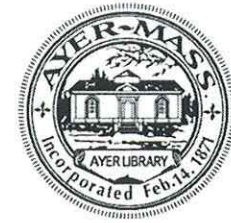


RECEIVED  
JUN 16 2022

TOWN OF AYER  
TOWN CLERK

11:50am (SC)



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

**Tuesday June 21, 2022**  
**Open Session Meeting Agenda**

*This meeting/hearing of the Ayer Select Board will be held in-person at the location provided on this notice. Members of the public are welcome to attend this in-person meeting. Please note that while an option for remote attendance and/or participation via Zoom is being provided as a courtesy to the public, the meeting/hearing will not be suspended or terminated if technological problems interrupt the virtual broadcast, unless otherwise required by law. Members of the public with particular interest in a specific item on this agenda should make plans for in-person vs. virtual attendance accordingly. This meeting will be live on Zoom and Channel 8. The public may access the proceedings by joining Zoom (Meeting ID# 897 9080 0793) or by calling (929-205-6099). For additional information about remote participation, please contact Carly Antonellis, Assistant Town Manager at atm@ayer.ma.us or 978-772-8220 ext. 100 prior to the meeting.*

- 6:00 PM\***                    **Call to Order**  
Pledge of Allegiance; Review and Approve Agenda; Announcements
- Recognition of Tom Hogan, Assessing Administrator**
- 6:05 PM**                    **Public Input**
- 6:10 PM**                    **Ratification of Appointment – Assessing Administrator**
- 6:15 PM**                    **Alan Manoian, Director, Office of Community and Economic Development**  
Request for Waiver from Appraisal Requirements – 40B Project, 65 Fitchburg Road
- 6:20 PM**                    **Dan Van Schalkwyk, Director, Dept. Of Public Works**  
1. Agreement for Wastewater Treatment and Disposal Services with MassDevelopment  
2. West Main Street Bridge Over Nonacoicus Brook
- 6:25 PM**                    **Town Manager’s Report**  
1. Administrative Update/Review of Town Warrant(s)  
2. Appointments Part 2 of 2  
3. Initial Discussion of FY 2023 Goals and Objectives for Select Board and Town Manager
- 6:35 PM**                    **New Business/Select Board Member Questions**
- 6:40 PM**                    **Approval of Meeting Minutes**  
May 17, 2022; June 7, 2022
- 6:45 PM**                    **Executive Session Pursuant to MGL Chapter 30A, Section 21A (Exemption #2 Non-Union Personnel Negotiations)\*\***  
Ratification of Assessing Administrator’s Personal Services Contract
- 6:55 PM**                    **Adjournment**

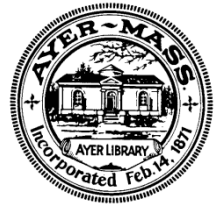
*\*Agenda times are for planning purposes only and do not necessarily constitute exact time.*

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

*The next regularly scheduled meeting of the Select Board is **Wednesday** July 13, 2022 at 6:00 PM both in-person and via Zoom.*

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

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Town of Ayer| Ayer Town Hall| 1 Main Street| Ayer, MA 01432|978-772-8220 x100| www.ayer.ma.us

**Memorandum**

**DATE:** June 17, 2022

**TO:** Ayer Select Board

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

**SUBJECT:** Ratification of Appointment – Assessing Administrator

---

Dear Honorable Select Board Members,

I will be joined by Ms. Lynda McQuade at your meeting on Tuesday night to present her appointment as Assessing Administrator for your consideration and ratification. Attached for your review is Ms. McQuade's resume (see attached). Upon your ratification of the appointment, Ms. McQuade would begin work on July 5, 2022, and the terms of her employment will be governed by a Personal Services Contract of which will be presented and discussed in Executive Session on Tuesday night.

The position of Assessing Administrator was publicly advertised on the Town's website and social media as well as on the Massachusetts Municipal Association's job postings website. The Town received three applications of which Ms. McQuade was the most qualified. She is currently the Assessor for the Town of Boxborough. She was interviewed by the Town Manager, Assistant Town Manager, and Assessing Administrator.

Ms. McQuade's appointment as Assessing Administrator is for three (3) years effective July 5, 2022, through June 30, 2025.

I look forward to introducing Ms. Lynda McQuade to the Select Board and to welcoming her and working with her here in the Town of Ayer.

Thank you.

Attachment: Resume of Ms. Lynda McQuade

*Lynda McQuade*



April 28, 2022

Robert A. Pontbriand  
Town of Ayer  
1 Main Street  
Ayer, MA 01432

Dear Mr. Pontbriand:

I am writing with much interest in the Assessing Administrator Position and was referred to you by Kathy Miller, the Principal Assessor in Littleton, MA. Attached is my resume and a copy of my MA certified residential license and a recommendation letter for your review and consideration.

I have been working in the Assessing field as a Town Assessor in Boxborough and an Assistant Assessor in Westford since November 2019. During my time in Boxborough as the Town Assessor, I completed the recap reports and set the tax rate for FY2023 which were partially completed, ensured the warrants and commitments were completed for FY2022 Third and Fourth Quarter Real Estate bills for the Tax Collector, updated the on-line property database which was not updated since 2019, updated the deeds which were not current, started the process for 1,959 cyclical re-inspections which need to be completed for the certification in FY2024, generated supplemental bills for FY2022 which were not current for the past 3 years, processed the Motor Vehicle Excise Tax Commitment files were billed for Commitments 4, 5 and 6 of 2021 and Commitments #1 and #2 for 2022, started the FY2023 growth and inspection for 50 high end 55+ condominiums, reviewed and inspected 20 real estate and personal property abatements and completed the backlog of motor vehicle excise tax abatements and real estate exemptions that were not properly processed for a 9 month period.

