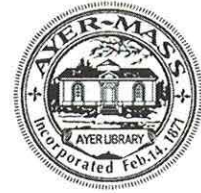


RECEIVED
APR 12 2023

3:30pm
NO
TOWN OF AYER
TOWN CLERK

Town of Ayer
Select Board
1 Main Street
Ayer, MA 01432



Tuesday April 18, 2023
Open Session Meeting Agenda

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). For additional information about remote participation, please contact Carly Antonellis, Assistant Town Manager at atm@ayer.ma.us or 978-772-8220 ext. 100 prior to the meeting.

- 6:00 PM** **Call to Order**
Pledge of Allegiance; Review and Approve Agenda; Announcements
- Public Input**
- 6:05 PM*** **Public Hearing – Pole Petition – National Grid**
Plan Number #30438359 - Westford Road near Loon Hill Road
- 6:10 PM** **Update from Laurie Nehring**
1. Water Chestnut PULL Campaign for Grove Pond
2. MA PFAS and Health Study
- 6:15 PM** **Central Ave./Groton Harvard Road Intersection Update**
Police Chief Brian Gill, Fire Chief Tim Johnston, DPW Director Dan Van Schalkwyk
- 6:25 PM** **Town Manager's Report**
1. Administrative Update/Review of Town Warrant(s)
2. Discussion on Use of Consent Agenda for the Annual Town Meeting
- 6:35 PM** **New Business/Select Board Member Questions**
- 6:40 PM** **Approval of Meeting Minutes**
March 27, 2023
- 6:45 PM** **Adjournment**

**Agenda Times are approximate and do not constitute exact times*

*The Annual Town Meeting is being held at 7:00 PM on Monday April 24, 2023 at the Ayer Shirley Regional High School Auditorium.
The next regularly scheduled meeting on the Select Board is Tuesday May 2, 2023 at 6:00 PM, both in-person and via remote participation.
The Annual Town Election will be held on Tuesday May 9, 2023*

RECEIVED

APR 04 2023

4:30 PM
M

TOWN OF AYER
TOWN CLERK

**Town of Ayer
Notice of Public Hearing
Ayer Select Board**



The Ayer Select Board will be conducting an In Person & Remote participation Public Hearing on Tuesday April 18, 2023 at 6:05 PM regarding a petition by National Grid to construct a line of underground electric conduits, including the necessary sustaining and protecting fixtures, under and across the following public way:

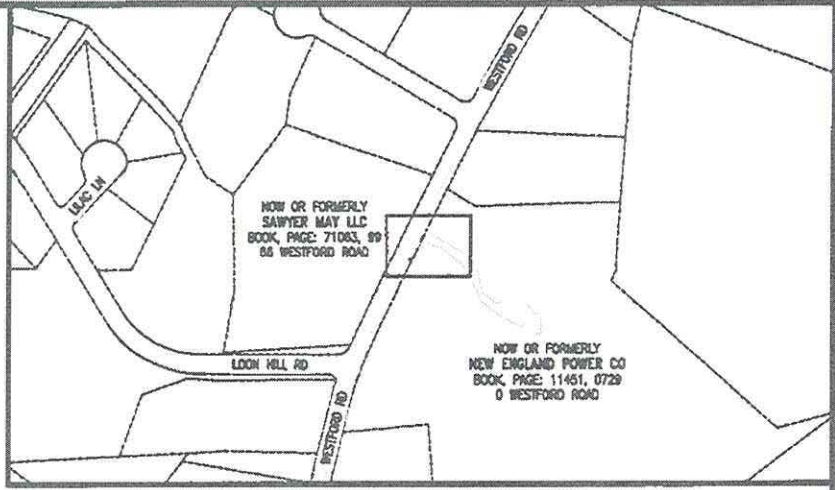
Plan #30438359 Westford Rd - National Grid to install beginning at a point approximately 25' east of the centerline of the intersection of Westford Rd near Loon Hill Rd and continuing approximately 48' in a south direction. Install 2-5" conduits from a new 3-way manhole being installed on National Grid substation driveway to existing Pole #36 Westford Rd

Name of Applicant: National Grid
Date of Public Hearing: April 18, 2023
Time of Public Hearing: 6:05 PM
Location of Public Hearing: In Person, Ayer Town Hall, 1 Main St. Ayer, MA 01432
Remote Participation via Zoom Meeting ID # 897 9080 0793 or by calling 929-205-6099

Copies of the application are available by emailing the Select Board's Office at atm@ayer.ma.us or by calling 978-772-8220 x100.



