

RECEIVED
AUG 13 2021



Town of Ayer
Select Board

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

Tuesday August 17, 2021 – 6:00 PM
Open Session Meeting Agenda

TOWN OF AYER
TOWN CLERK

11:30am

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 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. The Select Board meetings air live on Comcast Channel 8 and live on ayerpublicaccess.org.

6:00 PM

Call to Order

Pledge of Allegiance; Review and Approve Agenda; Announcements

Recognition of Lieutenant Charles R. Dillon – Ayer Fire Department

Public Input

6:10 PM*

Conservation Commission – Update on Conservation Activities

6:20 PM

Ratification of Appointment of Senior Center Director

6:25 PM

Mark Wetzel, DPW Director and Dan Van Schalkwyk, Town Engineer, Dept. of Public Works

1. Execution of Contract for Ayer Wastewater Treatment Plant FY '20 Improvements
2. Acquisition of Accepted Streets Voted at 2021 Annual Town Meeting

6:35 PM

Ratification of Appointment of DPW Director

6:40 PM

Town Manager's Report

1. Administrative Update/Review of Town Warrant(s)
2. Appointments
3. Heart of Hometown Festival Update
4. Approval of UDAG Funding for Community Development Program Manager
5. Discussion on Remote Participation for Public Meetings
6. Review/Discussion of DRAFT 2021-2022 Budget Schedule
7. Central Fire Station – South Bay Addition Removal Agreement

7:00 PM

New Business/Select Board Member Questions

7:05 PM

Approval of Meeting Minutes

June 15, 2021; July 14, 2021

7:10 PM

Executive Session Pursuant to G.L. c. 30A, sec. 21A**

Exemption 2 (Non-Union Negotiations): Senior Center/COA Director Contract
Exemption 2 (Non-Union Negotiations): DPW Director Contract
Exemption 3 (Litigation Strategy): National Opioid Litigation: Mallicnkrodt Bankruptcy Plan

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

**The Select Board will adjourn at the conclusion of the Executive Session

The next scheduled Select Board Meeting will be held on Tuesday September 7, 2021 at 6:00 PM. This may possibly be held remotely; please check for updates as we approach September 7, 2021.

TASKS	2021	2020	2019	2018	2017	2016	2015	2014	2013	2012	2011	2010
DOA / RDA Determinations	18	13	14	6	11	12	9	5	6	5	11	11
OOB / NOI Order of Conditions	25	11	6	13	22	9	8	12	15	6	11	6
ORAD / ANRAD Resource Area Delineation		2		1	2			2				
OOB Amendment		1	3	13	5		1					1
OOB Extension	2	7	4	8	1	1	11			1		2
COC – Certificate of Compliance	9	7	12	13	29	8	9	23	8	14	5	6
Enforcement Order/Violation Notice		9	3	8	4		1		5	9	2	6
OSRD Conservation Recommendation	2	2	1	NA	NA	NA	NA	NA	NA	NA	NA	NA
Emergency Certification	5			2		1						3
Conservation Restriction	2	1										
ConCom Site Walks	9	12	6									

Updated as of 8/12/2021 ConCom Agenda

Conservation Administrator's Report

Jo-Anne Crystoff, Conservation Administrator and Agent

June 2021

John Hillier has filed a lawsuit against the Conservation Commission, in addition to appealing the Commission's Order of Conditions to DEP. A DEP analyst made a site visit to Central Avenue to hear both sides of the matter. Town Counsel is preparing a statement of the Commission's position for the record. DEP will make a decision about the appeal.

The pond treatments for invasive and nuisance aquatic vegetation are underway in Sandy Pond, Flannagan Pond and Pine Meadow Pond. The final treatment will be conducted in late summer or early fall. Water and Wetland LLC will be working on Ayer's ponds as our contractor this year. Notification of the date of pond treatments will be posted by the contractor ahead of each treatment.

The Wild and Scenic Nashua River Stewardship Council awarded the Commission a \$4,800 grant to complete a project placing waterways signs adjacent to waters that flow into the Nashua River. Nearly all of Ayer's surface water does flow to the Nashua, except for Bennett's Brook which flows to the Merrimack River. The signs will be designed by a graphic artist and installed so we can connect our valuable water resources to their names in hope that better stewardship and care will occur.

Increased beaver activity has been noticed along Ayer's streams and in Ayer's culverts. Two new beaver dams are being monitored for signs of possible flooding in this unusually wet summer.

Senior Work-off help has arrived in the Conservation office to assist with the backlog of office tasks caused by the increase in applications and activities.

Catania Oils' expansion project on Nemco Way has begun. The heavy rains caused some issues with water management early in the project. The site is stable now and work is proceeding.

Applications for projects continue to flood into the Commission office. A time control plan for packed agendas helps keep the Commission on track. As spring approaches and an even busier agenda is anticipated, the Commission will assess how best to accommodate demand. The amount of new development coming to Ayer that requires Conservation Commission permits is straining our capacity to manage a large number of permit applications and ongoing oversight.

The grid on the next page shows Conservation Commission activities by task over the last eleven years. The 2021 column shows activities year-to-date for June 24, 2021. As the rate of development increases in Ayer, Conservation Commission activities increase also. Land that has not been developed to this point in time is marginal land, often with wetland resource area and buffer zone area concerns for the Commission.

Conservation Administrator's Report

Jo-Anne Crystoff, Conservation Administrator and Agent

March 2021

John Hillier has file a law suit against the Conservation Commission, in addition to appealing to DEP the Order of Conditions issued by the Conservation Commission. Mr. Hillier has work done in a Resource Area and the buffer zone without a permit on Central Avenue. DEP is reviewing his appeal and will contact the Commission to arrange a site visit during which both parties will present their arguments.

The contract for treatments for Ayer's ponds has been awarded for summer 2021 to Water and Wetland LLC. The Commission will continue treating weeds with a maintenance-level program pending approval of the warrant article at Town Meeting for funding this work.

A volunteer grant writer is working with the Commission on a grant for waterways signs to be submitted to the Wild and Scenic Nashua River Stewardship Council.

A Poetry Path in Pine Meadow Conservation Area is being planned by the Commission and the Library. Look for this six-week exhibit to begin in mid-April (it is available now).

Applications for projects continue to flood into the Commission office. A time control plan for packed agendas helps to keep the Commission on track for meetings with limited time due to Zoom and staff constraints. As spring approaches and an even busier agenda is anticipated, the Commission will assess how best to accommodate the demand. The amount of new development coming to Ayer that requires Conservation Commission permits is straining our capacity to manage a large number of permit applications and oversight.

Please contact the Commission office with any questions at 978-772-8220 x 143 or concom@ayer.ma

Conservation Administrator's Report

Jo-Anne Crystoff, Conservation Administrator and Agent

January 2021

The State of Emergency instituted by the arrival of Covid-19 continues to effect work in the conservation office. The Commission continues to meet remotely. Town Hall is closed to the public. The Commission no longer has discretion regarding opening public hearings during the State of Emergency and is required to adhere to the timelines in the Wetlands Protection Act regulations open a hearing within 21 days of receipt of an application.

The Enforcement Orders against John Hillier for work done in a Resource Area and the buffer zone without a permit on Central Avenue has come to a resolution after nearly two years. The Commission issued an Order of Conditions for the Notice of Intent submitted to the Commission in resolution of the Enforcement Orders.

Treatments for Ayer's ponds are being considered for summer 2021 and a Request for Quote has been issued by the Commission. The Commission hopes to continue treating weeds with a maintenance-level program pending approval of the warrant article at Town Meeting for funding this work.

Regulations to accompany Ayer's Wetlands Protection Bylaw have been approved by the Commission and will be file with the Town Clerk's office on February 1, 2021. The new regulations provide performance standards for work in an undisturbed buffer zone and include a 50' no-touch zone.

A joint meeting of the Commission and the Planning Board was held in order to refine the process of both boards working together on Open Space Residential Development subdivisions.

Commission meeting agendas continue to be full to overflowing. Time control plans have been put in place to fit agendas into time-limited Zoom meetings. The amount of new development coming to Ayer that requires Conservation Commission permits is straining our capacity to manage a large number of permit applications and oversight.

Please contact the Commission office with any questions at 978-772-8249 or concom@ayer.ma

Town of Ayer
CONSERVATION COMMISSION

Town Hall ♦ One Main Street ♦ Ayer, MA 01432
Phone 978-772-8249 ♦ Fax 978-772-8208

RECEIVED
AUG 10 2021

TOWN OF AYER
TOWN CLERK

12:30pm



MEETING AGENDA
Thursday, August 12, 2021

This meeting/hearing of the Ayer Conservation Commission will be held in-person at the location provided in 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 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. Zoom information for this meeting can be obtained by contacting Jo-Anne Crystoff, Conservation Administrator, at concom@ayer.ma.us or 978-772-8220, x 143, or Cindy Knox, IT Director, at cknox@ayer.ma.us or 978-772-8220, x 150. This meeting will be recorded and air on Channel 8 and ayerpublicaccess.org the following day.

6:30 PM EXECUTIVE SECTION Pursuant to G.L., c. 30A, § 21(a)(3): To discuss litigation strategy relative to John Hillier v. Town of Ayer Conservation Commission et al., Middlesex Superior Court C.A. No. 2181CV00651, as an open meeting will have a detrimental effect on the litigating position of the public body.