My experience also includes almost 20 years of appraisal experience in residential appraising including data collection, field inspection, market analysis, report writing and training of employees. I also have thorough knowledge of Patriot Properties database software, municipal experience with Vadar software and some exposure to Munis. I also have strong communication skills and great attention to detail.

I would like the opportunity for an interview to discuss the position further. I have an MAA certification and look forward to hearing from you soon.

Best regards,

Lynda McQuade

*Lynda McQuade*



*Town Assessor*

---

**PROFESSIONAL EXPERIENCE:**

**11/21-Present:** *Town Assessor*

**Town of Boxborough, Boxborough, MA**

- Administrative control of and be responsible for all operational functions of the Department including, the supervision of daily operations of the Department including, but not limited to, the inspection, classification and valuation of all real and personal property in accord with statute and regulation, preparation for and completing the annual classification and statutorily required hearings.
- Preparing the “recap” forms for approval of the tax rate, committing real estate, personal property, and auto excise amounts to the Treasurer/Collector for their use in the production of tax bills.
- Reviews and acts upon requests for abatements, exemptions and credits.
- Supervision of administrative assistant.
- Preparation and submission of the annual budget to the Administrator; submission of required reports; responsibility for all expenditures and grants within approved budgets.
- Presentations before any board of the Town at which the Assessor’s presence is required and before any Town Meeting when necessary.

**11/2019-Present** *Assistant Assessor*

**Town of Westford, Westford, MA**

- Analyses and compiles data for statistics of real property of over 9,000 parcels of real estate.
- Performs research on deeds, maps, building plans/permits to obtain accurate valuation data.
- Performs inspections to determine property characteristics of real property for sales verification, final inspections and tax abatements.
- Assists Principal Assessor with various financial and trend analysis for the purpose of sales and revenue projections, reports for DOR and setting the annual tax rate.
- Overseas and participates in administrative support functions including answering assessment questions, interaction with the public, assisting with motor vehicle abatements and statutory exemptions.
- Completed MAAO Certification in March 2021, Awaiting Certificate

- 04/2003-Present  
(Part-time Only) **Certified Residential Real Estate Appraiser-NH, #NHCR-694**  
**& Certified Residential Real Estate Appraiser-Cert Residential #102953**  
Capital Appraisal Group, Dunstable, MA- FHA CERTIFIED
- Perform residential real estate appraisals for single family, condominium and multi-family properties in the states of MA and NH for Fannie Mae, Quicken Loans, Align Credit Union, Lake Sunapee Bank, Peoples United Bank and Citizens Bank.
  - 14 years of field and writing experience. Experience includes: coordination of appointments and interviewing property owners, measuring, inspecting and photographing property, data collection, thorough knowledge of assessor maps, zoning maps, flood maps, deeds and parcel identification, analysis of data with superior database maintenance and record keeping for the value of real property.
  - Fluent with MLS, ACI software, Patriot Properties and Vision Appraisal databases and FHA and USPAP guidelines.
  - Very thorough with data collection, verification and work well with time constraints.
- 10/07-05/2011  
(part time) **Marketing/Inside Sales Representative**  
American Capital Energy, North Chelmsford, MA
- Responsible for lead generation, qualification and scheduling of sales appointments through cold calling for sales staff/engineers with Fortune 500 companies for solar photovoltaic and solar thermal opportunities throughout the country.
  - Research and development of the prospecting list for accounts through Hoovers.
  - ***Currently generated 209 leads representing \$224,022,000 million in proposals/bid opportunities on a part-time basis.***
  - Attend/Coordinate local trade shows to promote business and lead opportunities.
  - Provided lead generation and sales reports to upper management for various market segments.
- 4/03-1/05 **Real Estate Prospecting Sales Representative**  
Century 21 Minuteman, Chelmsford, MA
- Responsible for generating, qualifying and scheduling sales/listing appointments for a Top Century 21 Centurion Broker through telemarketing and prospecting
  - Developed comparative market analysis reports for clients and potential clients.
  - Develop and establish marketing and partnership programs with local realtors, insurance and mortgage companies.
  - Maintained and tracked leads via ACT Database.
  - Familiar with MLS.
- 2/98 – 4/03 **Outside Sales Representative & Telemarketing Supervisor/Trainer**  
**Nightwatch Protection/ADT Security Authorized Dealer, Nashua, NH**
- Responsible for telemarketing prospecting, generation and closing sales of residential and consumer sales of ADT security systems for the Massachusetts and New Hampshire territories.

- Developed and established referral partnership programs with local realtors, insurance and mortgage companies to increase residential ADT security system sales.
- ***Generated 187 sales (Top Sales) in 2001 through part-time telemarketing efforts***
- Implemented and managed telemarketing and marketing programs for promotional campaigns such as a “Door Knocking Program” last summer in Nashua, NH, Lowell, MA and Chelmsford, MA.
- Provided training and management for 6 telemarketing representatives.
- Received “Top Telemarketing Performance” Award in 2001.

1985 - 2007

**Telemarketing Representative/Independent Contractor**

**Telemarketing Connections, Dunstable, MA (part-time)**

- Developed and managed telemarketing and marketing programs for various companies by lead qualification, appointment setting, follow-up & closing of sales.
- Provided sales reports and analysis of telemarketing results.
- Telemarketing clients included ADT, TaxMan/Accuplus Financial Services, H&R Block, L & M Bookkeeping, Supreme Green Lawn Care, The Lawn Doctor, Picken Insurance, Alida Connection and Access Telemarket.
- Managed a sales project selling and prospecting for headsets for GN Netcom.