NOW OR FORMERLY
SAWYER MAY LLC
BOOK, PAGE: 71063, 99
66 WESTFORD ROAD



RECEIVED
APR 04 2023

4:30 PM
[Signature]
TOWN OF AYER
TOWN CLERK

NEW 2-5"
48 FT CONDUIT

WESTFORD RD

NOW OR FORMERLY
NEW ENGLAND POWER CO
BOOK, PAGE: 11451, 0729
0 WESTFORD ROAD

nationalgrid		
SKETCH TO ACCOMPANY PETITION FOR INSTALLATION OF NEW CONDUIT AND STRUCTURES ON WESTFORD RD, AYER, MA		
DRAWN BY: EA SHEET: 1 OF 1	WR# 30438359	ENGINEER: DANIEL COMBES PHONE: 603-289-7503 DATE: 12/21/2021
LEGEND		
	EXISTING RISER POLE	
	PROPOSED MANHOLE	
	PROPOSED UNDERGROUND CONDUIT	
	LOT LINES	
	EDGE OF PAVEMENT	

Questions contact – Dan Combes 508-935-1667

Petition of the Massachusetts Electric Company d/b/a National Grid of NORTH ANDOVER,
MASSACHUSETTS

For Electric conduit Location:

To the Board of Selectmen of Ayer, Massachusetts

Respectfully represents the Massachusetts Electric Company d/b/a National Grid of North Andover, Massachusetts, that it desires to construct a line of underground electric conduits, including the necessary sustaining and protecting fixtures, under and across the public way or ways hereinafter named.

Wherefore it prays that after due notice and hearing as provided by law, it be granted permission to excavate the public highways and to run and maintain underground electric conduits, together with such sustaining and protecting fixtures as it may find necessary for the transmission of electricity, said underground conduits to be located substantially in accordance with the plan filed herewith marked – Westford Rd - Ayer – Massachusetts.

The following are the streets and highways referred to: Plan number # 30438359

Westford Rd - National Grid to install beginning at a point approximately 25 feet east of the centerline of the intersection of Westford Rd near Loon Hill Road and continuing approximately 48 feet in a south direction. Install 2-5” conduits from a new 3-way manhole being installed on National Grid substation driveway to existing Pole # 36 Westford Rd.

Location approximately as shown on plan attached

Massachusetts Electric Company d/b/a

NATIONAL GRID *Pat Shea*

BY _____
Engineering Department

Dated: March 30, 2023

ORDERED:

Notice having been given and public hearing held, as provided by law, that the Massachusetts Electric Company d/b/a National Grid be and it is hereby granted permission to excavate the public highways and to run and maintain underground electric conduits, together with such sustaining and protecting fixtures as said company may deem necessary, in the public way or ways hereinafter referred to, and to make the necessary house connections along said extensions, as requested in petition with said company dated the 30th day of March, 2023.

Said underground electric conduits shall be located substantially in accordance with the plan filed herewith marked – Westford Rd - Ayer – Massachusetts. Plan number # 30438359.

The following are the public ways or part of ways along which the underground electric conduits above referred to may be laid:

Westford Rd - National Grid to install beginning at a point approximately 25 feet east of the centerline of the intersection of Westford Rd near Loon Hill Road and continuing approximately 48 feet in a south direction. Install 2-5” conduits from a new 3-way manhole being installed on National Grid substation driveway to existing Pole # 36 Westford Rd

I hereby certify that the foregoing order was adopted at a meeting of the
....., held on the day of, 20
....., 20

Received and entered in the records of location orders of the City/Town of
Book Page

Attest:

..... hereby certify that on20....., at o'clock,M
at, a public hearing was held on the petition of
Massachusetts Electric Company d/b/a National Grid for permission to construct the underground
electric conduits described in the order herewith recorded, and that I mailed at least seven days
before said hearing a written notice of the time and place of said hearing to each of the owners of
real estate (as determined by the last preceding assessment for taxation) along the ways or parts of
ways upon which the Company is permitted to construct the underground electric conduits under
said order. And that thereupon said order was duly adopted.

.....
.....
.....

ORDERED:

Notice having been given and public hearing held, as provided by law, that the Massachusetts Electric Company d/b/a National Grid be and it is hereby granted permission to excavate the public highways and to run and maintain underground electric conduits, together with such sustaining and protecting fixtures as said company may deem necessary, in the public way or ways hereinafter referred to, and to make the necessary house connections along said extensions, as requested in petition with said company dated the 30th day of March, 2023.

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said order. And that thereupon said order was duly adopted.

.....
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.....



