

RECEIVED

MAY 13 2022

TOWN OF AYER
TOWN CLERK

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



Tuesday May 17, 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 Andromeda One Robotics Team

Public Input

6:05 PM

Treasurer/Tax Collector Barbara Tierney & Finance Manager Fred Aponte

1. Vote of Approval for Bond Anticipation Note (BAN)

6:10 PM

Dan Van Schalkwyk, DPW Director

1. Town Bridges Update
2. Truck Traffic Discussion with Chief Gill and Chief Johnston

6:15 PM

Town Manager's Report

1. Administrative Update/Review of Town Warrant(s)
2. Lease of Land for Wireless Communications Facility Award – SBA Communications
3. Update on August 20, 2022 Fort Devens Day Celebration

6:25 PM

New Business/Select Board Member Questions

6:30 PM

Approval of Meeting Minutes

April 19, 2022; May 3, 2022

6:35 PM

Reorganization of the Select Board

6:40 PM

Adjournment

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

The next regularly scheduled meeting of the Select Board is June 7, 2022 at 6:00 PM both in-person and remote participation.

Town of Ayer

Treasurer/Tax Collectors Office



1 Main Street – Ayer, Massachusetts – 01432
Barbara Tierney, CMMT, CMMC Treasurer/Tax Collector
Christina Roberts, Asst. Treasurer/Tax Collector
Michelle Bishara, Finance Assistant

Tel: (978) 772-8220 EXT 152
Fax: (978) 772-3017

MEMORANDUM

May 10, 2022

To: Robert Pontbriand, Town Manager

From: Barbara Tierney,
Treasurer/Tax Collector

Bmt

Re: Bond Anticipation Note,(BAN)

Dear Robert,

On May 10, 2022, The Town of Ayer received competitive bids for a \$4,292,565, BAN. The Towns' Financial Advisor, Hilltop Securities Inc. accepted the bids on our behalf.

Piper Sandler & Company was the winning bidder, which included an average interest rate of 2.40%.

The Town of Ayer maintains a S&P, AA+ Bond rating, issued in May of 2021. This favorable rating is primarily due to the Town's good financial policies, strong management, and strong budget flexibility, and liquidity.

The next step is to have the Select Board kindly approve the BAN at the May 17, 2022, meeting.

The vote, provided by Bond Counsel, and the motion to approve the vote, are attached.

All other BAN documentation will be provided to the Select Board, at the meeting, for them to sign.

Attachment(s): Motion to approve the BAN
 \$4,292,565 Vote, to be signed by the Select Board Clerk after approval.

CC: Ayer Select Board
 Fred Aponte, Finance Manager/Town Accountant

\$4,292,555 Bond Anticipation Note Motion:

I move that the Selectboard adopt the enclosed vote regarding the May 10, 2022, Bond Anticipation Note Sale for \$4,292,550.00. The enclosed vote will be signed by the Clerk and incorporated into the meeting minutes as presented in this meeting.

VOTE OF THE SELECT BOARD

I, the Clerk of the Select Board of the Town of Ayer, Massachusetts, certify that at a meeting of the board held May 17, 2022, of which meeting all members of the board were duly notified and at which a quorum was present, the following votes were unanimously passed, all of which appear upon the official record of the board in my custody:

Voted: 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 Sandler & 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.

I further certify that the votes were taken at a meeting open to the public, that no vote was taken by secret ballot, that a notice stating the place, date, time and agenda for the meeting (which agenda included the adoption of the above votes) was filed with the Town Clerk and a copy thereof posted in a manner conspicuously visible to the public at all hours in or on the municipal building that the office of the Town Clerk is located or, if applicable, in accordance with an alternative method of notice prescribed or approved by the Attorney General as set forth in 940 CMR 29.03(2)(b), at least 48 hours, not including Saturdays, Sundays and legal holidays, prior to the time of the meeting and remained so posted at the time of the meeting, that no deliberations or decision in connection with the sale of the Notes were taken in executive session, all in accordance with G.L. c.30A, §§18-25 as amended.