7:00 PM GENERAL BUSINESS / OPEN SESSION

- Approval of Meeting Minutes
- Payables Report

Public Hearing (cont'd.): Notice of Intent (NOI): 43A Groton Harvard Road, Ayer DPW stormwater outfall improvement on property owned by Edward Ouelette, DEP File # 100-0459, Assessor's Map 20, Parcel 39

Public Meeting: Request for Certificate of Compliance (COC): New England Power Company, DEP # 100-0448

Public Meeting: Request for Determination of Applicability (RDA): 252 Woodland Way, Alexis Sanders, Assessor's Map 36, Parcel 180

Public Hearing: NOI: 0 Washington Street, Lot A, ANR (Planning Board 'Approval Not Required') lot associated with "Panther Place" OSRD subdivision, Northeast Site Development, Joseph Levine, DEP # TBD, Assessor's Map 13, Parcels 12, 13 & 14

Public Hearing: NOI: 0 Washington Street, Lot B, ANR lot associated with "Panther Place" OSRD subdivision, Northeast Site Development, Joseph Levine, DEP # TBD, Assessor's Map 13, Parcels 12, 13 & 14

Public Hearings, 14 NOIs, and Discussion of Waiver Requests: 0 Washington Street, "Panther Place" OSRD subdivision, Northeast Site Development, Joseph Levine, DEP # TBD, Assessor's Map 13, Parcels 12, 13 & 14

- | | |
|-------------------|-------------------|
| Lot 1, DEP # TBD | Lot 14, DEP # TBD |
| Lot 2, DEP # TBD | Lot 15, DEP # TBD |
| Lot 3, DEP # TBD | Lot 16, DEP # TBD |
| Lot 4, DEP # TBD | Lot 17, DEP # TBD |
| Lot 5, DEP # TBD | Lot 19, DEP # TBD |
| Lot 6, DEP # TBD | Lot 20, DEP # TBD |
| Lot 13, DEP # TBD | Lot 21, DEP # TBD |

Discussion: Fertilizer Use Bylaw draft

Discussion: Commission meeting with Select Board, August 17, office workload update

Discussion: Waterways' Signs project work plan

Discussion: Draft Conservation Restriction, 0 Washington Street, Ayer Solar IIB LLC, Rohit Garg, DEP # 100-0444, Assessor's Maps 13, 12 & 4, Parcels 13-1, 13-2, 12-1, 4-49

Discussion: Municipal Beaver Management Plan

CONSERVATION OFFICE AND MEMBER UPDATES

9:00 PM ADJOURN

**Town of Ayer
CONSERVATION COMMISSION**

Town Hall ♦ One Main Street ♦ Ayer, MA 01432
Phone 978-772-8249 ♦ Fax 978-772-8208

RECEIVED
JUL 20 2021

TOWN OF AYER
TOWN CLERK



9:30am
PC

MEETING AGENDA
Thursday, July 22, 2021

This meeting/hearing of the Ayer Conservation Commission 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 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. Zoom information for this meeting can be obtained by contacting Jo-Anne Crystoff, Conservation Administrator, at concom@ayer.ma.us or 978-772-8220, x 143, or Cindy Knox, IT Director, at cknox@ayer.ma.us or 978-772-8220, x 150. This meeting will be recorded and air on Channel 8 and ayerpublicaccess.org the following day.

7:00 PM GENERAL BUSINESS/OPEN SESSION

- Approval of Meeting Minutes
- Payables Report

Discussion: Waterways' Signs project work plan

Discussion: Managing Conservation office workload update

Public Hearing: Notice of Intent (NOI)(cont'd): 43A Groton Harvard Road, Ayer DPW stormwater outfall improvement on property owned by Edward Ouelette, DEP File # 100-0459, Assessor's Map 20, Parcel 39

Discussion: Beaver Management Plans

Discussion: Draft Conservation Restriction, 0 Washington Street, Ayer Solar IIB LLC, Rohit Garg, DEP # 100-0444, Assessor's Maps 13, 12 & 4, Parcels 13-1, 13-2, 12-1, 4-49

Discussion: Draft Conservation Restriction, 0 Washington Street, "Panther Place" Open Space Residential Development subdivision, Northeast Site Development, Joseph Levine, Assessor's Map 13, Parcels 12, 13 & 14

Public Meeting: Request for Determination of Applicability (RDA) After-the-Fact, 62 Sandy Pond Road, Jeffrie and Felicity Turgeon, Assessor's Map 21, Parcel 5

Discussion: Stratton Hill subdivision Conservation Analysis draft

Public Meeting: Request for COC: 217 West Main Street, Calvin Moore, Calco, LLC, DEP File # 100-0420, Assessor's Map 32, Parcel 51

Discussion: Non-Point Source Pollution Brochure mailing

Discussion: Fertilizer Use Bylaw

Discussion: Exempt Minor Activities and other possible regulations for Ayer's local wetlands protection bylaw

Discussion: Review and update Special Conditions boiler plate

CONSERVATION OFFICE AND MEMBER UPDATES

9:00 PM ADJOURN

Town of Ayer CONSERVATION COMMISSION

Town Hall ♦ One Main Street ♦ Ayer, MA 01432
Phone 978-772-8249 ♦ Fax 978-772-8208



MEETING AGENDA
Thursday, July 8, 2021

This meeting/hearing of the Ayer Conservation Commission 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 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. Zoom information for this meeting can be obtained by contacting Jo-Anne Crystoff, Conservation Administrator, at concom@ayer.ma.us or 978-772-8220, x 143, or Cindy Knox, IT Director, at cknox@ayer.ma.us or 978-772-8220, x 150. This meeting will be recorded and air on Channel 8 and ayerpublicaccess.org the following day.

RECEIVED
JUL 06 2021

TOWN OF AYER
TOWN CLERK

2:30pm

7:00 PM GENERAL BUSINESS/OPEN SESSION

- Approval of Meeting Minutes
- Payables Report

Discussion: Waterways' Signs project work plan

Discussion: Managing Conservation office workload update

Public Hearing: Notice of Intent (NOI)(cont'd): 43A Groton Harvard Road, Ayer DPW stormwater outfall improvement on property owned by Edward Ouelette, DEP File # 100-0459, Assessor's Map 20, Parcel 39

Discussion: Draft Conservation Restriction, 0 Washington Street, Ayer Solar IIB LLC, Rohit Garg, DEP # 100-0444, Assessor's Maps 13, 12 & 4, Parcels 13-1, 13-2, 12-1, 4-49

Discussion: Draft Conservation Restriction, 0 Washington Street, "Panther Place" Open Space Residential Development subdivision, Northeast Site Development, Joseph Levine, Assessor's Map 13, Parcels 12, 13 & 14

Discussion: Sandy Pond Beach aquatic vegetation encroachment into swimming area, Jeff Thomas, Director of Parks

Discussion: Beaver Management Plans

Discussion: Non-Point Source Pollution Brochure mailing

Discussion: Fertilizer and Pesticide Use Bylaw

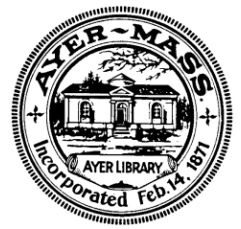
Discussion: Exempt Minor Activities and other possible regulations for Ayer's local wetlands protection bylaw

Discussion: Review and update Special Conditions boiler plate

CONSERVATION OFFICE AND MEMBER UPDATES

8:45 PM ADJOURN

**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: August 13, 2021

TO: Ayer Select Board

FROM: Robert A. Pontbriand
Town Manager

A handwritten signature in blue ink that reads 'R.A.P.' with a horizontal line underneath.

SUBJECT: Appointment of Ayer Council on Aging Director

Dear Honorable Select Board Members,

At the Select Board Meeting on Tuesday, August 17, 2021, I will be appointing Dr. Katie Petrossi, Ph.D. as the next Ayer Council on Aging Director subject to the Select Board's ratification of the appointment in accordance with the provisions of Chapter 79 of the Acts of 2018 (see attached).

The Town publicly advertised the position on the Massachusetts Municipal Association's website; the Massachusetts Council on Aging website; the Lowell Sun newspaper; and on the Town's website and social media. The Town received twenty-three applications for the position which were vetted by a screening committee headed by Kevin Johnston, Benefits & Payroll Manager and consisting of the Assistant Town Manager and the Members of the Ayer Council on Aging. Of the twenty-three applicants, the screening committee selected the four most qualified applicants to interview. These four applicants were interviewed by a screening committee headed by Kevin Johnston, Benefits & Payroll Manager and consisting of the Assistant Town Manager; Tamera Bedard, R.N. the Nashoba Boards of Health Community Health Manager; and Janine Nichipor, Clerk of the Ayer Council on Aging.

After a thorough review of her resume, interview, and in consultation with her professional references, the screening committee unanimously recommended Katie Petrossi, Ph.D. to the Town Manager for appointment (see attached). Katie holds a Ph.D. in Aging Studies and brings twenty-five years of diverse, professional experience working with Seniors and the applied science of Aging. Attached is her professional resume for your review (see attached).

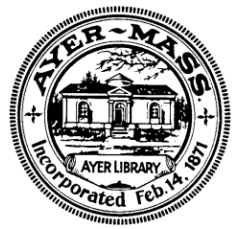
In addition to her most impressive resume and credentials as well as the unanimous recommendation of the Screening Committee, I had the opportunity to meet with Katie to discuss her vision for the future of the Senior Center and COA. I was most impressed with her life-long passion and compassion for Seniors as well as her experience with the building renovation of the Harvard Senior Center and a building addition for the Townsend Senior Center. Additionally, she has extensive experience with grant writing, program development, public relations, and implemented a successful COVID-19 response program in Townsend. All experiences and skills that will serve our Seniors and Town well!

Attachment(s): Town Manager Appointment Letter for Katie Petrossi, Ph.D. as COA Director

Recommendation for Council on Aging Director Position from Kevin Johnston, Benefits & Payroll Manager (August 3, 2021)

Resume of Katie Petrossi, Ph.D.

**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: August 13, 2021

TO: Ayer Select Board

FROM: Robert A. Pontbriand
Town Manager

A handwritten signature in blue ink, appearing to read "R.A.P.", is written over the printed name of Robert A. Pontbriand.

SUBJECT: Appointment of Katie Petrossi, Ph.D. as Ayer Council on Aging Director

Dear Honorable Select Board Members,

In accordance with the provisions of Chapter 79 of the Acts of 2018, I hereby appoint Katie Petrossi, Ph.D. as the Ayer Council on Aging Director effective September 1, 2021.

I respectfully request that the Select Board vote to ratify this appointment at the August 17, 2021, Ayer Select Board Meeting in accordance with the provisions of Chapter 79 of the Acts of 2018.

Thank you for your time and consideration.

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: August 3, 2021
To: Robert Pontbriand, Town Manager
From: Kevin A. Johnston *KAJ*
Subject: Recommendation for Council on Aging Director Position

An Interview Panel consisting of Assistant Town Manager Carly Antonellis, Council on Aging Board of Directors Member Janine Nichipor, Nashoba Board of Health Community Health Manager Tamara Bedard RN, and myself interviewed four candidates for the Council on Aging Director position on Monday, August 2, 2021.

The four candidates interviewed were well qualified and each provided the panel with information about their unique professional experience for the position.

After discussion at the conclusion of the interviews the Interview Panel is please to unanimously recommend Katie Petrossi, Ph.D. to you for the position of Council on Aging Director. A copy of Dr. Petrossi's resume is provided for your information.