2/93 – 2/98

**Inside Sales/Marketing Support Representative**

**Alpha Gary Corporation, Leominster, MA.**

- Responsible for sales support and account maintenance of domestic and international sales of PVC compounds to medical/manufacturing companies.
- Responsible for servicing 18 distributor locations of General Polymers and 15 key export accounts.
- Evaluated customer technical requirements for product recommendations, establish product inventory requirements and ensure customer satisfaction through customer follow up after delivery and manufacture of the PVC end product.
- Facilitated price quotations/customer contracts in conjunction with sales representatives and upper management.
- Responsible for generating leads of trade show inquiries via telemarketing. Provided lead generation and sales reports to upper management for various market segments.

5/90 - 2/93

**Marketing Service Coordinator**

**Raytheon Service Company, Burlington, MA**

- Responsible for writing, rewriting, editing, coordinating presentations/proposals for Patriot Program Offices.
- Worked directly with upper level management to develop presentations, accumulate information for Patriot presentations to the President of the U.S., Congressional members, foreign dignitaries and other government officials.
- Supervised the production of briefings/presentations with support personnel/vendors to ensure cost efficiency and customer satisfaction.

1987 - 1990

**Forms Analyst/Marketing Consultant to Digital Equipment & John Hancock**

**Moore Business Forms & Systems, Andover, MA**

- Worked on 2 major million dollar accounts.
- Traveled to Digital facilities throughout New England and worked in the corporate offices of John Hancock Corporate Headquarters, Boston, MA. providing forms analysis to all departments.
- Conducted cost analysis/marketing studies on business & computer forms to generate cost savings for both accounts.
- With marketing research analysis, made on-site presentations of old/new paper systems to maintain contact with customers to facilitate customer awareness of the forms program.

1982 - 1986

**Customer Service Representative**

**New England Business Service, Inc., Groton, MA**

- Conducted customer inquiries/product verifications on business/computer forms.

**APPRAISAL EDUCATION:**

**JMB REAL ESTATE ACADEMY-Real Estate Appraisal Certificates/Courses**

Uniform Standards of Professional Appraisal Practice, Basics of Real Estate Appraisal, Appraising 1-4 Family Properties, Residential Market Analysis & Highest & Best Use, USPAP 2005-2015 Updates, Residential Sales Comparison and the Income Approach, FHA Certification Course, Residential Site Valuation & the Cost Approach, Residential Report Writing, FHA/VA Thriving and Surviving

**JMB REAL ESTATE ACADEMY-Real Estate Salespersons Certificate/Course**

MA Real Estate Sales/Fundamentals of Real Estate-2/04

**EDUCATION:** **Merrimack College**, North Andover, MA

Bachelor of Science in Business Administration, May 1987

Concentration: Marketing

**Working knowledge of Microsoft Word, Excel, Outlook, Publisher, PowerPoint, ACT 4.0, Access, ACI, MLS, Vision Appraisal and Patriot Properties databases**

[Town of Ayer Select Board Letterhead]

June \_\_, 2022

Alana Murphy  
Deputy Director, Housing Development Division  
Department of Housing and Community Development  
100 Cambridge Street, Suite 300  
Boston, Massachusetts 02114

RE: Application for Project Eligibility Letter  
Applicant: Neighborhood of Affordable Housing  
Property: 65 Fitchburg Rd., Ayer MA  
**Request for Waiver From Appraisal Requirements**

Dear Ms. Murphy,

Neighborhood of Affordable Housing (NOAH) has submitted an application for Project Eligibility in connection with the proposed development of a two-phase 106-unit 100% affordable rental residential project to be located at 65 Fitchburg Rd., Ayer MA. In November 2021, the Department of Housing and Community Development issued a Project Eligibility Letter for the Project; according, it is our understanding that NOAH will be submitting its comprehensive permit application with the Town of Ayer's Zoning Board of Appeals in accordance with the Comprehensive Permit Law, Chapter 40B in the near future.

The Ayer Select Board continues to energetically advocate for and support the tireless efforts of our local residents, neighborhood groups, healthcare advocates, public safety officials, educational officials, local spiritual/inter-faith leaders, local food-security advocates, local employers, and municipal/regional planning officials in addressing the critical issue and increasing concerns involved with the lack of an adequate supply of affordable housing in the Town of Ayer.

The Ayer Select Board has successfully advanced local affordable housing policies and municipal bylaws that will serve, through time, to incrementally expand Ayer's affordable housing supply, including the adoption of the Ayer Inclusionary Housing Bylaw, Ayer Affordable Housing Density Bonus Bylaw, the Ayer Accessory Dwelling Unit Bylaw, the Downtown Ayer/Park Street Form-Based Zoning Code, the West Ayer Village Form-Based Zoning Code, as well the establishment of the Ayer Affordable Housing Committee and the Ayer Affordable Housing Trust.

The noteworthy prospect of working in partnership with (NOAH) in order to construct and provide an additional approx. 106 new 100% affordable housing units to the Town of Ayer and the region, within the next couple of years, would effectively serve to stabilize and sustain many individuals and families in desperate need of adequate and manageable housing choices.



While we acknowledge that the allowable land value of a site for purposes of 40B generally is the fair market value of the site under current zoning (As-Is Market Value) at the time of submission of a request for Project Eligibility, we understand that the Department, as the Subsidizing Agency, may waive the use of the appraisal requirement for projects advanced by public entities, non-profits (such as NOAH), under an Inter-Agency Guidance regarding cost certification for Low Income Tax Credits provided that the Developer submits satisfactory evidence, such as an opinion of value from a licensed real estate broker, that reasonably supports the acquisition cost.

On behalf of the Town of Ayer, the Select Board respectfully request the Department to waive the appraisal, dated September 2021, previously conducted for the Department by Howard S. Dono Appraisal. The Ayer Select Board supports NOAH's efforts to provide our community and region a 100% affordable multifamily project and feel that the appraisal that had been performed has potentially undervalued the locus, which in turn, may reduce the viability of an affordable housing project being advanced by the non-profit developer, NOAH.