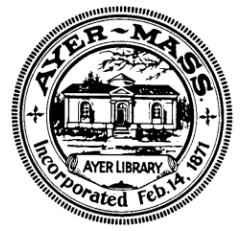
Dated: May 17, 2022

Clerk of the Select Board

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COPY

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: May 12, 2022

TO: Ayer Select Board

FROM: Robert A. Pontbriand
Town Manager

SUBJECT: Town Manager's Report for the May 17, 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 May 17, 2022 Select Board Meeting. As the Select Board is aware, I am unable to attend the Select Board Meeting on May 17, 2022. However, the Assistant Town Manager will be in attendance and will provide the Town Manager's Report. If you have any questions prior to the meeting, please do not hesitate to contact the Assistant Town Manager directly. Thank you.

Administrative Update/Review of Town Warrant(s):

- The Assistant Town Manager will provide a brief Administrative Update on the various activities, initiatives, and projects of the Town since the Select Board last met on May 3, 2022.
- I have reviewed, approved, and signed the following Town Warrants since the Select Board last met on May 3, 2022:

Payroll Warrant #22-22 in the amount of \$379,204.34 was reviewed, approved, and signed on May 3, 2022.

Accounts Payable Warrant #22-22 in the amount of \$1,358,228.38 was reviewed, approved, and signed on May 9, 2022.

Lease of Land for Wireless Communications Facility Award – SBA Communications:

- Please see the attached memo from the Assistant Town Manager (see attached).

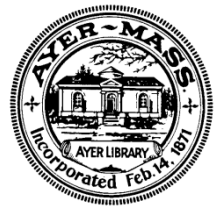
Update on August 20, 2022 Fort Devens Day Celebration:

- The Assistant Town Manager will be joined by the Fire Chief and Police Chief to provide the Select Board with a brief update on the Fort Devens Day Celebration and Fireworks scheduled for Saturday, August 20, 2022.

Thank you.

Attachment: Memo from the Assistant Town manager on Lease of Land for Wireless Communications Facility Award – SBA Communications


**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: Ayer Select Board
Town Manager Robert A. Pontbriand

From: Carly M. Antonellis, Assistant Town Manager 

Date: May 13, 2022

Re: Recommendation for Award – Lease of Land for Wireless Communications Facility Award – SBA Communications Corporation

As you are aware, the Town recently went out to bid to re-lease a portion of land at the DPW for the purpose of operating and maintaining a Wireless Communications Facility. The Town received 2 proposals, however, 1 of the 2 proposals was not responsive to the Town's bid. I am recommending awarding the bid to SBA Communications ("SBA Communications") Corporation from Boca Raton, FL. SBA Communications is the holder of the current lease and maintains their cell tower on our property. The Town has had a lease agreement with SBA Communications since 2003, which is scheduled to end in 2023. The award of this lease will be for a 10-year lease, with two successive 5-year renewal options, totaling 20 years. Authorization for this 20 year lease was granted under Article 4 of the 2021 Fall Town Meeting held on October 25, 2021.

SBA Communications has bid to pay the Town in 2023, \$45,000 base rent with a 3% escalator each year thereafter. The base rent amount the Town received in 2022 is \$42,610.20. The town also currently receives 20% additional rent from third party lessees referred to as collocation fees. In the new agreement, the Town will receive 25% in collocation fees.

I am recommending that the Select Board award the bid to SBA Communications Corporation. After the bid is awarded, the Town will then have thirty (30) days to negotiate the lease agreement with SBA Communications.

Thank you for your consideration.



March 23, 2022

Town of Ayer
Attn: Robert Pontbriand, Town Manager
Ayer Town Hall
1 Main Street
Ayer, MA 01432

**Re: Response to Request for Proposal
Lease Agreement for Wireless Communications Facility
SBA Site ID: MA12202-A / Ayer**

Dear Mr. Pontbriand:

I. INTRODUCTION

The Town of Ayer (“Owner”) owns certain real property located at 25 Brook Street, Ayer, Massachusetts 01432 (the “Property”).

SBA Communications Corporation, the parent company of SBA Towers II LLC, a Florida limited liability company (hereinafter referred to as “SBA”), desires to acquire a lease (the “Lease”) for the wireless communications facility.