Please let me know if you have any questions or require additional information.

Thank you.

Enclosure

cc: Carly Antonellis
Janine Nichipor
Tamara Bedard, RN

July 9, 2021

Robert A. Pontbriand
Town Manager
1 Main Street
Ayer, MA 01432
tm@ayer.ma.us

Dear Robert,

Please accept my application for the position of Senior Center/Council on Aging Director. With decades of experience working with older adults, including the past 4 years as Program Coordinator at the Townsend Senior Center, my professional expertise aligns closely with the responsibilities of Senior Center Director and would greatly contribute to the goals for Ayer's senior laid out in the job description.

I look forward to the opportunity to discuss the position and my experience with you in more detail.

Sincerely,

Katie Petrossi, Ph.D.

CAREER SUMMARY

Dr. Katie Petrossi is a self-driven professional whose compassion for older adults has been evident throughout her career. Her 25 years of experience spans multiple gerontology-related settings: senior living, academia, and senior centers. Through her role as VP of Research & Development, Katie was instrumental in launching Masterpiece Living, a senior living health promotion company, where she leveraged her Ph.D. in Aging Studies to develop a suite of services for senior living communities that helps their residents lead healthier and more productive lives.

As Assistant Director and Program Coordinator for the Townsend Senior Center, Katie plans and implements creative and innovative programming for local seniors to improve quality of life and reduce isolation. Katie's collaboration with leading researchers, industry experts, community leaders, grant organizations and older adults has helped to create a thriving, bustling Senior Center that has the support of the larger community.

Katie is an accomplished speaker, presenting on successful aging topics for industry and community organizations.

PROFESSIONAL EXPERIENCE

2021 – present **Assistant Director, Townsend Senior Center**

2017- present **Program Coordinator, Townsend Senior Center**
Townsend, MA

- Program Planning: Create and implement a wide variety of programs that cater to a diverse group of senior interests and abilities. Create new initiatives to reach targeted senior groups that under-utilize the Senior Center: Caregiver Support Group; Grandparents Raising Grandchildren Support Group.
- Program Management: Recruit and coordinate dozens of instructors as independent contractors to provide fitness, arts/crafts, health education and social programs.
- Personnel Management: Supervises a 0.5 FTE Program Assistant and performs the duties of the Director of the Senior Center as needed in her absence.
- Newsletter Production: Create, edit and oversee publication of an 8-page full color monthly newsletter in Publisher.
- Grant Writing: Discover, apply for, and utilize multiple additional revenue streams for Senior Center programs and services including:
 - Community Foundation grants designated for day trips
 - Community Foundation technology grant (COVID access)
 - Cultural Council grants to bring in various historical, fitness, entertainment opportunities
- COVID Response: Planned and executed a rapid conversion of a non-tech savvy senior center to one with substantive Facebook, YouTube and Zoom offerings. Piloted online payment options for virtual programming. Researched, purchased, and operated AV equipment to support virtual offerings. Mobilized local cable resources to bring information and quality programming to seniors with low tech skills or interests.

2011 – 2017 **Council on Aging Board Member (Co-Chair 2016/17)**
Harvard, MA

- Program Committee: Identified the need to target a wider cross-section of older adults by offering relevant programs to younger seniors, during evening hours, and in locations that are welcoming to new senior center users. Recruited numerous university and industry professionals to speak on successful aging topics.

- Public Relations Committee: Created clear and concise talking points that allowed the COA & FCOA to cohesively discuss building renovation needs & gain support and funding for Phase 1 of renovation.
- Housing Committee: Helped identify senior housing needs in Harvard, acted as a liaison between Town committees interested in housing, continued efforts to bring moderate priced housing to the Hildreth House site.
- Frequent Speaker on topics such as: successful aging, lifelong learning, purpose in later life, brain fitness, social connectedness, health promotion and wellness topics.

2006 – 2011

Research, Development & Operations Consultant

Masterpiece Living, LLC

2005 – 2006

Vice President of Research and Development

Masterpiece Alliance Foundation

- Developed & operationalized multiple practical applications of the research on successful aging, including: training materials, operations handbook, resident assessment instruments & customized feedback forms, and community-level reporting.
- Developed sales & marketing materials and co-led all sales efforts
- Developed and maintained a research database

2004

Research Internship Supervisor

Supervision of an undergraduate summer research intern

2003

Instructor

GEY 3601 - Physical Change and Aging
University of South Florida

2002

Teaching Assistant

GEY 3601 - Physical Change and Aging
University of South Florida

2000 – 2005

Graduate Research Assistant

Florida Policy Exchange Center on Aging, School of Aging Studies
University of South Florida

1998

Activities Assistant

Birchwood Care Center (Hamilton, OH)

1997

Receptionist and Adult Intake Aide

Central Psychiatric Clinic (University of Cincinnati)

1994

Dining Services Worker

Llanfair Retirement Community (Cincinnati, OH)

EDUCATION

2005

Ph.D. in Aging Studies

University of South Florida, Tampa, FL

Committee: Kathryn Hyer, Cathy McEvoy, Brent Small, Bob Kahn, Larry Branch

2000

B.A. in Psychology & Sociology (cum laude & departmental honors)

Vanderbilt University, Nashville, TN

CERTIFICATIONS

- ServSafe Food Handler
- Grandparents Raising Grandchildren Certificate Program from University of Maine - support group facilitator
- A Matter of Balance – certified instructor
- UCLA Memory Training – certified instructor

DEPARTMENT OF PUBLIC WORKS



Mark L. Wetzel, P.E., Director
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: August 12, 2021
To: Select Board
From: Mark Wetzel, P.E., Director of Public Works
Dan Van Schalkwyk, P.E., Town Engineer
Subject: **Agenda Items for August 17, 2021, Select Board Meeting**

1. Execution of Contract for Ayer Wastewater Treatment Plant FY2020 Improvements Contract 20DPW05 – Bids were opened on July 1, 2021. We received four (4) bids as follows:

Winston Builders Corporation	\$2,489,890.00
RH White Construction Co.	\$2,599,310.00
D. & C. Construction Co.	\$2,623,900.00
Weston & Sampson CMR	\$2,975,000.00

Winston Builders Corporation of Westborough, MA is the low bidder. Winston recently completed the Grove Pond PFAS Treatment Facility project and FY19 Wastewater Treatment Plant Upgrade project. They are currently working on the Spectacle Pond PFAS Treatment Facility.

We recommend executing the contract with Winston Builders Corporation in the amount of \$2,489,890.00.

Requested Motion - Vote to execute the Contract with Winston Builders Corp. for the FY2020 Wastewater Treatment Plant Improvements in the amount of \$2,489,890.00 - (6 originals for signature by the Board).

Please forward to the Town Accountant for certification of funds.

2. Acquisition of Accepted Streets Voted at 2021 Annual Town Meeting - Trevor Trail and a portion of Pleasant Street Extension were voted for acceptance at the Annual Town Meeting on April 26, 2021. The final step of street acceptance is for the Select Board to acquire the streets and easements. The DPW and Town Manager's office has worked with Town Counsel, the Developer, and his Counsel to prepare the required legal documents granting the Town the streets and required easements.

SECTION 005214 - AGREEMENT

TOWN OF AYER, MASSACHUSETTS
AYER WASTEWATER TREATMENT FACILITY – FY2020 IMPROVEMENTS
CONTRACT NO. 20DPW05

AGREEMENT

THIS AGREEMENT made as of the _____ day of _____ in the year 2021 by and between the Town of Ayer, Massachusetts acting through its Board of Selectman hereinafter called OWNER and Winston Builders Corporation with legal address and principal place of business at 55 Hopkinton Road, Westboro, MA 01581 hereinafter called CONTRACTOR. OWNER and CONTRACTOR in consideration of the mutual covenants hereinafter set forth, agree as follows:

ARTICLE 1. WORK.

1.1 CONTRACTOR shall perform the Work as specified or indicated in the Contract Documents. The Work is as described in SECTION 011000.

ARTICLE 2. ENGINEER.

2.1 The Project has been designed by CDM Smith, 75 State Street, Boston, MA 02109 who will act as ENGINEER in connection with completion of the Work in accordance with the Contract Documents.

ARTICLE 3. CONTRACT TIME.

3.1 The Contract Time shall be 330 Calendar Days commencing twenty days following the Effective Date of this Agreement. Substantial completion shall occur within 300 Calendar Days commencing twenty days following the Effective Date of this Agreement and Final Completion shall be within 330 Calendar Days commencing twenty days following this Effective Date of Agreement.

3.2 CONTRACTOR agrees that the Work shall be prosecuted regularly, diligently and uninterruptedly and at such rate of progress as will insure full completion thereof within the Contract Time stated above. It is expressly understood and agreed, by and between CONTRACTOR and OWNER that the Contract Time is reasonable for the completion of the Work, taking into consideration the average climatic range and usual industrial conditions prevailing in this locality.

ARTICLE 4. CONTRACT PRICE.

4.1 OWNER will pay CONTRACTOR for performance of the Work in accordance with the Contract Documents in current funds at the Contract Price agreed upon in the CONTRACTOR's Bid Form attached to this Agreement.

ARTICLE 5. APPLICATIONS FOR PAYMENT

5.1 CONTRACTOR shall submit Applications for Payment in accordance with Article 15 of the Conditions of the Contract. Applications for Payment will be processed by ENGINEER as provided in the Conditions of the Contract.

ARTICLE 6. PROGRESS AND FINAL PAYMENTS

6.1 OWNER will make progress payments on account of the Contract Price on the basis of CONTRACTOR's Applications for Payment as recommended by ENGINEER, monthly during construction as provided below. All progress payments will be on the basis of the progress of the Work measured by the schedule of values provided for in Paragraph 15.01 of the Conditions of the Contract.

6.2 OWNER will make progress and final payments as provided in Article 15 of the Conditions of the Contract and in accordance with the applicable Massachusetts General Law.

ARTICLE 7. LIQUIDATED DAMAGES

7.1 OWNER and CONTRACTOR recognize that time is of the essence of this Agreement and that OWNER will suffer financial loss if the Work is not completed within the Contract Time specified in Article 3 above, plus any extensions thereof allowed in accordance with Article 11 of the General Conditions. They also recognize the delays, expense and difficulties involved in proving, in a legal or arbitration proceeding, the actual loss suffered by OWNER if the Work is not completed on time. Accordingly, instead of requiring any such proof OWNER and CONTRACTOR agree that as liquidated damages for delay (but not as a penalty) CONTRACTOR shall pay OWNER \$1,500 per day for each calendar day of delay until the Work is complete.