Town of Ayer Select Board expresses our support for the advancement of the proposed Chapter 40B housing development project by the NOAH organization in the Town of Ayer.

Please feel free to contact the Ayer Select Board, through the Office of the Tow Manager, should you have any further questions, inquiries or comments.

Sincerely,

Jannice L. Livingston, Chair

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Shaun C. Copeland, Vice-Chair

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Scott A. Houde, Secretary

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**[Town of Ayer Chief Elected Official Letterhead]**

June \_\_, 2022

Alana Murphy  
Deputy Director, Housing Development Division  
Department of Housing and Community Development  
100 Cambridge Street, Suite 300  
Boston, Massachusetts 02114

RE: Application for Project Eligibility Letter  
Applicant: Neighborhood of Affordable Housing  
Property: 65 Fitchburg Rd., Ayer MA  
**Request for Waiver From Appraisal Requirements**

Dear Ms. Murphy,

As the Chair of the Town of Ayer's Select Board, I am writing to express my full support for the advancement of the proposed friendly Chapter40B housing development project located at 65 Fitchburg Road. Which would result in an additional approximately 106 new 100% affordable housing units to the Town of Ayer and the region

As is contained in the submitted Ayer Select Board Letter of Support, the Board is unanimous and fully-committed to addressing and improving the troubling conditions and increasing concerns involved with the lack of an adequate supply of affordable housing in the Town of Ayer and the region.

An increasing number of both long-time and more newly-arrived Ayer residents and families are being deprived of the sense of security and stability with their health, safety, education, and community ties as a result of unmanageable challenges with basic housing costs. This is impacting both Ayer renters as well as homeowners.

The Ayer Select Board has successfully advanced local affordable housing policies and municipal bylaws that will serve, through time, to incrementally expand Ayer's affordable housing supply, including the adoption of the Ayer Inclusionary Housing Bylaw, Ayer Affordable Housing Density Bonus Bylaw, the Ayer Accessory Dwelling Unit Bylaw, the Downtown Ayer/Park Street Form-Based Zoning Code, the West Ayer Village Form-Based Zoning Code, as well the establishment of the Ayer Affordable Housing Committee and the Ayer Affordable Housing Trust.

To construct and provide an additional approx. 106 new 100% affordable housing units in the Town of Ayer and the region, within the next couple of years, would effectively serve to stabilize and sustain many individuals and families in desperate need of adequate and manageable housing choices.

While we acknowledge that the allowable land value of a site for purposes of 40B generally is the fair market value of the site under current zoning (As-Is Market Value) at the time of submission of a request for Project Eligibility, we understand that the Department, as the Subsidizing Agency, may waive the use of the appraisal requirement for projects advanced by public entities, non-profits (such as NOAH), under an Inter-Agency Guidance regarding cost certification for Low Income Tax Credits provided that the Developer submits satisfactory evidence, such as an opinion of value from a licensed real estate broker, that reasonably supports the acquisition cost.

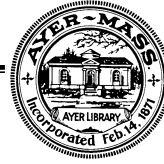
On behalf of the Town of Ayer, I respectfully request the Department to waive the appraisal, dated September 2021, previously conducted for the Department by Howard S. Dono Appraisal. The Ayer Select Board supports NOAH's efforts to provide our community and region a 100% affordable multifamily project and feel that the appraisal that had been performed has potentially undervalued the locus, which in turn, may reduce the viability of an affordable housing project being advanced by the non-profit developer, NOAH.

As the Town of Ayer's chief elected official, I express my support for the advancement of the proposed Chapter 40B housing development project by the NOAH organization in the Town of Ayer.

Please feel free to contact me through the Office of the Town Manager if I may provide additional information, detail, clarification and comment.

Sincerely,

Jannice L. Livingston, Chair – Ayer Select Board



## MEMORANDUM

Date: June 14, 2022  
To: Select Board  
From: Dan Van Schalkwyk, P.E., Director  
Subject: **Agenda Items for June 21, 2022, Select Board Meeting**

- 1. Agreement for Wastewater Treatment and Disposal Services with MassDevelopment –**  
The current Agreement with Devens for the Wastewater Treatment and Disposal Services was extended by amendment through June 30, 2022. Currently, Devens has yet to provide review comments to Ayer. I've provided an Amendment to extend the Agreement one month, through July 31<sup>st</sup> for execution by the Board.
- 2. West Main Street Bridge Over Nonacoicus Brook –**  
I've had verbal discussions with MassDOT about the status of the replacement of the West Main Street Bridge Over Nonacoicus Brook. There is potential for MassDOT to provide the gap in funding to complete the project. I'm requesting the Select Board prepare and send a letter to MassDOT District 3 to petition for funding to complete this project.

**AMENDMENT #4  
TO  
AGREEMENT FOR WASTEWATER TREATMENT AND DISPOSAL SERVICES  
BETWEEN  
MASSACHUSETTS DEVELOPMENT FINANCE AGENCY  
AND  
TOWN OF AYER, MASSACHUSETTS**

This Amendment #4 to Agreement for Wastewater Treatment and Disposal Services (this “Amendment”) is made and entered into as of the 30th day of June, 2022, by and between **Massachusetts Development Finance Agency**, a Massachusetts body politic and corporate created and established under Chapter 23G of the Massachusetts General Laws, having its principal place of business at 99 High Street, 11<sup>th</sup> Floor, Boston, Massachusetts 02110 (“MassDevelopment” or the “Agency”), and the **Town of Ayer**, a Massachusetts municipal corporation, having a principal place of business at 1 Main Street, Ayer, MA 01432 (“Ayer”).