We believe that growing wireless data traffic will require wireless service providers to continue to increase the capacity of their networks, and we believe that the continued capacity increases will require our customers to install equipment at new sites and add new equipment at existing sites. We expect that the wireless communications industry will continue to experience growth as a result of the following trends:

- Consumers’ increased use of mobile applications, particularly data.
- Wireless service providers seeking to increase the quality and coverage of their networks.
- Spectrum auctions, which result in new market entrants as well as additional network deployments from existing wireless service providers.

As the population continues to grow and more people around the world demand network capabilities for multiple devices, SBA expects the capacity requirements of wireless networks to grow exponentially. This supports our business model by increasing demand for our site leasing and site development services, as we believe that wireless carriers will continue to add capacity to the networks to meet the growing demand.

II. COMPANY OVERVIEW

SBA was founded in 1989 and is headquartered in Boca Raton, Florida. SBA is a leading independent owner and operator of wireless communications tower structures, rooftops and other structures that support antennas used for wireless communications. Our vision is to be the most respected organization in the industry by our customers, employees, shareholders and communities. Our principal operations are in the United States and its territories. In addition, we own and operate towers in South America, Central America, Canada, South Africa, Tanzania, and the Philippines. Our primary business is site leasing, which contributed approximately 98.4% of our total segment operating profit for the year-end 2020. In our site leasing business, we (1) lease antenna space to wireless service providers on towers that we own or operate and (2) manage rooftop and tower sites for property owners under various contractual arrangements. As of December 31, 2020, we owned 32,923 towers, a substantial portion of which were built by us or built by other tower owners or operators who, like us, have built such towers to lease space to multiple wireless service providers. We managed or leased approximately 9,700 actual or potential towers, approximately 500 of which were revenue producing as of December 31, 2020. We are also in the site development business, through which we assist wireless service providers in developing and maintaining their own wireless service networks.

A. SBA Site Leasing Services

SBA leases antenna space on our multi-tenant towers to a variety of wireless service providers under long-term lease contracts. SBA owns and operates over 32,923 towers across the Western Hemisphere, South Africa, Tanzania, and the Philippines. We build our towers at the request of wireless carriers, leveraging our in-house expertise in site acquisition, zoning, and construction. In addition, SBA manages approximately 9,000 communication site locations on behalf of third party landlords.

1. **Domestic Site Leasing.** As of December 31, 2020, we had 16,546 sites in the United States. We generated 79.7% of our total site leasing revenue from these sites. We receive domestic site leasing revenues primarily from AT&T, Verizon Wireless, and T-Mobile. In the United States, wireless service providers typically enter into tenant leases with us, each of which relates to the lease or use of space at an individual tower. Our tenant leases in the United States are generally for an initial term of five to ten years with five 5-year renewal periods at the option of the tenant. These tenant leases typically contain specific rent escalators, which average 3-4% per year, for both the initial and renewal option periods. Our ground leases in the United States are generally for an initial term of five years or more with multiple renewal terms of 5-year periods, at our option, and provide for rent escalators which average 2-3% annually.

2. **International Site Leasing.** In 2020, we continued to focus on growing our international site leasing business through the acquisition and development of towers. We believe that we can create substantial value by expanding our site leasing services into select international markets, which we believe have a high-growth wireless industry and relatively stable political and regulatory environments. As of December 31, 2020, we owned 16,377 towers in our international markets throughout South America, Central America, Canada, and South Africa.

We receive international site leasing revenues primarily from Oi S.A., Telefonica, Claro, Digicel, and TIM. Our operations in these countries are solely in the site leasing business, and we expect to continue to expand operations through new builds and acquisitions.