7.2 Provided, that CONTRACTOR shall not be charged with liquidated damages or any excess cost when the delay in completion of the Work is for reasons included in Paragraph 4.05 of the General Conditions.

7.3 Provided, further, that CONTRACTOR shall furnish OWNER the required notification of such delays in accordance with Paragraph 11.06 of the General Conditions.

ARTICLE 8. ASSURANCE

8.1 CONTRACTOR has familiarized himself with the nature and extent of the Contract Documents, Work, locality, and with all local conditions and Federal, State and local laws, ordinances, rules and regulations that in any manner may affect cost, progress or performance of the Work.

8.2 CONTRACTOR has studied carefully all reports of investigations and tests of subsurface and latent physical conditions at the site or otherwise affecting cost, progress or performance of the Work which were relied upon by ENGINEER in the preparation of the Drawings and Specifications and which have been identified in Article 5 of the Supplementary Conditions.

8.3 CONTRACTOR has made or caused to be made examinations, investigations and tests and studies of such reports and related data in addition to those referred to in the above paragraph as CONTRACTOR deems necessary for the performance of the Work at the Contract Price within the Contract Time and in accordance with the other terms and conditions of the Contract Documents; and no additional examinations, investigations, tests, reports or similar data are or will be required for such purposes.

8.4 CONTRACTOR has correlated the results of all such observations, examinations, investigations, tests, reports and data with the terms and conditions of the Contract Documents.

8.5 CONTRACTOR has given ENGINEER written notice of any conflict, error or discrepancy that CONTRACTOR has discovered in the Contract Documents and the written resolution thereof by ENGINEER is acceptable to CONTRACTOR.

8.6 CONTRACTOR agrees that the Contract Documents are sufficient in scope and detail to indicate and convey understanding of all terms and conditions for performance of the Work.

ARTICLE 9. CONTRACT DOCUMENTS.

9.1 The Contract Documents which comprise the Contract between OWNER and CONTRACTOR are attached hereto and made a part hereof and consist of the following:

9.1.1 Invitation To Bid.

9.1.2 Instructions To Bidders.

9.1.3 Bid Form.

9.1.4 This Agreement.

9.1.5 Performance Bond, EJCDC Document C-610, 2013 edition, Payment Bond, EJCDC Document C-615, 2013 edition, and other required Bonds.

9.1.6 General Conditions, EJCDC Document No. C-700, 2013 edition.

9.1.7 Supplementary Conditions Parts I and II.

9.1.8 Specifications (as listed in Table of Contents).

9.1.9 Drawings, numbered COVER through E-16, inclusive and dated April 2020.

9.1.10 Addenda numbers _____ to _____, inclusive.

9.1.11 Any modification, including Change Orders, duly delivered after execution of Agreement.

ARTICLE 10. MISCELLANEOUS

10.1 Terms used in this Agreement which are defined in Article 1 of the Conditions of the Contract shall have the meanings assigned in the Conditions of the Contract.

10.2 Neither OWNER nor CONTRACTOR shall, without the prior written consent of the other, assign or sublet in whole or in part any interest under any of the Contract Documents; and, specifically but without limitation, CONTRACTOR shall not assign any monies due or to become due without the prior written consent of OWNER. In case CONTRACTOR assigns all or any part of any monies due or to become due under this Contract, the instrument of assignment shall contain a clause substantially to the effect that it is agreed that the right of the assignee in and to any monies due or to become due to CONTRACTOR shall be subject to prior claims of all persons, firms and corporations for services rendered or materials supplied for the performance of the Work called for in this Contract.

10.3 OWNER and CONTRACTOR each bind themselves, their partners, successors, assigns and legal representatives in respect to all covenants, agreements and obligations contained in the Contract Documents.

10.4 The Contract Documents constitute the entire agreement between OWNER and CONTRACTOR and may only be altered, amended or repealed by a Modification.

IN WITNESS WHEREOF, the parties hereto have signed this Agreement in sextuple. Four copies each have been delivered to OWNER and one copy each to CONTRACTOR and ENGINEER. All portions of the Contract Documents have been signed or identified by OWNER and CONTRACTOR or by ENGINEER on their behalf.

This Agreement shall become effective on _____, 20__.

CONTRACTOR WINSTON BUILDERS COOP OWNER _____

BY _____
(CORPORATE SEAL)

BY _____
(CORPORATE SEAL)

Attest [Signature]

Attest _____

Address for giving notices
55 HOPKINTON ROAD
WESTBORO, MA 01581

Address for giving notices

Pursuant to M.G.L. Chapter 44 Section 31c, I certify that an appropriation has been made in the total amount of this contract.

Date _____

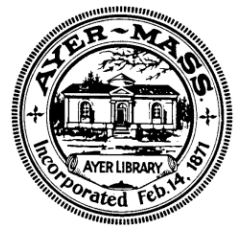
Signed _____

Title _____

Note: If CONTRACTOR is a corporation, an affidavit giving the principal the right to sign the Agreement must accompany the executed Agreement.

END OF DOCUMENT 005214

**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: August 13, 2021

TO: Ayer Select Board

FROM: Robert A. Pontbriand
Town Manager

SUBJECT: Appointment of Ayer Director of Public Works

At the Select Board Meeting on Tuesday, August 17, 2021, I will be appointing Dan Van Schalkwyk, P.E. as the next Ayer Director of Public Works subject to the Select Board's ratification of the appointment in accordance with the provisions of Chapter 79 of the Acts of 2018 (see attached).

The Town is fortunate to have in place a succession plan with respect to the Department of Public Works. Dan Van Schalkwyk without question is the most qualified individual to assume the position of DPW Director. His impressive resume and credentials speak for themselves (see attached). He has served with dedication and professionalism as the Town's Engineer for almost 7 years at which time he has worked directly with the DPW Director on all facets of the Department's operations and the Town's infrastructure. He brings over 14 years of experience in civil/environmental engineering experience, holds a professional engineering certification (P.E.); and has direct, firsthand knowledge and experience with all the DPW's operations, infrastructure, and complex systems. Dan has been an integral part of the DPW's proactive success and is the most qualified to assume the position of Director of Public Works upon the retirement of Mark Wetzal as DPW Director on September 30, 2021.

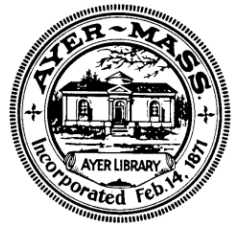
Dan will assume the position of DPW Director on October 1, 2021; and will provide a seamless transition for the Department and Town. He is prepared to effectively lead the DPW on day one. He is a true professional with a forward-thinking vision for the Department while maintaining a cost-effective operation. He works effectively with all Town Departments, Boards, Commissions, and Committees as well as residents and businesses. He has served the Town well as Town Engineer and will continue to do so in his new position as Director of Public Works. I look forward to presenting Dan's appointment for your ratification on Tuesday night.

Thank you for your time and consideration.

Attachment(s): Town Manager Appointment Letter for Dan Van Schalkwyk, P.E. as DPW Director

Cover Letter and Resume of Dan Van Schalkwyk, P.E.

**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: August 13, 2021

TO: Ayer Select Board

FROM: Robert A. Pontbriand
Town Manager

A handwritten signature in blue ink, appearing to read "R.A.P.", is written over the printed name of Robert A. Pontbriand.

SUBJECT: Appointment of Dan Van Schalkwyk, P.E. as Ayer Director of Public Works

Dear Honorable Select Board Members,

In accordance with the provisions of Chapter 79 of the Acts of 2018, I hereby appoint Dan Van Schalkwyk, P.E. as the Ayer Director of Public Works effective October 1, 2021.

I respectfully request that the Select Board vote to ratify this appointment at the August 17, 2021, Ayer Select Board Meeting in accordance with the provisions of Chapter 79 of the Acts of 2018.

Thank you for your time and consideration.

Dan Van Schalkwyk, P.E.



June 7, 2021

Mr. Robert Pontbriand
Town Manager
1 Main Street
Ayer, MA 01432

Subject: Resume Cover Letter

Dear Mr. Pontbriand:

Thank you for the opportunity to submit my resume for the position of Director of Public Works.

I have over 14 years of experience in the civil/environmental engineering field; over 9 of which have been as a professional engineer. As you know, I have dedicated the previous 6½ years to serving the Town of Ayer. I have gained invaluable experience working for the Town and under Director Wetzel, including understanding public sector functionality, Public Works operations, technical experience, and communications with the general public and developers.

I believe there is an opportunity to hit-the-ground running with me as Director. A few advantages include existing relationships with coworkers and members of the public, committees, and boards, understanding strengths and weaknesses of coworkers, and the operations of the DPW.

The vision I have for the Department is to provide high quality services to the public and other Town departments while maintaining a cost-effective operation. As Director, I will continue to put the interests of the Town first. I believe it is important to be forward-thinking, especially with the many challenges the future holds. I will always endeavor to make the best decisions for the Town of Ayer and its future.

My prior experience has readied me for the position of Director. I have excelled in fast-paced environments, both in the private and public sector, and will serve the Town to the best of my abilities in this new role.

Sincerely,



Dan Van Schalkwyk, P.E.

Dan Van Schalkwyk, P.E.



EDUCATION

B.S. Civil Engineering, University of Massachusetts Lowell, 2006

Honors: Cum Laude, Tau Beta Pi Engineering Honor Society, Chi Epsilon Civil Engineering Honor Society

WORK HISTORY

Town Engineer, Town of Ayer, MA

40 hours/week, November 2014 to Present

Responsible for matters relating to the design, procurement, management, and oversight of public works construction and other related engineering matters for the Department of Public Works and other town boards/departments. The municipal public works department consists of water, wastewater, highway, stormwater and solid waste infrastructure. Highlights from experience and accomplishments include:

- Prepared grant applications, designed, estimated, procured, and managed the reconstruction of Pleasant Street (2016) and Prospect/Oak Streets (2019). Work included water main replacement, sewer system rehabilitation (cured-in-place pipe lining and manhole lining), drainage system replacement, and roadway reconstruction, including sidewalks.
- Manage Town's compliance with its MS4 Permit.
- Designed, procured, permitted and/or managed various projects, some highlights include:
 - Stormwater drainage improvements and green infrastructure (e.g., rain gardens).
 - Water main improvements, chemical feed upgrades, filter media replacement, and new garage.
 - Wastewater sewer pipe and manhole rehabilitation.
 - Energy efficiencies upgrades for wastewater pumping station efficiency, VFDs, grant funded Electric Vehicle charging station.
 - Transfer Station grading, paving, and concrete pads partially atop landfill cap;
 - Parks Department garage and Perimeter Path;
- Provide engineering technical review for Planning Board, Conservation Commission and other bodies for Subdivision, Site Plan, and other submittals.
- Work with Developers regarding prospective and existing developments.
- Deliver presentations at public meetings, boards, and committees.
- Manage the Town's energy tracking database. Interface with energy providers and the Town's Energy Committee and develop ways to reduce carbon footprint.
- Oversee the DPW's GIS database and mobile data collection.
- Supervise Engineering and GIS Interns.
- Lead a workgroup to revise the Town's Stormwater Bylaw and Regulations, assisted with revisions to the Town's subdivision regulations.