**WHEREAS**, Ayer and MassDevelopment entered into that certain Agreement for Wastewater Treatment and Disposal Services Agreement dated as of December 31, 2001, as amended by that certain Amendment #1 to Agreement for Wastewater Treatment and Disposal Services dated as of March 12, 2002 and that certain Amendment #2 to Agreement for Wastewater Treatment and Disposal Services dated as of December 21, 2021 (“Agreement”) and certain Amendment #3 to Agreement for Wastewater Treatment and Disposal Services dated as of March 31, 2022; and

**WHEREAS**, the Agreement, by its terms, is set to expire on June 30, 2022; and

**WHEREAS**, Ayer will continue to need to collect and deliver wastewater for treatment by the Devens wastewater system; and

**WHEREAS**, Ayer and Agency are currently negotiating a number of substantive changes to the terms of the Agreement and an extension of the duration thereof; and

**WHEREAS**, Ayer and Agency desire to make certain changes to the Agreement at this time in addition to extending the duration of the Agreement on a short term basis to, among other things, allow for the completion of said negotiations.

**NOW THEREFORE**, in accordance with Section 405 of the Agreement in order to continue the services described in the Agreement, and in consideration of the mutual promises, and covenants herein set forth, Ayer and Agency, each binding itself, its respective representatives, successors, and assigns, hereby agree to amend the Agreement as follows.

1. Article IV, Miscellaneous Provisions, Section 416 entitled Effective Date, Duration and Termination is hereby amended by deleting the text of the section in its entirety and replacing it with the following:

“This Agreement shall be effective as of the date of its acceptance by the

Agency's Board of Directors and execution by the parties. This Agreement shall be in full force and effect and shall be binding on Ayer and the Agency until July 31, 2022."

2. All of the terms of the Agreement, as amended pursuant to the terms hereof, are hereby restated, ratified and confirmed in their entirety as of the date hereof.
3. This Amendment may be signed in one or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument. In the event that any signature is delivered by facsimile transmission or by e-mail delivery of a ".pdf" format data file, such signature shall create a valid and binding obligation of the party executing (or on whose behalf such signature is executed) with the same force and effect as if such facsimile or ".pdf" signature page were an original thereof.
4. Each party to this Amendment represents that the individual executing this Amendment on its behalf is duly authorized to bind such party to this Amendment according to its terms.

IN WITNESS WHEREOF, this Amendment has been executed by the Agency and Ayer and is effective as of the date first written above.

**Massachusetts Development  
Finance Agency**

**Town of Ayer**  
By its Select Board

By: \_\_\_\_\_  
Jessica Strunkin  
Executive Vice President, Devens

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Approved as to form:

\_\_\_\_\_  
Agency Counsel

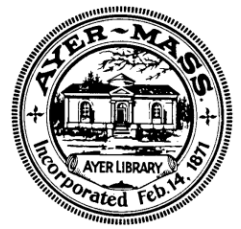
ATTEST:

\_\_\_\_\_  
Ayer Town Clerk

*[Signature page to Amendment # 4 to Agreement for Wastewater Treatment  
and Disposal Services]*

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

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

**MEMORANDUM**

**DATE:** June 17, 2022

**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: Town Manager's Report for the June 21, 2022, Ayer Select Board Meeting**

Dear Honorable Select Board Members

I am pleased to transmit to you the following Town Manager's Report for the June 21, 2022, 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 Warrants:**

- At the meeting I will provide a brief Administrative Update on the various activities, initiatives, and projects of the Town since the Select Board last met on June 7, 2022.
- I have reviewed, approved, and signed the following Town Warrants since the Select Board last met on June 7, 2022:

Accounts Payable Warrant #22-24 in the amount of \$1,982,686.09 was reviewed, approved, and signed on June 7, 2022.

Payroll Warrant #22-25 in the amount of \$376,139.84 was reviewed, approved, and signed on June 14, 2022.

**Appointments Part 2 of 2:**

- Please see the attached memo prepared by the Assistant Town Manager containing the recommending appointments/reappointments to various Town boards, commissions, and committees for approval by the Select Board (see attached).



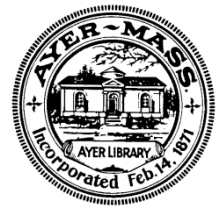
**Initial Discussion of FY 2023 Goals and Objectives for the Select Board and Town Manager:**

- At the meeting, I would like to have an initial discussion with the Select Board regarding the development of goals and objectives for the Select Board and Town Manager to accomplish in FY 2023. This will be an initial discussion with the intent of establishing the FY 2023 Goals and Objectives for the July 13, 2022, Select Board Meeting.

Thank you.


Attachment:           Appointments Memo (Part 2 of 2) from the Assistant Town Manager

**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**

To: Select Board  
From: Carly Antonellis, Assistant Town Manager   
Date: June 17, 2022  
Re: 2022 Annual Reappointments Part 2 of 2

Dear Select Board Members,

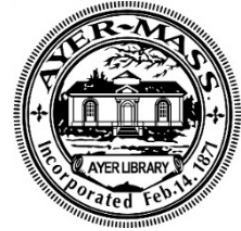
I am respectfully requesting that the following be reappointed by the Select Board:

<b>Expiring Term List</b>		
<b>Board / Committee</b>	<b>Current Member</b>	<b>Length of Term</b>
Conservation Commission	Mark Phillips	3 Years
Council on Aging Board of Directors	Janine Nichipor	3 Years
Historical Commission	Ruth Rhonemus	3 Years
<b>Not Seeking Reappointment</b>		
Council on Aging Board of Directors	Ginette Brockway	

The Select Board has the following appointments to make among your membership: Montachusett Joint Transportation Committee (MJTC).

Thank you for your consideration!

