessing	\$20,400	Unforeseen personnel transition and consultant services	Motion to approve by J. Livingston; seconded by S. Houde Approved 2-0	
Fire	\$20,000	Unforeseen employee job injuries and extended sick time	Motion to approve by J. Livingston; seconded by S. Houde Approved 2-0	
Information Technology	\$28,000	Unforeseen mandatory cyber security requirements and unforeseen hardware failure (server power surge)	Motion to approve by J. Livingston; seconded by S. Houde Approved 2-0	Kurt Frazkowski asked if the email was being switched to MFA (multi factor authentication). C. Knox replied yes.
Treasurer/Tax Collector	\$2,800	Unforeseen price increases and unexpected need for multiple payment agreements	Motion to approve by J. Livingston; seconded by S. Houde Approved 2-0	
	TOTAL: \$81,200			

Regional Dispatch Intermunicipal Agreement – One Year Extension – Chief Gill joined R. Pontbriand and the SB. R. Pontbriand stated that both Towns had not entered into negotiations in enough time for the current Budget cycle. He is recommending a one-year extension to June 30, 2024. Shirley’s assessment will be \$145,000, the balance of their assessment, including the escalator will be picked up by State 911.

S. Houde asked if the escalator would cover the additional costs for personnel. Chief Gill said yes. J. Livingston stated that the State approached us about working with Shirley several years ago.

Dennis Curran, 51 Pleasant Street asked what the real costs are to each Town and if they’ve been equitably shared between the two towns. R. Pontbriand shared the figures for FY ’24, noting that Shirley has an issue with their ability to pay. D. Curran if there was an ability to recoup the costs that Ayer has fronted for Shirley. R. Pontbriand stated that will play a role in the upcoming negotiations. S. Houde also noted there is a timing issue and that the state mandates that we enter into this agreement. D. Curran would like the Town of Shirley to appear before the SB to explain their inability to pay. There

was additional discussion. Chief Gill stated that it is important to look at where we were and where we are now. He also stated that the Town of Ayer benefits by being in this regional agreement, as it opens up other funding opportunities from the state. D. Curran stated that the Town of Shirley has the ability to determine what is important to them as a Town.

Motion: A motion was made by S. Houde and seconded by J. Livingston to extend the agreement until June 30, 2024. **Motion passed 2-0.**

ARPA Funding Requests/Proposals – R. Pontbriand is following up on a previous discussion from the June 6, 2023 Select Board Meeting, he would like to further discuss consideration for ARPA funding. Specifically, he is requesting the following:

Clear Well Project for PFAS (Design Funding):**	Up to \$300,000
Senior Center/Community Center Project (Design and Due Diligence Funding for Town Meeting Approval)	Up to \$150,000
Inter-Town Department Competitive Project Grant Program	Up to \$150,000

***was approved earlier in the evening under the DPW Director's report*

R. Pontbriand stated that with respect to the proposed Senior Center/Community Project that for Town Meeting to make an informed decision regarding the proposed project at Pirone Park, the Building Committee needs to further design the project. The Building Committee currently has no funding to further develop and propose this project for proper consideration by Town Meeting. He is also proposing that up to \$150,000 of the ARPA funds be set aside for the further development of an Inter-Town Department Competitive Project Grant Program with the program guidelines to be completed by the Fall for Town Departments to submit ARPA eligible projects for funding.

J. Livingston stated that she was happy to see the funding for the Senior Center come down from \$300,000 to \$150,000.

Dennis Curran, 51 Pleasant Street said he was joined by members of the COA Board of Directors. He said they have been seeking funding for a new senior center since 2018. D. Curran stated that to date, the seniors have not received any portion of ARPA funding. He stated that seniors were most adversely affected by the pandemic.

S. Houde asked how many times the building committee has met. D. Curran stated once; they are meeting again on July 12, 2023. S. Houde would like the Building Committee to come up with a figure for the next iteration of drawings, which would be schematic design and a construction estimate. D. Curran stated that this center is an investment in the townspeople. J. Livingston stated that if the COA needs funding for something else, the Board should look into it. COA Director Katie Petrossi stated that the figure of \$150,000 was to take into consideration the surrounding wetlands and other constraints on the site. There was additional discussion about funding. C. Antonellis stated that she will work with DPW to fine tune the funding request. J. Livingston asked when a Request for Proposals would be posted? C. Antonellis estimated about 45 days.

Pauline Conley, 40 Cambridge, stated that Article 97 issues were not brought up this evening.

The Select Board recessed for two minutes.

R. Pontbriand stated that the Town is actively gathering information on the Article 97 process and the Executive Office of Environmental Affairs has not been responsive to the Town's request.

D. Curran stated that Town will never get to unanimous consent on the site, the building design, etc. He said we cannot let the project come to a halt because of fear working through the difficulties. S. Houde said there is support to provide ARPA funding, they would just need a more quantitative figure from the Building Committee. He would like to discuss this at the July 18, 2023 meeting.

P. Conley stated that she didn't mean to imply there was a cloak and dagger approach. She stated she is appreciative of C. Antonellis' explanation at the last Building Committee meeting of the Article 97 process.

R. Pontbriand stated there was an oversight in his memo, as he forgot to include a potential project submitted by the DPW for ARPA funding for the Sandy Pond Road sewer project.

Update on Opioid Settlement Allocation – R. Pontbriand stated he is still awaiting information from the Attorney General's Office. He proposes putting this on the July 18, 2023 meeting agenda.

New Business/Select Board Member Questions - Proposal for future meeting with Secretary of Housing and Livable Communities (Select Board Member Livingston): J. Livingston stated that she received an email from the Chair of the Harvard Board of Selectmen wanting to have the Ayer, Shirley, Harvard Select Board Chairs meet with the new Secretary of Housing and Livable Communities. Senator Cronin (D-Lunenburg) put forward a bill to the legislature, without Senator Eldridge's knowledge, regarding zoning of Vicksburg Square. She stated that the bill did fail. She is recommending that they proceed with the request to schedule the meeting and that she would like to be the representative for the Board, as her schedule is more flexible.

Approval of Meeting Minutes:

Motion: A motion was made by J. Livingston and seconded by S. Houde to approve the meeting minutes from June 6, 2023. **Motion passed 2-0.**

Adjournment:

Motion: A motion was made by J. Livingston and seconded by S. Houde to adjourn at 8:43 PM. **Motion passed 2-0.**

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

Date Minutes Approved by SB: _____

Signature Indicating Approval: _____