**Project Manager/Project Engineer, CDM Smith Inc., Boston MA
40 hours/week, November 2006 to November 2014**

Responsible for project engineering and management related to civil engineering with emphasis on development and management of solid waste facilities, municipal infrastructure, and site remediation including planning and investigation, preliminary and detailed design, procurement, and monitoring and reporting. Highlights from experience and accomplishments include:

- Design of landfill capping systems, including plan design using AutoCAD Civil 3D.
- Performed PE required landfill and transfer inspections.
- Prepared Clean Water State Revolving Fund (CWSRF) Applications.
- Performed Municipal Infrastructure Operation and Maintenance in accordance with MassDEP *Guidelines for Performing Infiltration/Inflow Analyses and Sewer System Evaluation Survey (SSES)* including implementation of Illicit Discharge Detection and Elimination (IDDE) sampling, mapping, smoke testing, dye testing, CCTV and flow-isolation, preparations of engineering plans and specifications.
- Prepared Spill Prevention Control and Countermeasure (SPCC) Plans and Storm Water Pollution Prevention Plans (SWPPP) at several facilities in accordance with EPA regulations.
- Conduct storm water sampling and prepare discharge monitoring reports for National Pollutant Discharge Elimination System (NPDES) permits.
- Work with a team to install and remove of a 50-meter meteorological tower and perform wind energy feasibility studies using WindPRO modelling software.
- Oversaw removal of underground storage tanks and impacted soil, test pitting, and drilling.
- Conducted air, water and soil sampling and prepared reports for Chapter 21E sites.

PROFESSIONAL REGISTRATION

Licensed Professional Engineer (P.E.) in Massachusetts
Member, Chi Epsilon Civil Engineering Honor Society
Member, Tau Beta Pi Engineering Honor Society
Member, Licensed Site Professional Association (LSPA)
Member, New England Water Environment Association (NEWEA), Stormwater Committee
Member, Massachusetts Water Works Association (MWWA)
Member, New England Water Works Association (NEWWA)

TRAINING

40 Hour OSHA Hazardous Waste Operations and Emergency Response (HAZWOPER)
10 Hour OSHA Construction Safety Certification
8 Hour OSHA Supervisory Training
Confined Space Entry Certified
NASSCO Pipeline Assessment and Certification (PACP) Program Certified User
OSHA Asbestos Awareness Training

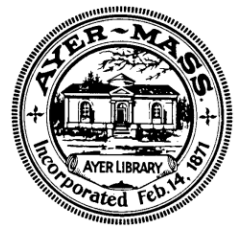
COMPUTER SKILLS

AutoCAD Civil 3D
ESRI ArcGIS
WindPRO
Microsoft Word/Excel/PowerPoint
KY Pipe Hydraulic Modeling Software

INTERESTS

My Kids
Sports Fan
Lake Winnepesaukee
Mount Wachusett

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: August 13, 2021

TO: Ayer Select Board

FROM: Robert A. Pontbriand
Town Manager

SUBJECT: Town Manager's Report for the August 17, 2021, Ayer Select Board Meeting

Dear Honorable Select Board Members,

I am pleased to transmit to you the following Town Manager' Report for the August 17, 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 of the various activities, initiatives, and projects of the Town since the Select Board last met July 14, 2021.
- I have reviewed, approved, and signed the following Town Warrants since the Select Board last met on July 14, 2021:

Accounts Payable Warrant #21-27 in the amount of \$353,624.91 was reviewed, approved, and signed on July 14, 2021.

Payroll Warrant #22-01 in the amount of \$481,943.77 was reviewed, approved, and signed on July 14, 2021.

Accounts Payable Warrant #22-01 in the amount of \$3,606,310.37 was reviewed, approved, and signed on July 20, 2021.

Payroll Warrant #22-02 in the amount of \$357,038.80 was reviewed, approved, and signed on July 27, 2021.

Accounts Payable Warrant #22-02 in the amount of \$2,029,640.81 was reviewed, approved, and signed on August 2, 2021.

Payroll Warrant #22-03 in the amount of \$378,122.21 was reviewed, approved, and signed on August 10, 2021.

Appointments:

COA Appointment:

- I respectfully recommend and request that the Select Board vote to appoint Mr. Dennis Curran of Ayer to a vacant three-year term on the Council on Aging to expire on June 30, 2022.

Staff Appointment to Disabilities Commission:

- I respectfully recommend and request that the Select Board vote to appoint Mr. Alan Manoian, Director of Community and Economic Development as the Staff Representative on the Town's Disability Commission for a term to expire on June 30, 2022.

Affordable Housing Trust Appointments:

- I respectfully recommend and request that the Select Board vote to appoint Ms. Patricia Bagni-Latimer to the Ayer Affordable Housing Trust (see attached).
- I respectfully recommend and request that the Select Board vote to appoint Mr. James Stephen to the Affordable Housing Trust as the representative from the Affordable Housing Committee (see attached).

Heart of Hometown Festival Update:

- I will ask Alan Manoian, Director of Community and Economic Development to provide a brief update for the Select Board regarding the Heart of Hometown Festival scheduled for October 2, 2021 (see attached).

Approval of UDAG Funding for Community Development Program Manager:

- I am respectfully recommending that the Select Board vote to authorize \$3,756 from UDAG Funding for the salary adjustment of the Community Development Program Manager for FY 2022. Moving forward for the FY 2023 Budget, this adjusted amount would become part of the Community and Economic Development Departmental Budget. I will be joined by Alan Manoian, Director of Community and Economic Development and Alicia Hersey, Community Development Program Manager to answer any questions the Select Board may have. Please see the attached memo from the Department of Community and Economic Development (see attached).

Discussion on Remote Participation for Public Meetings:

- I would like to discuss with the Select Board the issue of remote participation for public meetings. The Town is currently offering a hybrid model in which all members of public bodies are required to attend in person and the public has the option of either attending in person or participating via Zoom remotely. As a result of the ongoing COVID-19 Pandemic, the Governor has extended the provision of the Open Meeting Law to allow remote participation meetings through April 2022 at this time.
- With the recent COVID-19 positivity trends for Middlesex County in addition to concerns regarding the Delta Variant as Fall approaches, I would like to discuss the issue of potentially returning to remote public meetings for the health and safety of all employees and the public this Fall.

Review/Discussion of DRAFT 2021-2022 Budget Schedule:

- I would like to start the review and discussion of the DRAFT 2021-2022 Budget Schedule with the Select Board (see attached). The attached DRAFT currently does not have specific dates for the Rate Review Committee, OPEB, Capital Planning, or the Capital and Budget Directives. I would like to further discuss with the Select Board. The goal at this time would be for the Select Board to be finalizing and voting on the Final 2021-2022 Budget Schedule by no later than your September 21, 2021, meeting.

Central Fire Station – South Bay Additional Removal Agreement:

- The Select Board is respectfully recommended to vote to approve and sign the attached Central Fire Station – South Bay Additional Removal Agreement. This Agreement will give the new owner until August 1, 2022, to demolish the South Bay of the Central Fire Station as part of the original historic preservation restriction. This extension is needed due to the unexpected delays of COVID-19. The attached Agreement was reviewed and approved by Town Counsel (see attached).

Thank you.

Attachments: Appointments to the Ayer Affordable Housing Trust Memo (August 10, 2021)

Heart of Hometown Festival Update Memo

Community Development Program Manager Salary Memo

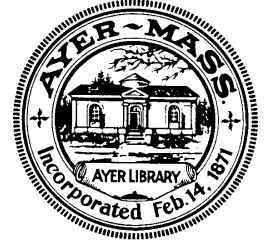
DRAFT 2021-2022 Budget Schedule

Central Fire Station – South Bay Additional Removal Agreement

Town of Ayer

Department of Planning & Development

Town Hall ♦ One Main Street ♦ Ayer, MA 01432 ♦ 978-772-8220 ♦ ext. 141 & 142



MEMORANDUM

TO: Ayer Select Board & Ayer Planning Board

FROM: Janet Providakes, Ayer Affordable Housing Committee, Chairwoman
Alicia Hersey, Community Development Program Manager

DATE: August 10, 2021

RE: Appointments to the Ayer Affordable Housing Trust

The Ayer Affordable Housing Committee (AAHC) recommends the appointment of Ms. Patricia Bagni-Latimer and Mr. James Stephen as members to the Ayer Affordable Housing Trust. Ms. Bagni-Latimer will be replacing Ms. Jennifer Cali who recently resigned, and Mr. Stephen is the representing member from the Affordable Housing Committee. Thank you for your consideration.

Request a vote to appoint Ms. Patricia Bagni-Latimer and Mr. James Stephen to the Ayer Affordable Housing Trust.

Town of Ayer

Office of Community & Economic Development

Town Hall ♦ One Main Street ♦ Ayer, MA 01432 ♦ 978-772-8206 ♦ Fax: 978-772-8208



To: Robert Pontbriand, Town Manager
From: Alan S. Manoian, Dir. AOCED
Date: 8/12/2021
Re: Downtown Ayer “Heart of Hometown” Festival Overview

The Downtown Ayer “Heart of Hometown” Festival is scheduled for Saturday, October 2nd from 11:00AM-4:00PM (*with a rain date of Sunday, October 3rd*) on Newton Street.

Currently, our two Festival Sponsors include Main Street Bank as the Gold Sponsor & Nashoba Valley Medical Center as the Silver Sponsor.