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



*Broadcast and Recorded by APAC*

**Tuesday May 17, 2022**  
**Open Session Meeting Minutes**

**SB Present:** Shaun C. Copeland, Chair; Scott A. Houde, Vice-Chair; Jannice L. Livingston, Clerk

**Also Present:** Carly M. Antonellis, Assistant Town Manager

**Absent:** Robert A. Pontbriand, Town Manager

**Call to Order:** S. Copeland called the meeting to order at 6:08 PM.

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

**Approval of Meeting Agenda:**

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

**Recognition of Andromeda One Robotics Team:** The Select Board recognized the Ayer Shirley Regional School District's Andromeda One Robotics Team who recently participated in the World Championship competition in Houston, Texas.

**Public Input:** Sara Withee, Groton Shirley Road, asked about the March fire at the Zodiac apartments and a non-working alarm in the apartment. Chief Johnston stated that because it is a private residence, each homeowner is responsible to ensure that their house has working alarms.

Pauline Conley, 40 Cambridge Street, stated that the Harvard Select Board was supposed to be meeting relating to the Devens Jurisdictional Framework Committee, but that the meeting was cancelled. She said she read a report prepared by the Town of Harvard's committee and was wondering if the Town of Ayer had a similar report and committee. J. Livingston stated that the members of the Devens Jurisdiction Framework Committee (DJFC) sent a letter to Secretary Keannealy, but there has been no response. S. Houde stated that the local committee was just ramping up when COVID-19 hit. C. Antonellis stated that an action item from the last SB meeting was to reach out to the both the Towns of Shirley and Harvard and to write our own letter to Secretary Keannealy. P. Conley asked if the meetings would be public. J. Livingston stated that yes. P. Conley then stated she would prefer if in-person attendees came to the table to use the microphone for ease of listening.

**Treasurer/Tax Collector Barbara Tierney & Finance Manager Fred Aponte - Vote of Approval for Bond**

**Anticipation Note (BAN):** B. Tierney stated that the Town of Ayer just issued a BAN in the amount of \$4,292,565 and received 3 bids. Piper, Sandler & Company was the winning bidder with an average interest rate of 2.4%. She is requesting that the Select Board vote to approve the BAN.

**Motion:** A motion was made by J. Livingston and seconded by S. Houde that the Select Board adopt the following vote regarding the May 10, 2022, Bond Anticipation Note Sale for \$4,292,550.00: to approve the sale of \$4,292,565 3.00 percent General Obligation Bond Anticipation Notes (the "Notes") of the Town dated May 26, 2022, and payable May 25, 2023, to Piper Sandier & Co. at par and accrued interest, if any, plus a premium of \$25,583.68. Further Voted: that in connection with the marketing and sale of the Notes, the preparation and distribution of a Notice of Sale and Preliminary Official Statement dated May 5, 2022, and a final Official Statement dated May 10, 2022, each in such form as may be approved by the Town Treasurer, be and hereby are ratified, confirmed, approved and adopted. Further Voted: that the Town Treasurer and the Select Board be, and hereby are, authorized to execute and deliver a significant

events disclosure undertaking in compliance with SEC Rule 15c2-12 in such form as may be approved by bond counsel to the Town, which undertaking shall be incorporated by reference in the Notes for the benefit of the holders of the Notes from time to time. Further Voted: that we authorize and direct the Town Treasurer to establish post issuance federal tax compliance procedures and continuing disclosure procedures in such forms as the Town Treasurer and bond counsel deem sufficient, or if such procedures are currently in place, to review and update said procedures, in order to monitor and maintain the tax-exempt status of the Notes and to comply with relevant securities laws. Further Voted: that any certificates or documents relating to the Notes (collectively, the "Documents"), may be executed in several counterparts, each of which shall be regarded as an original and all of which shall constitute one and the same document; delivery of an executed counterpart of a signature page to a Document by electronic mail in a ".pdf file or by other electronic transmission shall be as effective as delivery of a manually executed counterpart signature page to such Document; and electronic signatures on any of the Documents shall be deemed original signatures for the purposes of the Documents and all matters relating thereto, having the same legal effect as original signatures. Further Voted: that each member of the Select Board, the Town Clerk and the Town Treasurer be and hereby are, authorized to take any and all such actions, and execute and deliver such certificates, receipts or other documents as may be determined by them, or any of them, to be necessary or convenient to carry into effect the provisions of the foregoing votes. **Motion passed 3-0.**

**Dan Van Schalkwyk, DPW Director - Town Bridges Update:** D. Van Schalkwyk gave an update to the Select Board on the Barnum Road, East Main Street, and West Main Street Bridges. Based on the current schedule, the Barnum Road Bridge construction is slated to begin in sometime in 2023. He noted that the Town will keep an eye for funding opportunities through the federal infrastructure money. The East Main Street Bridge is actually named the William P. Iverson Bridge and it is downtown between the Library and the Post Office. The bridge is state-owned and maintained and has an overall rating of satisfactory. As the bridge crosses over the railroad tracks, there are challenges scheduling work due to the MBTA and freight traffic schedules. Relating to the West Main Street and Shirley Street Bridges, based on a conversation at a previous Select Board meeting, the goal is to seek funding for the West Main Street Bridge at the Fall Town Meeting. D. Van Schalkwyk stated that he will be conducting a brainstorming session with key stakeholders to discuss options for this bridge. J. Livingston stated that she would like to apply some pressure to MassDOT relating to the Main Street/Iverson bridge.