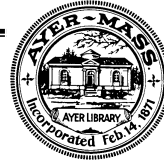
**Town of Ayer
Select Board
Department Head Review Summary**

Public Hearing – Pole Petition – National Grid

Plan Number #30438359 - Westford Road near Loon Hill Road

Department	Comments
Board of Health	
Department of Public Works	DPW does not have issues with this proposal. Typical permits will be required. (Trench, Road Opening)
Police Department	None at this time
Fire Department	No Fire Department Issues
Building Commissioner/Zoning Enforcement Officer	No Issues
Conservation Commission	No Conservation Issues
Treasurer/Tax Collector	n/a
Town Clerk	No Issues
Assessor's Office	No Comment
Economic & Community Development	Recommend Approval
Town Planner	Approved.

Dan Van Schalkwyk, P.E., Director
Kimberly Abraham, Water and Sewer Superintendent
Matt Hernon, P.E., Town Engineer
Pam Martin, Business Manager



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

MEMORANDUM

Date: April 18, 2023
To: Select Board
From: Dan Van Schalkwyk, P.E., Director
Matt Hernon, P.E., Town Engineer
Subject: **Agenda Item for April 18, 2023, Select Board Meeting**

- 1. Improvements to the Groton Harvard Road and Central Avenue Intersection** – The DPW and Police Department have worked together reviewing the current traffic conditions at the Groton Harvard Road and Central Avenue intersection. The DPW will provide a brief presentation of the current traffic safety concerns. Discussion will include a summary of traffic statistics and recommended alternatives from an Intersection Improvement Study performed by Worldtech Engineering (traffic engineering consultant). The DPW would like to receive feedback and direction from the Board.

Central Avenue at Groton-Harvard Road Intersection Improvements



Town of Ayer

Department of
Public Works

April 2023



Intersection Existing Conditions

- Skewed intersection geometry
- 200' north of railroad crossing
- Both roads are classified as “Urban Collectors”
- Over 8,000 Vehicles cross through intersection on average day
- Overhead flashing beacon – Installed 1999
- Flashing stop control (Groton-Harvard Road) – Installed 2015



Central Avenue Approaches

- One lane approaches (No turn lanes)
- No stop control
- 35 MPH Posted Speed Limit (Eastbound)
- 30 MPH posted Speed Limit (Westbound)
- Level of Service “A” during AM & PM peak hour traffic



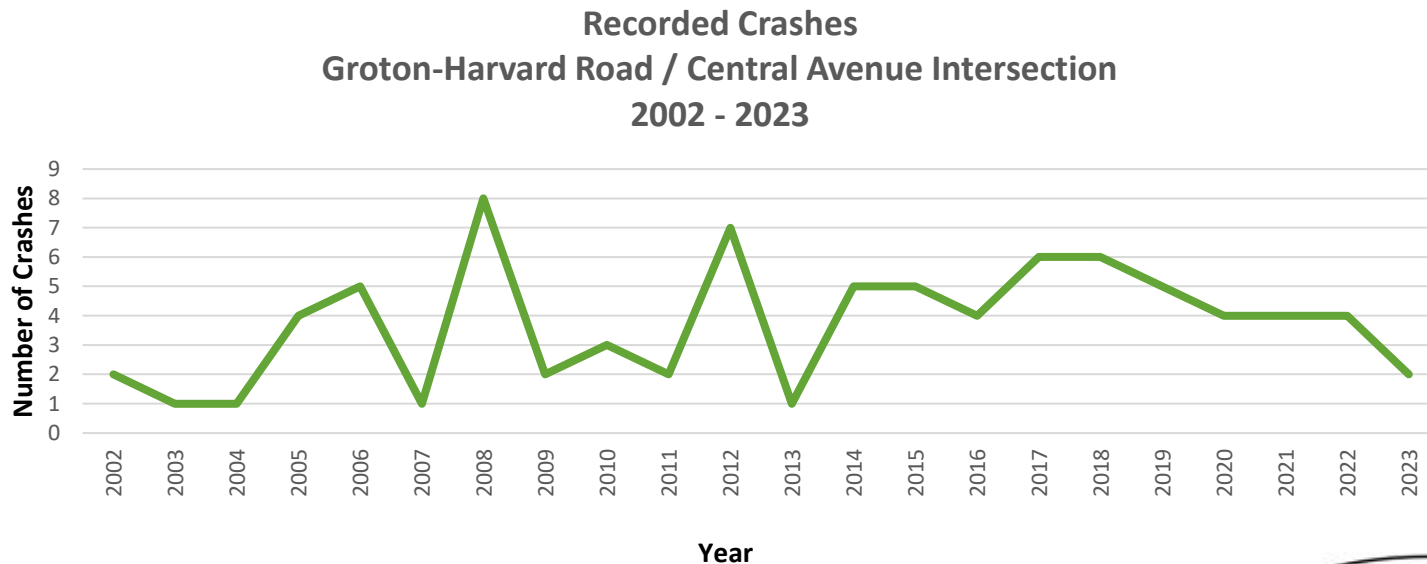
Groton-Harvard Road Approaches

- One lane approaches (no turn lanes)
- Stop control for both approaches
- 25 MPH Posted Speed Limit
- Level of Service “C” – “F” during AM & PM Peak Hour Traffic