The “Heart of Hometown” Festival Committee of 13 members has been formed and are actively meeting/working in partnership with the AOCED in developing and conducting a quality landmark special event.

The “Heart of Hometown” Festival will feature live musical, dance & theatrical performances on two stages.

Ayer’s many distinctive restaurants & eateries will join together at the Festival offering a “Taste of Ayer” Food Row along Newton Street.

The Festival will also feature visual fine art displays, artisans works and creative craftspeople.

All Ayer-based civic/service/community organizations are also invited to join in the Festival with their booths, tables, displays, etc.

The Downtown Ayer “Heart of Hometown” Festival will be the first large civic event conducted during the Town of Ayer’s (150th) Sesquicentennial Year of 2021, and the event will serve to celebrate the Town’s 150th. The Festival will also provide a civic opportunity to recognize and thank all of Ayer’s Hometown Heroes that did so very much to get our community through the unprecedented past year of the COVID19 State of Emergency and continue to do so today.

The Town of Ayer hopes that this 1st-time event will become a wonderful new annual civic event tradition for the Fall Season in historic Downtown Ayer.

Town of Ayer

Office of Community & Economic Development

Town Hall ♦ One Main Street ♦ Ayer, MA 01432 ♦ 978-772-8206 ♦ Fax: 978-772-8208



TO: Ayer Select Board
Robert A. Pontbriand, Town Manager

FR: Alan S. Manoian, Director of Community & Economic Development Office
Alicia Hersey, Community Development, Program Manager

RE: Community Development Program Manager Salary

Cc: Carly Antonellis, Assistant Town Manager
Heather Hampson, Clerical Union President

DT: June 30, 2021

Recently, the position of Ayer Community Development Program Managers has expanded to include the oversight for both the Town's Ayer Affordable Housing Committee and the newly created Ayer Affordable Housing Trust. Over the last 8 years Alicia Hersey, our current Community Development Program Manager has split her job between the Community Development Program Manager position, a grade 5 and the Community & Economic Development Assistance job which is a grade 2. This was done for budgeting reasons and to keep the Town compliant with both ethics and grant requirements. The Town's Community Development Program Managers job is currently paid through grant funds or program income up to 32 hours a week, while the other 8 hours of the job is covered under the Community & Economic Development Assistance job title, paid out of UDAG funds. We are requesting that with the increased responsibilities of the Community & Economic Development Assistance job position be in alignment with the Program Manager job description at the Grade 5 level, this would compensate Ms. Hersey for her increased responsibilities. The difference to the FY22 Community & Economic Development UDAG budget would be an additional \$3,756.

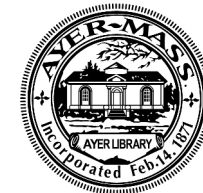
August 2021

Sun	Mon	Tue	Wed	Thu	Fri	Sat
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17 <i>Select Board Mtg</i>	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

Town of Ayer

Note—The Fall Special Town Meeting Warrant was opened on July 14, 2021 and will close at 12:00 PM on Friday October 1, 2021

FY '23 DRAFT
Budget Calendar



September 2021

Sun	Mon	Tue	Wed	Thu	Fri	Sat
			1	2	3	4
5	6 <i>Labor Day</i>	7 <i>Select Board Mtg</i>	8	9	10	11
12	13	14	15	16	17	18
19	20	21 <i>Select Board Mtg</i>	22	23	24	25
26	27	28	29	30		

Town of Ayer

**FY '23 DRAFT
Budget Calendar**



October 2021

Sun	Mon	Tue	Wed	Thu	Fri	Sat
					1 <i>Fall Town Meeting Warrant Closes at 12 PM</i>	2
3	4	5 <i>Select Board Mtg—Approve STM Warrant</i>	6	7	8	9
10	11 <i>Columbus Day</i>	12	13	14	15	16
17	18	19 <i>Select Board Mtg</i>	20	21	22	23
24	25 <i>Fall Special Town Meeting</i>	26	27	28	29	30
31						

Town of Ayer

**FY '23 DRAFT
Budget Calendar**



November 2021

Sun	Mon	Tue	Wed	Thu	Fri	Sat
	1	2 <i>Select Board Mtg</i>	3	4	5	6
7	8	9	10	11 <i>Veterans' Day</i>	12	13
14	15	16 <i>Select Board Mtg</i>	17	18	19	20
21	22	23	24	25 <i>Thanksgiving Day</i>	26 <i>Town Offices Closed</i>	27
28	29	30				

Town of Ayer

FY '23 DRAFT
Budget Calendar



December 2021

Sun	Mon	Tue	Wed	Thu	Fri	Sat
			1	2	3	4
5	6	7 <i>Select Board Mtg</i>	8	9	10	11
12	13	14	15	16	17	18
19	20	21 <i>Select Board Mtg</i>	22	23	24 <i>Christmas Eve</i>	25 <i>Christmas Day</i>
26	27	28	29	30	31 <i>New Year's Eve</i>	

Town of Ayer

FY '23 DRAFT
Budget Calendar



January 2022

Sun	Mon	Tue	Wed	Thu	Fri	Sat
						1 <i>New Year's Day</i>
2	3	4 <i>Select Board Mtg—Call Annual Election</i>	5	6	7	8
9	10	11	12	13	14	15
16	17 <i>MLK Jr. Day</i>	18 <i>Select Board Mtg</i>	19	20	21	22
23	24	25	26	27	28	29
30	31					

Town of Ayer

FY '23 DRAFT
Budget Calendar



February 2022

Sun	Mon	Tue	Wed	Thu	Fri	Sat
		1 <i>Select Board Mtg</i>	2	3	4	5
6	7	8	9	10	11	12
13	14	15 <i>Select Board Mtg</i>	16	17	18	19
20	21 <i>Washington's Birthday</i>	22	23	24	25	26
27	28					

Town of Ayer

**FY '23 DRAFT
Budget Calendar**



March 2022

Sun	Mon	Tue	Wed	Thu	Fri	Sat
		1 <i>Select Board Mtg Regional School Assessments Due</i>	2	3	4	5
6	7	8	9	10	11	12
13	14	15 <i>Select Board Mtg</i>	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

Town of Ayer

**FY '23 DRAFT
Budget Calendar**



April 2022

Sun	Mon	Tue	Wed	Thu	Fri	Sat
					1	2
3	4	5 <i>Select Board Mtg</i>	6	7	8	9
10	11	12	13	14	15	16
17	18 <i>Patriot's Day</i>	19 <i>Select Board Mtg</i>	20	21	22	23
24	25 <i>Annual Town Meeting</i>	26	27	28	29	30

Town of Ayer

**FY '23 DRAFT
Budget Calendar**



May 2022

Sun	Mon	Tue	Wed	Thu	Fri	Sat
1	2	3 <i>Select Board Mtg</i>	4	5	6	7
8	9	10 <i>Town Election</i>	11	12	13	14
15	16	17 <i>Select Board Mtg</i>	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

Town of Ayer

**FY '23 DRAFT
Budget Calendar**



AGREEMENT
(South Bay Addition Removal)

As of August __, 2021

The following Agreement (this “Agreement”) dated as of the date first appearing above is between TOWN OF AYER, a Massachusetts municipal corporation, having an address of 1 Main Street, Ayer, MA 01432 (“Town”) and COWFIELD STATION, LLC, having an address of 39 Main Street, Suite 204, Ayer, MA 01432 (“Owner”).

For the purposes of this Agreement, the Town and the Owner shall, at times herein, be referred to each individually as a “Party” and collectively as the “Parties”.

WHEREAS, Owner is the owner of certain property, commonly known as the Historic Central Fire Station (the “Building”), located at 14 Washington Street, Ayer, Middlesex County, Massachusetts, as more particularly described in a deed recorded May 7, 2018, with the Middlesex South District Registry of Deeds in Book 70973, Page 452 (the “Property”); and

WHEREAS, the Town and the Owner are parties to that certain Purchase and Sale Agreement dated May 1, 2018 for the Property (the “Agreement”); and

WHEREAS, pursuant to Paragraph 38 of the Agreement, Owner agreed that, within three (3) years of the delivery of the deed to Owner, Owner would remove the South Bay addition (the “Addition”) on the Building, failing which the Town was entitled to seek injunctive relief, and was further entitled to an award of attorney’s fees and expenses incurred in bringing such action; and

WHEREAS, three (3) years has expired since delivery of the deed for the Property from the Town to the Owner, and Owner has not removed the Addition from the Building; and

WHEREAS, the Owner has requested an extension of the time in which to remove the Addition from the Building, to August 1, 2022; and

WHEREAS, the Town has agreed to said extension, subject to the terms and conditions of this Agreement.

NOW, THEREFORE, the Parties, in consideration of the mutual promises contained in this Agreement and other good and valuable consideration, the receipt and sufficiency of which is acknowledged, agree as follows:

1. Covenant; Extension. The Town and the Owner agree that the time to remove the Addition from the Building shall be extended to August 1, 2022.

2. Enforcement. The Town and the Owner confirm, in the event of a breach of the covenant set forth at Paragraph 1 of this Agreement, the Town may enforce this covenant by seeking injunctive relief, and shall be entitled to an award of its attorney's fees and expenses incurred in enforcing such covenant.

3. Authority. Each Party to this Agreement represents and warrants to the other that it has the legal right, power and authority to enter into this Agreement and to consummate the transactions contemplated hereby, that the execution, delivery and performance of this Agreement has been duly authorized, and that no other action by such Party is requisite to the valid and binding execution, delivery and performance of this Agreement, except as otherwise expressly set forth herein.

4. Governing Law. This Agreement shall be construed under and governed by the laws of the Commonwealth of Massachusetts.

5. Complete Agreement. This Agreement is complete, and all promises, representations, understandings, warranties and agreements with reference to the subject matter hereof, and all inducements to the making of this Agreement relied upon by either Party hereto, have been expressed herein. This Agreement supersedes all oral and prior written promises, agreements, conditions, representations, understandings, interpretations or terms of any kind relating to the subject matter hereof.

6. Notices. Any notice required or permitted under this Agreement shall be in writing and sent to the address set forth in the introductory paragraph at the beginning of this Agreement and shall be deemed delivered on the earlier to occur of (a) receipt or (b) refusal of receipt to the other Party at the address first set forth above or such other address designated in the manner set forth above.

7. Recording; Successors and Assigns. This Agreement shall be recorded with the Middlesex South District Registry of Deeds, and shall be enforceable by, and shall inure to the benefit of, the Parties hereto and their respective heirs, successors and assigns.