*Truck Traffic Discussion with Chief Gill and Chief Johnston* – D. Van Schalkwyk was joined by Fire Chief Tim Johnston and Deputy Police Jennifer Bigelow. Chief Brian Gill joined via Zoom. S. Houde stated that he is aware that the Town has joined in a regional study relating to truck traffic, but we wanted to take a look at what we could do locally while the study was ongoing to help mitigate the impact of trucking. He was looking at a limitation on Jake brake use and is concerned with trucks speeding downtown. D. Van Schalkwyk stated that the DPW can certainly look into traffic calming, such as line painting and signage. The Town has looked at a Heavy Commercial Truck Exclusion, but they are not allowed on state numbered routes, such as Main Street. Deputy Chief Bigelow stated that the APD had patrol staff out over various times doing speed enforcement and data gathering on Main Street. She said anyone travelling over 30 mph, is given either a written warning or a ticket. The APD will continue to monitor traffic and enforce the speed limits throughout Town. Chief Johnston stated that relating to the Jake brake limitations, he would like to see public safety vehicles to be excluded from the limitations, due to safety. Chief Gill stated that he is working on figuring the best time to do traffic enforcement downtown based on available staffing. The APD is also upgrading a piece of equipment that will allow for truck speeding information to be collected.

**Town Manager's Report:** *Administrative Update/Review of Town Warrant(s)* – Due to R. Pontbriand's absence, C. Antonellis provided the Select Board with an update on the various activities, initiatives, and projects of the Administration since the Select Board last met. She referenced the Town Manager's Memo in the packet that contained a list of signed Town Warrants. She noted that on May 9<sup>th</sup>, the Town put on an RFP looking for land for a Senior Center. Responses are due June 10, 2022. She stated that last week the Ayer Affordable Housing Trust and the Affordable Housing Committee heard from the project proponents relating to the proposed 65 Fitchburg Road Affordable Housing project. She also stated that the new fire pumper truck recently approved by Town meeting came in about \$100,000 less than originally anticipated.

*Lease of Land for Wireless Communications Facility Award – SBA Communications* – C. Antonellis explained that the 20-year lease of land was expiring in 2023 and that the Town recently went out to bid to re-lease the land. SBA

Communications was the most responsive bidder. C. Antonellis is looking for a vote to award the RFP to SBA Communications, LLC. She noted that the town will receive over a million dollars in revenue over the 20-year lease agreement.

**Motion:** A motion was made by S. Houde and seconded by J. Livingston to award the lease of land RFP to SBA Communications, LLC. **Motion passed 3-0.**

*Update on August 20, 2022, Fort Devens Day Celebration - C. Antonellis stated that in response to the Town not doing the fourth of July fireworks any longer, and at the direction of the Select Board, the Town has been meeting with Devens to discuss a regional fireworks event. Devens and the Fort Devens base was open to the idea and the Town of Ayer will be sponsoring an event on August 20, 2022. The rain event date is August 21, 2022.*

**New Business/Select Board Member Questions:** None

**Approval of Meeting Minutes:**

**Motion:** A motion was made by J. Livingston and seconded by S. Houde to approve the meeting minutes of April 19, 2022 and May 3, 2022. **Motion passed 3-0.**

**Reorganization of the Select Board:** J. Livingston thanked S. Copeland for his service as Chair. J. Livingston nominated herself as Chair. S. Houde stated he would serve as Clerk.

**Motion:** A motion was made by S. Houde and S. Copeland to reorganize the Select Board with J. Livingston as Chair, S. Copeland as Vice-Chair, and S. Houde as Clerk. **Motion passed 3-0.**

**Adjournment:**

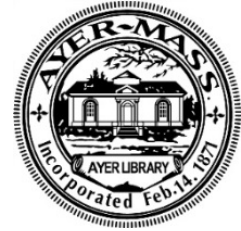
**Motion:** A motion was made by J. Livingston and seconded by S. Houde to adjourn at 6:56 PM. **Motion passed 3-0.**

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 – 1<sup>st</sup> Floor Meeting Room  
Ayer, MA 01432**



*Broadcast and Recorded by APAC*

**Tuesday June 7, 2022**  
**Open Session Meeting Minutes**

**SB Present:** Jannice L. Livingston, Chair; Shaun C. Copeland, Vice-Chair; Scott A. Houde, Clerk

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

**Call to Order:** J. Livingston 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.

**Approval of Meeting Agenda:**

**Motion:** A motion was made by S. Houde and seconded by S. Copeland to approve the meeting agenda. **Motion passed 3-0.**

**Recognition of Eagle Scouts – Grace and David Audette:** The Select Board recognized Grace and David Audette who both recently attained the level of Eagle Scout.

**Recognition of Kevin Johnston, Benefits and Payroll Manager:** The Select Board recognized Kevin Johnston who will be retiring this week from the position of Benefits and Payroll Manager.

**Recognition of Newly Hired Public Safety Personnel:** Chief Brian Gill, Chief Tim Johnston, and DPW Director Dan Van Schalkwyk introduced new public safety personnel hired over the past two years.

**Public Input:** None

**Request for One Day Outdoor Liquor License – Billiard’s Café, 39 Main St.:** C. Antonellis spoke on behalf of Mr. Moore stating that he was applying for a one-day outdoor liquor license to host a public event on Sunday June 26, 2022, from 10:00 AM – 9:00 PM. C. Antonellis reported that the request had been reviewed and approved by all relevant Town Departments. S. Houde asked if there would be a controlled space. C. Antonellis said that the liquor would be served in a roped-off area and patrons would have to stay within that space with their drinks.

Pauline Conley, 40 Cambridge Street, asked for the reference in chapter 138, that would permit an existing liquor license holder to obtain a special one-day permit. C. Antonellis stated that she did not know the exact reference in G.L. c. 138 but was going by the Town’s past practice of issuing temporary permits if there is a request to alter the premise of the establishment which is licensed to serve alcohol.