Crash Data

- 81 total recorded crashes since 2002
- Mostly “angle” crashes due to failure to yield to right of way
- 19 resulted in possible/minor injuries; 0 fatal injuries
- Near misses are not recorded



Intersection Improvement Study

- Intersection Improvement Study by WorldTech Engineering
- Review of pertinent traffic data including traffic volume, level of service, and crash history
- Recommendation for interim improvements
- Analysis of future intersection reconstruction alternatives



Interim Improvement Plan

- Four-way stop control
- Additional signage and pavement markings
- Inexpensive - No changes to curb, pavement, or drainage



Future Reconstruction - Option 1

- No traffic signal
- New left turn lane – Groton-Harvard Road (southbound)
- Reconstruction of intersection – improvements to curb, roadway alignment, drainage, crosswalks, pavement markings, etc
- Preliminary Cost Estimate - \$1,010,000



Future Reconstruction - Option 1



Future Reconstruction - Option 2

- Traffic Signal
- New left turn lane – Groton-Harvard Road (southbound)
- Reconstruction of intersection – improvements to curb, roadway alignment, drainage, crosswalks, pavement markings, etc
- Preliminary Cost Estimate - \$1,270,000



Future Reconstruction - Option 2



Future Reconstruction - Option 3

- Roundabout
- Reconstruction of intersection – improvements to curb, roadway alignment, drainage, crosswalks, pavement markings, etc
- Preliminary Cost Estimate - \$1,170,000

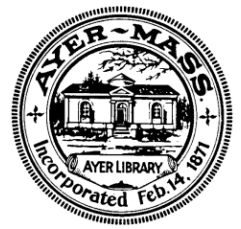
Future Reconstruction - Option 3



Next Steps

- Implement plan for interim improvements
- Evaluate interim improvements
- Consider future reconstruction of intersection and procure necessary funding for design and construction services

**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 11, 2023

TO: Ayer Select Board

FROM: Robert A. Pontbriand
Town Manager

SUBJECT: Town Manager's Report for the April 18, 2023 Ayer Select Board Meeting

Dear Honorable Select Board Members,

I am pleased to transmit to you the following Town Manager's Report of the April 18, 2023 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, initiatives, and projects of the Town since the Select Board last met on April 4, 2023.
- I have reviewed, approved, and signed the following Town Warrants since the Select Board last met on April 4, 2023:

Payroll Warrant #23-20 in the amount of \$380,150.20 was reviewed, approved, and signed on April 4, 2023.

Accounts Payable Warrant #23-20 in the amount of \$1,691,560.56 was reviewed, approved, and signed on April 11, 2023.

Discussion on Use of Consent Agenda for the Annual Town Meeting:

- I will be joined at the meeting by the Town Moderator and Town Clerk to discuss with the Select Board the use of a Consent Agenda for the Annual Town Meeting on Monday, April 24, 2023.
- A Consent Agenda is used by many municipalities at their Town Meeting to approve certain, routine, non-controversial Articles for the purposes of accelerating the Town Meeting process and to free-up limited time from routine, non-controversial Articles so that the Town Meeting can focus its time and discussion on substantive or controversial Articles.

- With respect to the development of a Consent Agenda for the Annual Town Meeting, I offer the following from Town Counsel, Attorney Mark Reich:

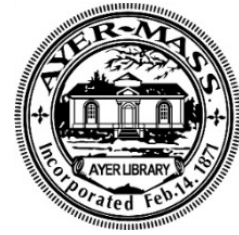
A consent agenda is a mechanism for grouping certain routine non-controversial articles together in the interest of accelerating the Town Meeting process. In some towns, the moderator requests a motion to allow the use of a consent agenda before taking a vote on the combined articles. In other towns, the moderator simply informs Town Meeting that a consent agenda will be used and accepts a motion to take the articles in a single motion. Generally, this process works for articles that can be moved as written, as opposed to articles where the motion must give specific direction with respect to dollar amounts or funding sources. Fixing the salaries of elected officials as listed in the article, setting revolving fund spending limits, and any routine funding articles where the dollar amount and funding source are clearly specified in the article may be considered for a consent agenda. A motion can be made to consider a list of articles together and vote those articles under a single motion, or the Moderator can ask for an initial motion to utilize a consent agenda, with a follow-up motion on the consent agenda if approval is given. The individual articles may be discussed, even if combined under a single motion, and a motion can be made to separate out specific articles if there is interest by the Meeting in having them voted separately. Articles with different quanta of vote generally should not be grouped together. I would be happy to work with you to develop the consent agenda process.