B. SBA Site Development Services

Our site development business is complementary to our site leasing business and provides us the ability to keep in close contact with the wireless service providers who generate substantially all of our site leasing revenue and to capture ancillary revenues that are generated by our site leasing activities, such as antenna and equipment installation at our towers. We earn site development services revenues primarily from the full range of end to end services we provide to wireless service providers or companies providing development or project management services to wireless service providers. Our services include: (1) network pre-design; (2) site audits; (3) identification of potential locations for towers and antennas; (4) support in buying or leasing of the location; (5) assistance in obtaining zoning approvals and permits; (6) tower and related site construction; (7) antenna installation; and (8) radio equipment installation, commissioning, and maintenance. We provide site development services on a local basis, through regional, territory, and project offices. The regional offices are responsible for all site development operations, including hiring employees and opening or closing project offices, and a substantial portion of the sales in such area.

SBA also assists wireless service providers in developing their own networks. Our services include site identification and acquisition as well as obtaining zoning approvals and permitting for networks representing numerous technologies. SBA also provides a broad range of cell site equipment installation, optimization and integration services. Our extensive site development experience include participation in the development of over 50,000 communication sites over our 32-year history.

C. SBA Cares

SBA strives to enhance community commitments, which many of our employees' share, while also creating a workplace setting that is respectful of each employee's personal preferences about donating their money and/or volunteering their time to nonprofit organizations. The SBA Cares program encourages employees to volunteer or donate funds through a company matching program to charities of their choice. To date, over 100 nonprofit organizations have benefitted from our employees' philanthropic initiatives that primarily focus of five key areas: animals, healthcare, children, social services, and the military.

III. STATEMENT OF QUALIFICATIONS

SBA owns, operates, and develops towers, with its substantial capital, human, and operating resources. SBA has been developing towers for wireless service providers in the United States since 1989, and has owned, and operated towers since 1997. Our size, experience, capabilities, and resources make SBA a preferred partner for wireless service providers both domestically and internationally. SBA's management team has extensive experience in site

leasing and site development, with some of the longest tenures in the tower and site development industries. SBA's industry expertise and strong relationships with wireless service providers allow it to expand our position as a leading provider of site leasing and site development services. With market capitalization of nearly \$15 billion, SBA is a leader among its peers for its forward thinking and innovation, smart financial decisions and customer service.

IV. LEASE AGREEMENT

A proposed lease agreement ("Lease") is attached hereto as **Appendix C**. The Lease requires SBA to maintain the premises in good order and repair. In addition, SBA will maintain general liability insurance throughout the term of the Lease in the aggregate amount of One Million Dollars (\$1,000,000.00).

V. BENEFITS OF ACCEPTING THE SBA PROPOSAL

The benefits of accepting SBA's proposal for acquiring the Lease are clear. SBA is a leading, publicly traded wireless infrastructure company with a solid portfolio of towers. SBA has an experienced team of professionals in real estate, finance and site management with a proven record of success and responsiveness. SBA offers a team of experts, including regional site managers, who provide quarterly inspections of the tower as well as ongoing property maintenance. SBA's industry expertise and strong relationships with wireless service providers allows us to maintain and expand our position as a leading provider of site leasing and site development services. Finally, SBA, with its multi-billion dollar market value, has the financial foundation and resources to close.

VI. CONCLUSION

Thank you for reviewing our proposal. Please contact us with any questions or for additional information.

APPENDIX B: PRICE PROPOSAL FORM

NOTE: The lease will provide for lease payment escalation at the rate of not less than 3% per year. The minimum price proposal for Year One shall be equivalent to ~~\$30,000~~ **\$45,000**


Total annual net lease value for property for ten-year term of lease

Year	Base Rent Amount	Written Amount
1	\$ 45,000.00	Forty-Five Thousand and No/100 Dollars
2	\$ 46,350.00	Forty-Six Thousand Three Hundred Fifty and No/100 Dollars
3	\$ 47,740.50	Forty-Seven Seven Hundred Forty and 50/100 Dollars
4	\$ 49,172.72	Forty-Nine Thousand One Hundred Seventy-Two and 72/100 Dollars
5	\$ 50,647.90	Fifty Thousand Six Hundred Forty-Seven and 91/100 Dollars
6	\$ 52,167.33	Fifty-Two Thousand One Hundred Sixty-Seven and 33/100 Dollars
7	\$ 53,732.35	Fifty-Three Thousand Seven Hundred Thirty-Two and 35/100 Dollars
8	\$ 55,344.32	Fifty-Five Thousand Three Hundred Forty-Four and 32/100 Dollars
9	\$ 57,004.65	Fifty-Seven Thousand Four and 65/100 Dollars
10	\$ 58,714.79	Fifty-Eight Thousand Seven Hundred Fourteen and 79/100 Dollars
TOTAL FOR TEN YEARS	\$ 515,874.57	Five Hundred Thousand Eight Hundred Seventy-Four and 57/100 Dollars

Note: Both the number form and the written form should indicate the same total amount. If there is a conflict between the number form and the written form amounts, the written form will control.