**Motion:** A motion was made by S. Houde and seconded by S. Copeland to approve the one-day outdoor liquor license request for Billiard’s Café on June 26, 2022, as submitted. **Motion passed 3-0.**

**Dan Van Schalkwyk, Director, DPW & Alan Manoian, Director, AOCED - Downtown Ayer Main Street Comprehensive Redesign and Reconstruction Project Presentation and Design Recommendation:**

D. Van Schalkwyk and A. Manoian updated the SB on the downtown Main Street Redesign project. They originally briefed the SB on Feb. 1, 2022, where they discussed wider sidewalks with no bike lanes. This approach would require a design exception from MassDOT since they would be funding the project. A. Manoian stated that the project design is being reconsidered to accommodate for bike lanes for public safety reasons and the need to calm the traffic, especially the daytime. The daily traffic count on Main Street now exceeds 20,000 trips per day. The proposed design also has curb

extensions or “bump outs”. There was discussion on the proposed redesign. J. Livingston asked if we could start the painting/restriping to start calming immediately. D. Van Schalkwyk stated that any redesign would have to be approved by MassDOT and that he would look into the matter further. Based on public input, D. Van Schalkwyk is recommending that the Town move forward with the design alternative including dedicated bike lanes on each side of the road.

**Town Manager’s Report:** *Administrative Update/Review of Town Warrant(s)* - R. Pontbriand provided the Select Board with an update on the various activities, initiatives, and projects of the Administration since the Select Board last met. He also provided a list of signed Town Warrants in the meeting packet. He stated that we are in a period of personnel transition due to retirements. He noted that Heather Hampson is now the Conservation Agent, moving from the position of Administrative Coordinator. He noted that the RFP for the Senior Center Site is due Friday June 10, 2022. R. Pontbriand stated that the year-end spending policy is now in effect, where all departments must get prior authorization for any spending over the amount of \$1,000. He noted that he and the DPW Director spoke earlier in the day, and they are concerned about both fuel costs and supply chain issues and will continue to closely monitor them. He would like to begin the discussion about goals and objectives for FY ’23 at the next SB meeting.

*Appointments Part 1 of 2* –R. Pontbriand thanked C. Antonellis for putting together the list of reappointments. The reappointments are as follows:

Expiring Term List		
Board / Committee	Current Member	Length of Term
Affordable Housing Committee	Janet Providakes	3 Years
	Ken Diskin	
	Ron Morrison	
	James Stephen	
Conservation Commission	George Bacon	3 Years
Council on Aging Board of Directors	Dennis Curran	3 Years
Historical Commission	Barry Schwarzel	3 Years
Rate Review Committee	Richard Skoczylas	3 Years
Recycling Committee	Geof Tillotson	3 Years
Registrar of Voters	Patrick Kelly	3 Years
<b>Not Seeking Reappointment</b>		
Council on Aging Board of Directors	Carolyn McCreary	

**Motion:** A motion was made by S. Houde and seconded by S. Copeland to approve the reappointments as laid out by the Town Manager. **Motion passed 3-0.**

*Cemetery Commission Appointment Process* – R. Pontbriand stated that at the Special Annual Fall Town Meeting held on October 25, 2021, Town Meeting approved Article 3 which authorized the establishment of an appointed Cemetery Commission subject to the passage of a ballot question to this effect before the voters at the Annual Town Election on May 10, 2022. At the Annual Election on May 10, 2022, voters approved the ballot question. The appointments of the three members will initially be for one, two, and three years, respectively. This will create the staggered three-year terms for the Cemetery Commission consistent with other Town Boards and Commissions. The Town will publicly advertise the opportunity to be considered for appointment to the Cemetery Commission from June 8, 2022, to a deadline of June 24, 2022. Interested applicants must be at least 18 years of age and a resident of Ayer.

**Motion:** A motion was made by S. Houde and seconded by S. Copeland to approve the proposed process as detailed by the Town Manager. **Motion passed 3-0.**

*Select Board Committee Assignments for FY 2023* – SB members discussed and agreed to keep their committee assignments as follows: J. Livingston, Rate Review Committee, Devens Jurisdictional Framework Committee; S.

Copeland, OPEB Board of Trustees, Affordable Housing Trust; S. Houde, Executive Bi-Board, Capital Planning Committee.

*Discussion on Select Board Summer Meeting Schedule* – The SB discussed their upcoming summer schedule, where they typically meet once per month, but will meet as needed, if necessary. The Board decided on **Wednesday** July 13, 2022 and Tuesday August 16, 2022 both at 6:00 PM via in-person and Zoom.

**Motion:** A motion was made by S. Copeland and seconded by S. Houde to approve the summer meeting schedule of **Wednesday** July 13, 2022 and Tuesday August 16, 2022 both at 6:00 PM via in-person and Zoom. **Motion passed 3-0.**

*Status of Finance Committee Membership* – R. Pontbriand reported that Town Moderator Geof Tillotson has asked that the status of the Finance Committee Membership be transmitted to the Select Board. The Screening Committee met on Wednesday, June 1, 2022, and recommended to the Town Moderator that the following individuals be appointed to the Finance Committee of which the Moderator has appointed: Sebastian Cordoba, Patrick Diamond, Kurt Fraczkowski. He noted that the appointments along with current Fin Com Members, Mark Smith and Lou Conrad constitutes a full Finance Committee.

**New Business/Select Board Member Questions:** J. Livingston thanked all employees who have stepped up to fill in during this time of personnel transition with the many retirements of senior staff.

P. Conley asked what the terms of the Finance Committee appointments were. G. Tillotson stated that Mr. Diamond is appointed through June 30<sup>th</sup> of this year; Mr. Cordoba is appointed until June 30, 2023; and Mr. Fraczkowski is appointed until June 30, 2024.

**Adjournment:**

**Motion:** A motion was made by S. Copeland and seconded by S. Houde to adjourn at 7:27 PM. **Motion passed 3-0.**

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

**Date Minutes Approved by SB:** \_\_\_\_\_

**Signature Indicating Approval:** \_\_\_\_\_