In my opinion the Moderator can present articles together in a consent agenda and allow for them to be voted together, with the understanding that a motion can be made to separate out a particular article, as discussed above.

- If the Town were to use a Consent Agenda, I would propose the following Articles from the Annual Town Meeting Warrant be considered for inclusion (following the guidance above from Town Counsel).
 - Article 6, 7, 8, 9, (The Enterprise Articles) (Non-controversial; annual Articles)
 - Article 14 (GASB-45/OPEB) (Non-controversial and per Town's Financial Policies; annual Article)
 - Article 15 (First Year interest Borrow) (Non-controversial; annual Article)
 - Article 17 (Compensated Absences) (Non-controversial; annual Article)
 - Article 18 (Pension Assessment) (Non-controversial and has been an annual article the last two years)
 - Articles 22, 23, 24, 25 (Transfer Articles) (Non-controversial and housekeeping articles; transferring prior Town Meeting authorizations for new projects/purposes)

This proposed Consent Agenda if approved by Town Meeting would move a total of 12 of the 29 Articles, freeing up considerable time for Town Meeting to focus on the Budget and other substantive matters.

Thank you.



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

Broadcast and Recorded by APAC

March 27, 2023
Remote Participation Only - Open Session Meeting Minutes

SB Present: Jannice L. Livingston, Chair; Shaun C. Copeland, Vice-Chair (*Entered at 6:34 PM*); Scott A. Houde, 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: 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 on Zoom only. This meeting will be live on Zoom. 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: R. Pontbriand asked to table the ratification of the cable license with Comcast until the next meeting.

Motion: A motion was made by S. Houde and seconded by J. Livingston to approve the meeting agenda, as amended. **Roll Call Vote:** S. Houde, aye; J. Livingston, aye. **Motion passed By Roll Call Vote 2-0.**

Public Input: Michael Hamel and Ellen Fitzpatrick asked to be recognized during the discussion on the Senior Center Site Selection Committee.

Public Hearing – Fiscal Year 2024 Water & Sewer Rates Recommendation: S. Houde opened the public hearing at 6:05 PM by reading the public hearing notice. DPW Director Dan Van Schalkwyk and Water and Sewer Kimberly Abraham gave a presentation on setting the FY 24 Water and Sewer Rates. They presented the Water and Wastewater Capital Plans, as well as information on departmental costs. The Rate Review Committee contracted with Raftelis to update the rate review model. Dave Fox from Raftelis Consulting joined the meeting presenting an overview of the rate-setting model. The following are the proposed rates, recommended by the Rate Review Committee:

Quarterly minimum proposed: Water from \$10.00 to \$10.20 and Sewer from \$10 to \$10.50

Water Step 1 from \$3.01 to \$3.07

Sewer Step 1 from \$8.78 to \$9.22

Water Step 2 from \$3.72 to \$3.79

Sewer Step 2 from \$10.06 to \$10.56

Water Step 3 from \$4.42 to \$4.51

Sewer Step 3 from \$11.44 to \$12.01

Conservation Rate from \$4.42 to \$4.51

The impact on the average Ayer resident would be about \$20 per year. D. Van Schalkwyk stated that the committee also reviewed the connection fees for Water and Sewer. They are recommending increasing the Water connection fees by \$300 and Sewer connection fees to \$6,000.

Dennis Curran, 51 Pleasant Street asked about the new regulations for PFAS and whether the Town's infrastructure will be able to handle the new PFAS limits. D. Van Schalkwyk stated that yes the Town already exceeds the standard of 4 parts per trillion.

Motion: A motion was made by S. Houde and seconded by J. Livingston that the SB Select Board vote to increase water & sewer rates and connection fees as proposed by the Rate Committee effective July 1, 2023 by increasing the Water Rates by 2% effective July 1, 2023; increasing the Sewer Rates by 5% effective July 1, 2023; Revising the Connection fees to the following effective July 1, 2023: \$4,800 per ERU for Water Services 1", 1.5", 2"; 6,000 per ERU for a Sewer Service. **By Roll Call Vote:** S. Houde, aye; J. Livingston, aye. **Motion passed By Roll Call Vote 2-0.**

S. Copeland entered at 6:33 PM.

Motion: A motion was made by S. Houde and seconded by S. Copeland to close the public hearing at 6:34 PM. **Roll Call Vote:** S. Houde, aye; S. Copeland, aye; J. Livingston, aye. **Motion passed By Roll Call Vote 3-0.**