% Of all rental payments received from third parties for collocation: 25%

Amount of Decommissioning Bond: \$29,887.00

Addenda N/A are acknowledged: 
Addenda No.(s) *Signature*

SBA Towers II LLC, a Florida limited liability company

Applicant's Name

8051 Congress Avenue, Boca Raton, FL 33487

Applicant's Address

561-226-9362

Applicant's Phone

Fax

Martin Aljovin

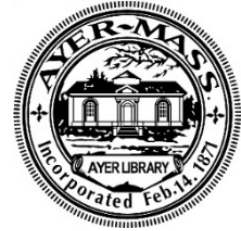
Name of Person Authorized to sign Price Proposal

Vice President - Asset Optimization

Title of Person Authorized to sign Price Proposal


 Signature of Above Person

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



Broadcast and Recorded by APAC

Tuesday April 19, 2022
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.

Approval of Meeting Agenda: R. Pontbriand asked to have a #4 added under the DPW Director's report for a water ban update and to table #4 (Woodlawn Cemetery) under the Town Manager's Report until the next 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.

Public Input: None

Recognition of Deputy Chief Jennifer D. Bigelow, Ayer Police Department: The Board was joined by Chief Brian Gill and Deputy Chief Jen Bigelow. Deputy Chief Bigelow was recently appointed to the rank of Deputy Chief. Deputy Bigelow thanked the Board and her family for supporting her. The Board congratulated her and she was sworn in by Town Clerk Susan Copeland.

Mark Archambault, Town Planner: *Briefing on MBTA Communities Act* – M. Archambault gave a presentation on the MBTA communities Act. He stated that Towns served by the MBTA have to ensure that zoning around MBTA transit stops provide for multi-family housing at a certain density. Multi-Family (MF) Zoning districts must be of a 'reasonable size' (min. of 50 acres) with housing at a Gross Density of 15 units per acre. By December 31, 2022 communities must submit an action plan or request for compliance to DHCD. By December 31, 2024 commuter rail communities must have adopted zoning consistent with MBTA Communities. The Town has applied for and received a DLTA grant and will be working with MRPC to achieve compliance.

Overview of ATM Articles 30 & 31 – M. Archambault said that the Planning Board will be putting forth 2 simple "housekeeping" zoning bylaw warrant articles. The first is to re-alphabetize the definitions and to refine the definition of dwelling unit to be more consistent with the State building code. The second warrant article is to fix an error in the minimum lot size in the Light Industrial Zone from 120,000 square feet to 20,000 square feet.

Chief Timothy P. Johnston, Ayer Fire Department: *Overview Fire Pumper & Debt Exclusion (Article 14 of the ATM Warrant)* - Chief Johnston and Deputy Fire Chief Januskiewicz presented information on the upcoming debt exclusion article regarding the purchase of a new fire engine pumper. The Department is looking to replace a 1993 Engine 4. NFPA 1901 recommends replacement after 25 years, which would be 2018. Chief Johnston explained that in a standard fire, the first engine pulls up and hoses are pulled to begin fighting the fire. The second engine then pulls up to assist with the attack and allows for 2,000 gallons of water per minute to fight the fire. Deputy Januskiewicz stated that the replacement of the engine will help the department maintain their rating, which would translate into lower fire insurance premiums for home and business owners. Chief Johnston stated that the average property tax increase will be between \$12 - \$21 for residential property and between \$20-\$34 on the commercial, industrial and personal property. Chief Johnston stated that if anyone had additional questions that they should call the Fire Department. R.