8. Severability. If any provision of this Agreement is contrary to, prohibited by, or deemed invalid under applicable law by a court of competent jurisdiction, such provision shall be omitted to the extent so contrary, prohibited, or invalid, but shall be enforced to the extent permissible, and the remainder of this Agreement shall not be invalidated thereby and shall continue in effect.

[Remainder of Page Intentionally Left Blank; Signature Page Follows]

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



Broadcast and Recorded by APAC

Tuesday June 15, 2021
Open Session Meeting Minutes

SB Present: Shaun C. Copeland, Chair; Scott A. Houde, Vice-Chair; 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 6:00 PM.

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

Announcements: None

Approval of Meeting Agenda: R. Pontbriand asked to add an item under his report, a Reserve Fund Transfer for the I.T. Department.

Motion: A motion was made by S. Houde and seconded by J. Livingston to approve the meeting agenda, as amended. **Roll Call:** S. Houde, aye; J. Livingston, aye; S. Copeland, aye. **Motion passed by Roll Call Vote 3-0.**

Recognition Ayer Shirley Regional School District Superintendent Dr. Mary Malone: The Select Board recognized Dr. Mary Malone, Superintendent of Schools who will be retiring on June 30, 2021. The Board presented Dr. Malone with a certificate and flowers and thanked her for her service.

Recognition of Ayer Police Chief, William A. Murray: The Select Board was joined by Chief Murray, his family, department members, and area Police Chiefs. The Select Board recognized Chief Murray's 33+ years of service to the Town of Ayer. Chief Murray will be retiring on June 30, 2021, and will be staying on in a consulting role to complete department accreditation. The Board presented Chief Murray with a certificate and gift and also presented Mrs. Murray with flowers.

Public Input - None

Mark Wetzel, Director, Dept. of Public Works: *Stormwater Asset Management Grant Funding* – M. Wetzel stated that Town was awarded grant funding, which is administered through the Clean Water SRF program for creation of a Stormwater Asset Management Program. The grant is for \$72,750. The SRF final grant submittal requires the Select Board to authorize the Town Manager to file applications.

Motion: A motion was made by S. Houde and seconded by J. Livingston to authorize the Town Manager to file applications for the Stormwater Asset Management Grant Funding program. **Roll Call:** S. Houde, aye; J. Livingston, aye; S. Copeland, aye. **Motion passed by Roll Call Vote 3-0.**

Approval of Change Order 1 Wright Rd Water Main Replacement Project – M. Wetzel stated that the change order amount is for \$24,392.55. The changes are from the addition of a hydrant replacement on Sedgeway, replacement of two 6-inch gate valves and a 2-inch water service, and balancing cost from actual quantities installed.

Motion: A motion was made by J. Livingston and seconded by S. Houde to approve Change Order 1 for the Wright Rd. Water Replacement Project. **Roll Call:** S. Houde, aye; J. Livingston, aye; S. Copeland, aye. **Motion passed by Roll Call Vote 3-0.**

Execution of Contract for Westford Road Sewer Replacement – M. Wetzel reported that general bids for the Westford Road Sewer Replacement Project were received at the DPW on June 9, 2021. The Town received 3 bids ranging from \$165,100.00 to \$220,400.00. The apparent low bidder was Commonwealth Construction & Utilities, Inc. from Watertown, MA. This work is related to the Westford Road sewer update provided by Director Wetzel on April 20, 2021, to the Select Board. This project is funded through wastewater I/I capital budget. He is recommending approval with signature by the Board.

Motion: A motion was made by S. Houde and seconded by J. Livingston to execute the contract for the Westford Road Sewer Replacement Project. **Roll Call:** S. Houde, aye; J. Livingston, aye; S. Copeland, aye. **Motion passed by Roll Call Vote 3-0.**

Debrief of Major Construction/Development Projects – Per Select Board Member Houde’s request at the last meeting, M. Wetzel presented a list of all major construction and development projects. R. Pontbriand also gave information on Planning Board projects.

MS4 Stormwater Permit Update – Town Engineer Dan Van Schalkwyk gave a presentation to the Select Board on the Town’s MS4 Stormwater Permit. He reported that for next year (Year 4) the Town will be working on reports/studies related to green infrastructure, impervious cover and BMP retrofits. The Town will also focus on more public education for residents.

Alan Manoian, Director, Community & Economic Development: *ADA Self-Evaluation & Transition Plan* – A. Manoian was joined by CDBG Program Manager Alicia Hersey and Mr. Blair Haney from MRPC and presented the DRAFT ADA Self Evaluation and Transition Plan, which will be submitted by June 30, 2021. A. Manoian stated he is doing the final review and that no substantive changes will be made by June 30, 2021. J. Livingston pointed out a typo on page 5, where it says “George W. Bush” and instead should be “George H.W. Bush”. A. Manoian stated that the town is working on an overall policy to addressing physical and architectural barriers.

Motion: A motion was made by J. Livingston and seconded by S. Houde to approve the DRAFT ADA Self Evaluation and Transition Plan with noted comments. **Roll Call:** S. Houde, aye; J. Livingston, aye; S. Copeland, aye. **Motion passed by Roll Call Vote 3-0.**

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 reported that departmental evaluations are underway and noted that some of last year’s goals will be carried forth due to COVID – 19 impacts. He stated that FY ’21 year-end finances remain in good shape and that revenue remains on target. He then reported that the Director of COA Karin Swanfeldt will be retiring on July 2, 2021. The COA will be co-hosting a pasta dinner event with the Fire Department next week. He reported that the State has certified the TIF with Catania Oils.

COVID-19 Update/Reopening Plan Update – R. Pontbriand stated that today is officially the last day of the State of Emergency. All municipal buildings are open and Boards and Committees, starting today will return to in-person meetings.

Appointments – R. Pontbriand is recommending the appointment of Ms. Carolyn McCreary to the Council on Aging Board of Directions to fill an unexpired term expiring on June 30, 2022. Ms. McCreary joined the Board and stated she would like to use her experience to help the COA during the upcoming period of transition.

Motion: A motion was made by S. Houde and seconded by J. Livingston to appoint Ms. Carolyn McCreary to the Council on Aging Board of Director to fill an unexpired term to expire on June 30, 2022. **Roll Call:** S. Houde, aye; J. Livingston, aye; S. Copeland, aye. **Motion passed by Roll Call Vote 3-0.**

R. Pontbriand is also recommending that the Select Board appoint Mr. James Stephen of Ayer to the Ayer Affordable Housing Committee for the balance of a three-year term to expire on June 30, 2022.

Motion: A motion was made by S. Houde and seconded by J. Livingston to appoint Mr. James Stephen to the Affordable Housing Committee to fill an unexpired term to expire on June 30, 2022. **Roll Call:** S. Houde, aye; J. Livingston, aye; S. Copeland, aye. **Motion passed by Roll Call Vote 3-0.**

2021 Reappointments (Part 2) – C. Antonellis is requesting that the following residents be reappointed to the following committees with their corresponding expiration dates:

Expiring Term List		
Board / Committee	Current Member	Length of Term
ENERGY COMMITTEE	Ken Diskin	3 Years
ENERGY COMMITTEE	Carolyn McCreary	3 Years
INDUSTRIAL DEVELOPMENT FINANCE AUTHORITY	Francis P. Callahan	5 Years
TREE WARDEN	Mark Dixon	3 Years
ZONING BOARD OF APPEALS	John Ellis	3 Years
ZONING BOARD OF APPEALS	Ron Defilippo	3 Years

Motion: A motion was made by J. Livingston and seconded by S. Houde to reappoint the residents to the committees as listed above and outlined in the packet. **Roll Call:** S. Houde, aye; J. Livingston, aye; S. Copeland, aye. **Motion passed by Roll Call Vote 3-0.**

The SB then discussed Committee assignments. S. Houde stated he would like to remain on Capital Planning and Executive Bi-Board; S. Copeland will remain on MJTC, serve as the alternate on the MRPC and will remain on the OPEB Committee; J. Livingston will remain on the Rate Review Committee.

Motion: A motion was made by J. Livingston and seconded by S. Houde to reappoint the Select Board members to the slate of positions as discussed. **Roll Call:** S. Houde, aye; J. Livingston, aye; S. Copeland, aye. **Motion passed by Roll Call Vote 3-0.**

Proposed Town Hall Change of Hours, Effective July 1, 2021 – R. Pontbriand presented a minor change in the hours of Town Hall, stating that his proposal is to close at 6:00 PM on Tuesdays (instead of 7:00 PM) and remain open until 2:00 PM on Fridays (instead of 1:00 PM). He noted that in consultation with all Town Hall Departments, most evening customers/public business for the Town Hall on Tuesdays occurs between 4:00 PM and 6:00 PM with very little public business after 6:00 PM.

Motion: A motion was made by S. Houde and seconded by J. Livingston to approve the Town Hall change in hours as discussed. **Roll Call:** S. Houde, aye; J. Livingston, aye; S. Copeland, aye. **Motion passed by Roll Call Vote 3-0.**

Approval of Available Beer/Wine License Process – C. Antonellis presented the Select Board with a proposed process to advertise the available beer and wine license and was asking for Select Board input. She is proposing the following: advertise the availability of the license and receive letters of interest through July 2, 2021; have appropriate Department Heads review letters of interest for comment for Select Board; July 14, 2021 – Hold informational meeting during SB meeting to hear from interested parties; SB select one interested party and

invite to apply for available license; proceed with regular process. C. Antonellis asked whether the license should be advertised in the newspaper. J. Livingston did not feel as though that was necessary.

Motion: A motion was made by S. Houde and seconded by J. Livingston to approve the process as presented including advertising in the local newspaper. J. Livingston stated that she would not support that motion.

Further Motion: A motion was made by S. Houde and seconded by S. Copeland to advertise the vacancy in the newspaper. **Roll Call:** S. Houde, aye; J. Livingston, no; S. Copeland, aye. **Motion passed by Roll Call Vote 2-1.**

Motion: A motion was made by J. Livingston and seconded by S. Houde to approve the process as presented. **Roll Call:** S. Houde, aye; J. Livingston, aye; S. Copeland, aye. **Motion passed by Roll Call Vote 3-0.**

Reserve Fund Transfer (RFT) – Information Technology Department: R. Pontbriand is requesting the approval of a RFT in the amount of \$14,000 in account 01166. He explained that the IT Director was out on sick leave for several weeks requiring unforeseen use of Drivetech Technical Support.