Dr. Adam Renda, Superintendent, Ayer Shirley Regional School District - 2023 Statement of Interest (SOI) Process for new elementary school: Superintendent Dr. Adam Renda was joined by Assistant Superintendent Charlie Caliri and Finance Director Bill Plunkett. He stated that the last major renovation for Page Hilltop was in 1980. The School District is looking to see if the Select Board is interested in submitting a Statement of Interest (SOI) to the Massachusetts School Building Authority and if the Town can financially support a new school in the future. The Statement of Interest is the first step in the MSBA process for construction of a new school in accordance with Massachusetts General Law Chapter 70B. He stated that a District can submit more than one SOI, but the SOI should only be filed for a facility where the district has the financial ability to proceed with a construction project at the time of submission. He noted that Harvard and Groton have recently finished elementary schools and North Middlesex has completed their high school. The projects ranged from \$53,000,000 to \$89,000,000 with a reimbursement rate ranging between 50-60%.

S. Houde stated he was excited about this, as the Select Board has been talking about a new elementary school for several years. He noted that the Town has been putting aside money in Capital Stabilization to help offset the cost of the project. J. Livingston stated that it was time to get this process started.

Pauline Conley, Cambridge Street asked if it was an Ayer only elementary school or a regional elementary school. J. Livingston stated it was Ayer only.

Michelle Granger, Ayer Shirley Regional School Committee member asked to clarify that the Board felt comfortable in supporting both a new elementary school and new senior center. S. Houde stated that there is a longer runway in opening a new school, which gives the Town ample time to plan and set money aside.

S. Houde asked what the Board could do to assist? Dr. Renda stated that the Board could take a non-binding vote of support. If invited to the eligibility process, there will be binding votes needed.

Motion: A motion was made by S. Houde and seconded by S. Copeland that the Ayer Select Board support a Statement of Interest for a new elementary school in the Town of Ayer. **Roll Call Vote:** S. Houde, aye; S. Copeland, aye; J. Livingston, aye. **Motion passed By Roll Call Vote 3-0.**

Mark Archambault, Town Planner - District Local Technical Assistance Program Grant Letter of Support: M. Archambault is looking for a letter of support from the Ayer Select Board for a DLTA grant from MRPC for an infrastructure capacity study.

Motion: A motion was made by S. Copeland and seconded by S. Houde to write a letter of support for the DLTA grant application. **Roll Call Vote:** S. Houde, aye; S. Copeland, aye; J. Livingston, aye. **Motion passed By Roll Call Vote 3-0.**

Site Recommendation for Center for Active Living: R. Pontbriand stated that Dr. Katie Petrossi, COA Director and Jeff Thomas, Director of Parks and Recreation will be joining him. R. Pontbriand gave a brief history of the project noting in 2018 it was determined that a new Senior Center was needed and Town Meeting approved funding for a feasibility study. The result of the feasibility study was to use a portion of land off of West Main Street, which had environmental issues, but could be remediated. Town Meeting tabled that proposal due to concerns of the environmental history. He then convened a working group to identify a viable site for a new Senior Center. The working group looked at all the original sites listed in the initial feasibility report and then other additional sites. The working group issued an RFP seeking 1.5 – 2 acres for a new center to be built on. One response was received and that was from Devens but was considered to be non-viable. He stated that an opportunity presented itself in which the COA and the Parks Department would partner on a building to be built at Pirone Park. He listed the benefits of this option, as detailed in the Senior Center Site Selection Working Group Recommendation and Study Report. R. Pontbriand is asking the Board to vote on whether to support moving forward with the Pirone Park and to establish a formal Building Committee for the project.

Dr. Petrossi stated that the existing Senior Center does not meet the needs of Ayer seniors. There is a lack of space and parking. There is no commercial kitchen. The restroom facilities are not ADA compliant. She believes that a partnership with Parks and Recreation is a wonderful solution to all of the inadequacies of the current space. The schedules of a Senior Center and Parks and Recreation are complimentary.

J. Thomas was accompanied by Parks and Recreation Commission members Jason Mayo and Kevin Malantic. J. Thomas stated that the Parks Commission stated that a community center/parks building has been in discussion since 1998. Parks and Recreation programs would greatly benefit from an indoor gym. He is confident that this building would be used every day. There are minimal games played at Field 6 of Pirone Park and the Parks Commission is confident they could seek other locations to make up for it. J. Thomas said that the Commission wants to make sure that the neighbors' concerns are addressed during the building process.

S. Houde inquired about the newly built Parks and Recreation garage and office space located on Bligh Street. J. Thomas stated that there would no be interference with that facility. The current older building that the Parks Department uses as storage would likely be removed necessitating the need for additional storage in the new building.

J. Livingston stated that fundraising should be part of this process.

Michael Hamel, 17 School Street stated he is not in favor of this whatsoever. He stated that the Town is land poor, but there is 57 acres of land where the high school is. He stated that the land at Pirone Park is for open space. He is recommending that the item be tabled.

Ellen Fitzpatrick, Autumn Ridge Drive stated that she used the Senior Center a great deal prior to Covid. She loves the idea of situating the Senior Center at Pirone Park. She likes the idea of intergenerational contact.

Laurie Nehring, 35 Highland Avenue stated that she is in favor of the concept of combining youth and seniors and that the facility is needed. She questioned the location and feels that there needs to be a Town-wide vote. She stated that she is concerned about the views at Pirone Park, and she is concerned that just a handful of people are making the decision. L. Nehring asked if Town funds would be used for this prior to a vote. R. Pontbriand stated that there is no existing funding, and the funding requests would be in the purview of the Building Committee.

There was additional discussion.

Ken Diskin, 181 Washington Street said he was asked to join the Site Selection Committee several years ago. He was surprised at the number of inherent land issues across Ayer. The Committee looked at over 20 sites and the Town continually found obstacles. The Site Selection working group made a very cooperative effort in the end to meet all the criteria of the committee.

Bob Gardner, Sandy Pond Road said he is 74 years of age and participates at the Senior Center daily. He is suggesting that the Select Board adopt a proposal to begin due diligence at Pirone Park.

Pauline Conley stated that she leans to Mike Hamel's opinion on the matter and asked whether the Site Selection Committee look at the deed. She asked if the project location could be moved to the other side of the park. She then asked where the meeting minutes could be located. R. Pontbriand stated that it was a working group, not a committee. There was no quorum of any public board and therefore not subject to the Open Meeting Law. The Building Committee would be subject to the Open Meeting Law.

There was additional discussion.

J. Livingston also wondered about the other side of the park. J. Mayo stated that would destroy all the 22223430ther programming that the Park Department offers.

Laurie Nehring stated that the Town could put pressure on MassDevelopment and the Army to get land back at Devens.

Dennis Curran, Pleasant Street stated the working group started with the idea of building a standalone senior center, as that was the original charge of the site selection group. He stated that the Parks Commission has wanted an indoor space for more than 22 years. The joint community center would allow Parks and the COA to offer much more programming.

There was additional discussion. R. Pontbriand showed a slide with sites that have been looked at by the working group.

Marge Withee, Groton Shirley Rd. stated that seniors she has talked to are in favor or the Pirone Park location.

Beth Suedmeyer, Nashua Street is requesting that much more of a public process is done before a decision is made. She stated that Pirone Park is the most valuable recreation land. She would like a Master Plan of the Park to be done to assess the building location and future needs.

S. Houde stated that we are early in the process, and he is in favor of moving this forward. He stated, in response to L. Nehring saying people would get used to driving to Devens, if the center was placed there,

that he had to pick his children up in Shirley at the Middle School and he never got used to it. He can't imagine telling seniors to drive another 10-15 minutes extra to socialize.

S. Copeland stated he was also in favor of moving this proposal forward.

There was additional discussion.

Motion: A motion was made by S. Houde and seconded by S. Copeland that the SB approve the creation of a building committee to review the Center for Active living, as proposed. **Roll Call Vote:** S. Houde, aye; S. Copeland, aye; J. Livingston, aye. **Motion passed By Roll Call Vote 3-0.**

Dan Van Schalkwyk, Director, Department of Public Works - Execution of Easement Agreement with National Grid for Jonathan Drive Cross-Country Water Main: D. Van Schalkwyk presented a Grant of Easement and Agreement to allow the Town to install and maintain a cross-country water main across National Grid property. The easement is part of the Jonathan Drive Cross-Country Water Main Project, an important infrastructure project which will create a water main loop between Pleasant Street and Jonathan Drive. Town Counsel reviewed and assisted in the development of the Agreement with National Grid. He is recommending that the Board execute the Easement Agreement with New England Power Company.

Motion: A motion was made by S. Copeland and seconded by S. Houde to approve the execution of easement and agreement with National Grid for the Jonathan Drive Cross-Country Water Main, as presented. **Roll Call Vote:** S. Houde, aye; S. Copeland, aye; J. Livingston, aye. **Motion passed By Roll Call Vote 3-0.**

Ratification of Cable License with Comcast: This item was tabled until the next Select Board meeting being held on April 4, 2023.

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. He noted that construction for the base of the Howitzer project is underway.

Appointments – Marilyn Schmalenberger, Alternate, Zoning Board of Appeals – R. Pontbriand is recommending that the SB appoint Ms. Marilyn Schmalenberger to the ZBA as an alternate with a term to expire on June 30, 2024.