Motion: A motion was made by J. Livingston and seconded by S. Houde to approve the RFT in the amount of \$14,000 in account 01166. **Roll Call:** S. Houde, aye; J. Livingston, aye; S. Copeland, aye. **Motion passed by Roll Call Vote 3-0.**

New Business/Selectmen’s Questions: None

Approval of Meeting Minutes:

Motion: A motion was made by S. Houde and seconded by J. Livingston to approve the Meeting Minutes from May 18, 2021. **Roll Call:** 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:

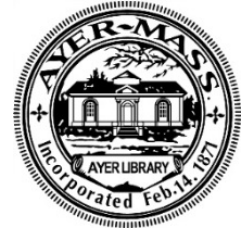
Motion: At 7:38 PM, a motion was made by J. Livingston and seconded by S. Houde to enter into Executive Session pursuant to Massachusetts General Law Chapter 30A, Section 21A Exemption #2 (Non-Union Contract Negotiations) for the Assessing Administrator and the Police Chief and to adjourn from the conclusion of the Executive Session. J. Livingston further stated that to discuss these items in Open Session would be detrimental to the Town’s negotiating strategy. **Roll Call:** S. Houde, aye; J. Livingston, aye; S. Copeland, aye. **Motion passed by Roll Call Vote 3-0.**

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

Date Minutes Approved by SB: _____

Signature Indicating Approval: _____

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



Broadcast and Recorded by APAC

Wednesday July 14, 2021
Open Session Meeting Minutes

SB Present: Shaun C. Copeland, Chair; Scott A. Houde, Vice-Chair; 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 6:00 PM.

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

Announcements: None

Approval of Meeting Agenda: R. Pontbriand asked to add an item under his report, an Appointment to the Board of Registrars. He also asked about adding a set of minutes from June 15, 2021, that was sent to the SB yesterday for review. The Board will wait to consider the approval of these minutes until the 8/17/21 SB meeting.

Motion: A motion was made by S. Houde and seconded by J. Livingston to approve the meeting agenda, as amended.
Motion passed 3-0.

Recognition Ayer Council on Aging Director Karin Dynice-Swanfeldt: The Select Board recognized COA Director Karin Dynice-Swanfeldt who retired on July 2, 2021. The Board presented COA Board Member Sr. Paula McCrea with a certificate of recognition, gift and flowers because Ms. Dynice-Swanfeldt was not in attendance. R. Pontbriand noted that the COA Board of Directors were in attendance. Board Chair Ms. Carolyn McCreary stated that the COA Board was energized to work with Ayer's senior population.

Public Input - None

Public Hearing – G.L. c. 138 sec. 12 – All Alcohol Restaurant License – 7 Depot Square – 7 KD Ayer, LLC.: J. Livingston opened the public hearing at 6:08 PM by reading the public hearing notice as advertised in the Nashoba Valley Voice on June 25, 2021. Derek Bobola and Kim Prunty were in attendance. Mr. Bobola stated that he and his sister, Ms. Prunty operate three other locations in Dracut, Nashua, NH, and Milford, NH. They are hoping to open The Next Stop Pub and Grill by mid-August.

Motion: A motion was made by S. Houde and seconded by J. Livingston to approve the application for a new c. 138, sec. 12 all alcohol on premise license for 7KD Ayer, LLC., d/b/a The Next Stop Pub and Grill. **Motion passed 3-0.**

Motion: A motion was made by J. Livingston and seconded by S. Houde to close the Public Hearing at 6:14 PM.
Motion passed 3-0.

Mark Wetzel, Director, Dept. of Public Works: *Approval of Bottled Water Rebate Program* – M. Wetzel was in attendance. He stated that while the Ayer DPW has made tremendous progress in eliminating PFAS from the Town's drinking water, until the Spectacle Pond treatment facility is constructed, the Town will be in violation of the Massachusetts Drinking Water standard of 20 ppt. The MassDEP is requesting that the Town develop a program to provide alternative water supply to sensitive populations. M. Wetzel is proposing offering a rebate on water bills based on the average daily drinking/ cooking water consumption and the cost of bottled water. The program has

been submitted to MassDEP for their approval. He is recommending that the SB approve this program and he will then advertise.

Motion: A motion was made by S. Houde and seconded by J. Livingston to approve the proposed bottled water rebate program. **Motion passed 3-0.**

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 provided a brief update about the status of MEMA, CARES and ARPA funding relating to COVID-19. He noted that on the ARPA funding, the Town will have until December 2026 to commit funding to project(s). He reported that he is working on the Woodlawn Cemetery transfer and expects to report to the SB in September. He reported that the FY '23 budget calendar would be presented at the September 7, 2021 SB meeting.

Approval of Reclassification of Fire Department Administrative Assistant – R. Pontbriand reported that the Fire Chief submitted a request to reclassify the Fire Department Administrative Assistant as an Office Manager. A reclassification analysis was conducted using the Human Resources Services, Inc. Municipal Classification and Rating Manual. The analysis was conducted by the Assistant Town Manager, Fire Chief, Deputy Fire Chief, and Benefits and Payroll Manager. He is requesting that the SB vote to approve the reclassification of the Fire Department Administrative Assistant to Office Manager at Grade 10, Step 4 effective as of July 1, 2021. Chief Johnston noted the evolution of the position over the past 10-15 years.

Motion: A motion was made by J. Livingston and seconded by S. Houde to approve the reclassification to Office Manager at Grade 10, Step 4 effective July 1, 2021. **Motion passed 3-0.**

Ratification of MassWorks MOA – MassDevelopment for W. Main St. Project – R. Pontbriand stated that due to the end of fiscal year time constraints and in keeping with the project schedule, in order for MassDevelopment to release funding for this fiscal year, the MOA needed to be executed prior to July 9, 2021. He signed the the MOA subject to ratification by the SB. He noted that the MOA was drafted by the Town of Ayer and that MassDevelopment's payment in the amount of \$275,000 was received on July 9, 2021.

Motion: A motion was made by S. Houde and seconded by J. Livingston to ratify the MOA between the Town of Ayer and MassDevelopment for the West Main Street Massworks program. **Motion passed 3-0.**

Final Vote of Approval of Town of Ayer ADA Transition Plan – R. Pontbriand stated that Director of Community and Economic Development Alan Manoian was attending virtually but was having technical difficulties. He asked the SB to vote to approve the Final ADA transition plan, the DRAFT of which was presented at the last SB meeting. R. Pontbriand noted that there will be upcoming training for staff on the ADA plan.

Motion: A motion was made by J. Livingston and seconded by S. Houde to approve the Town of Ayer ADA Transition Plan. **Motion passed 3-0.**

Vote of Approval – Historic Preservation Restriction (HPR) – 14 Washington St. - Historic Fire Station - R. Pontbriand presented the HPR. J. Livingston asked why this was being done three (3) years after the sale of the building. R. Pontbriand stated that it slipped through the cracks at the Department level.

Motion: A motion was made by S. Houde and seconded by J. Livingston to approve the Historic Preservation Restriction for 14 Washington Street, the historic fire station. **Motion passed 3-0.**

Vote to Open the Fall Special Town Meeting Warrant – R. Pontbriand is recommending that the SB open the Fall Special Town Meeting Warrant and to close the warrant for articles and citizen's petitions on Friday October 1, 2021 at 12:00 PM.

Motion: A motion was made by J. Livingston and seconded by S. Houde to open the Fall Special Town Meeting Warrant and to close the warrant for articles and citizen's petitions on Friday October 1, 2021 at 12:00 PM.
Motion passed Vote 3-0.

Appointments – R. Pontbriand presented a letter of interest from Pat Kelly to serve on the Registrar of Voters. He will be filling an unexpired term, expiring on June 30, 2022.

Motion: A motion was made by S. Houde and seconded by J. Livingston to appoint Mr. Patrick Kelly to the Board of the Registrar of Voters with a term to expire on June 30, 2022. **Motion passed 3-0.**

New Business/Selectmen's Questions: None

Approval of Meeting Minutes:

Motion: A motion was made by J. Livingston and seconded by S. Houde to approve the Meeting Minutes from June 1, 2021. **Motion passed 3-0.**

Section 15 Wine & Malt Package Store License – Review Letters of Interest Received and Invite Selected Applicant to Application Process: Ken Wong – General Manager -in Ayer. C. Antonellis recapped that the Town has an available Beer and Wine only Package Store license available. Interested applicants were asked to submit letters of interest to the Town by July 2, 2021. C. Antonellis explained that the Town received letters from 2 interested parties – Global/Montello Alltown Fresh on Harvard Road and Ayer Gulf on Park St. The Town also received an application from Pinard's Florist on Central Ave. The SB heard from Alltown Fresh first and then heard from Khalil and Darene Yatim from Ayer Gulf located on Park Street.

Jon Aieta spoke on behalf of Global Montello stating that at other Alltown sites, that have beer and wine and have had no violations. He noted that all customers get carded at the Point-of-Sale system and all staff are trained and the store is equipped with security cameras. S. Houde asked how the store would be modified if they were to receive the license. J. Aieta stated that the beer and wine would be located in the back left corner of the store. S. Copeland asked if their Plymouth location always had beer and wine. J. Aieta said yes.

Khalil and Darlene Yatim spoke on behalf of Yatim Central Convenience for Ayer Gulf, which they noted was not a giant conglomerate. They also presented a brief slideshow. They have owned and operated a convenience store in Marlborough for the past 25 years. They stated that the Park Street store was large enough to accommodate beer and wine sales, as a lot of the current space is being used for storage.

SB members discussed the application from Pinard's and had questions about their proposal. There was no one in attendance from Pinard's Florist.

J. Livingston noted that the SB had a difficult decision to make. The SB discussed the applicants. They noted that Park Street is in the process of a redevelopment plan to transform it to a traditional downtown neighborhood. The SB liked the idea of further investment into Park Street.

Motion: A motion was made by S. Houde and seconded by J. Livingston to invite Yatim Central Convenience for Ayer Gulf, Park Street location to the formal application process for the available Sec. 15 Beer/Wine License. **Motion passed 3-0.**

Adjournment:

Motion: A motion was made by J. Livingston and seconded by S. Houde to adjourn at 7:25 PM. **Motion passed 3-0.**

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

Date Minutes Approved by SB: _____

Signature Indicating Approval: _____