Motion: A motion was made by S. Copeland and seconded by S. Houde to appoint Marilyn Schmalenberger as an Alternate on the Zoning Board of Appeals, term to expire June 30, 2024. **Roll Call Vote:** S. Houde, aye; S. Copeland, aye; J. Livingston, aye. **Motion passed By Roll Call Vote 3-0.**

FY '24 Budget Update – R. Pontbriand stated that that Board has the Final DRAFT of the budget in their packet. The overall increase over last year's budget was less than a million dollars or 5% over last year. He stated that the SB will be meeting in a joint session with the Finance Committee on April 4, 2023 to review and approve the warrant and budget.

DRAFT Annual Town Meeting Warrant Review – R. Pontbriand stated that there is a 3 article Special Town Meeting immediately prior to the Annual Town Meeting. He reviewed both warrants with the SB.

Adoption of Ch. 269 of the Acts of 2022 (One-time COLA for Town Retirees) – R. Pontbriand stated that the Middlesex County Retirement Board has adopted Chapter 269 of the Acts of 2022 which would permit a one-time cost of living adjustment (COLA) of five percent (5%) on the first \$16,000 of the COLA base for retirees that are members of the Middlesex County Retirement System. The Finance Manager has calculated that the estimated cost impact on the Town of Ayer would be estimated at \$275,520 to be paid as part of the Town’s Retirement Assessment starting in FY 2026 through FY 2036 (to be paid over a ten-year period). He is recommending that the Select Board consider voting to adopt Chapter 269.

Motion: A motion was made by S. Copeland and seconded by S. Houde to adopt Chapter 269 of the Acts of 2022. **Roll Call Vote:** S. Houde, aye; S. Copeland, aye; J. Livingston, aye. **Motion passed By Roll Call Vote 3-0.**

Discussion/Recommendation on Use of ARPA Funds – West Main St. Bridge – R. Pontbriand stated that as the Board continues to discuss recommended uses for the Town’s remaining ARPA Funds, in consultation with the DPW Director, they are recommending that the Board consider voting to authorize \$500,000 in ARPA Funds for the purposes of the West Main Street Bridge Replacement Project. There is approximately \$1.5 million in ARPA funds, which may be spent at the discretion of the Select Board. He referenced the memo in the Select Board packet.

S. Copeland thought this was a good idea and is supportive of spending the ARPA funds. S. Houde asked what the savings to the taxpayer would be if we used the \$500,000 in ARPA funds. S. Houde thought it might be wiser to save the ARPA funding to help offset another capital project in the future. Finance Manager B. Tierney stated that the estimated savings would be .02 cents off the tax rate of the borrowing need, resulting in a \$10 dollar decrease in annual savings per household per year for 20 years. The Board will make their decision on this at the next meeting on April 4, 2023.

Amendment #1 - Cell Tower Agreement with SBA Towers II, LLC. – R. Pontbriand is recommending that the Board approve Amendment #1 to the Cell Tower Agreement between the Town and SBA Towers, II. Amendment #1 adjusts the start date of the new agreement to commence on October 6, 2023 when the current agreement expires.

Motion: A motion was made by S. Houde and seconded by S. Copeland to approve Amendment #1 to the Cell Tower Agreement. **Roll Call Vote:** S. Houde, aye; S. Copeland, aye; J. Livingston, aye. **Motion passed By Roll Call Vote 3-0.**

New Business/Select Board Member Questions: *DRAFT Letter Regarding Noise Issues to MassDevelopment (J. Livingston):* J. Livingston referenced a letter in the packet to MassDevelopment about the level of noise of the racing near the Airfield. She was approached by several residents about the constant noise all weekend long during the summer months. S. Houde said he would like some time to review the letter and asked if there was any legal recourse. J. Livingston stated there is something in the Devens legislation about noise levels.

Approval of Meeting Minutes: A motion was made by S. Copeland and seconded by S. Houde to approve the meeting minutes from March 7, 2023. **Roll Call Vote:** S. Copeland, aye; S. Houde, aye; J. Livingston, aye. **Motion passed By Roll Call Vote 3-0.**

Executive Session Pursuant to MGL Chapter 30A, Section 21A, Exemption #2 (Non-Union Personnel) Town Clerk Personal Services Contract: At 8:55 PM a motion was made by S. Houde and seconded by S. Copeland to enter into Executive Session pursuant to MGL Chapter 30A, Section 21A, Exemption #3 (Union Negotiations) to ratify the Town Hall Clerical Union Contract and to adjourn at the conclusion of the Executive Session. He further noted that discussing these matters in Open Session

would be detrimental to the Town's negotiating strategy. **By Roll Call Vote:** J. Livingston, aye; S. Houde, 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: _____

Signature Indicating Approval: _____

DRAFT