Pontbriand stated that this is a two-part process whereby it will appear on the Town Meeting Warrant and will be a question on the local election ballot on May 10, 2022.

Alan Manoian, Director, Community and Economic Development: *Main Streets Regional Pocket Forests Pilot Project* – A. Manoian stated he was approached by the Devens Enterprise Commission about pursuing a Municipal Vulnerability Planning Grant. The proposed Ayer/Devens Neighborhood “Pocket Forest” Pilot Project would engage local residents within neighborhoods that are located in close proximity to historic freight railroad lines & trucking routes, that through time have lost their neighborhood street shade trees. He is asking for a letter of support from the Select Board.

Motion: A motion was made by J. Livingston and seconded by S. Houde to authorize a letter of support from the Select Board to the Massachusetts Office of Environment and Energy for the Main Streets Regional Pocket Forest Pilot Project. **Motion passed 3-0.**

Dan Van Schalkwyk, DPW Director: *2022 – 2024 Paving and Road Treatment Contract Award* – D. Van Schalkwyk stated that bids for 2022 through 2024 Road Paving and Treatment were opened on April 8, 2022. This is for Chapter 90 projects and includes paving and sealing of roads. The contract is awarded for one year with the option of extending the contract for two additional years. The Town received 4 bids for the road paving portion of the contract and PJ Albert Inc. of Fitchburg, MA is the low bidder. The Contract also had separate bid items for specialized pavement treatment preservations. The Town received 1 bid for rubberized chip seal from All States Construction, Inc. He is recommending awarding the road paving contract to PJ Albert Inc. and the rubberized chip seal preservation contract to All States Construction, Inc.

Motion: A motion was made by S. Houde and seconded by J. Livingston to award the road paving contract to PJ Albert Inc. and the rubberized chip seal contract to All States Construction, Inc for FY23. **Motion passed 3-0.**

Woodlawn Cemetery Regulations and Fees – D. Van Schalkwyk stated that the Town assumed ownership and responsibility of the Woodlawn Cemetery effective April 4, 2022. The Town will be voting on May 10, 2022 to establish a Cemetery Commission. D. Van Schalkwyk is recommending the approval of the regulations and fees contained in the packet, which were the same regulations and fees used by the Woodlawn Cemetery. He stated that they are more “interim” and moving forward will be under the auspices of the Cemetery Commission.

Motion: A motion was made by J. Livingston and seconded by S. Houde to authorize the regulations and fee structure as contained in the packet. **Motion passed 3-0.**

DPW Projects Update – D. Van Schalkwyk gave a brief presentation on various ongoing projects in Town.

East Main Street: Final paving will begin the week of May 9, 2022.

West Main Street Massworks Project: Water main installations have begun, and the road has been milled. Final paving will be in the Spring of 2023.

Spec. Pond PFAS Treatment Facility: There were two delays due to electrical work, which delayed other aspects of the project. The next step is the media installation, which will be April 29, 2022. It will then be tested.

Wastewater Treatment Plant: There have been major delays in supplies due to supply chain issues. The gravity belt thickener is being installed. The pump delivery has been delayed until July/August, therefore an extension will be needed later in the year.

Water Conservation Update – D. Van Schalkwyk stated that a notice went out to residents today regarding standard measures under the Town’s Water Management Permit and Rules and Regulations. There is currently no drought and the Town is using its standard measures, which was approved last year. The standard measures contain a water schedule of odd/even and no outdoor watering between 5:00 PM – 9:00 AM.

S. Houde asked about the East Main Street paving schedule and whether the entire road would be closed. D. Van Schalkwyk is waiting for the state to submit their traffic management plan. S. Houde also suggested changing the title of “Water Ban” to “Water Conservation Measures”.

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. R. Pontbriand stated that the main focus of the Administration is the upcoming Town Meeting on April 25, 2022. He has recently started the process of hiring a new Assessing Administrator. The Benefits and Payroll Manager search will begin within a few weeks. Meetings are still underway on the Senior Center site search. R. Pontbriand reported that he and Town Accountant Fred Aponte met with the Town’s ARPA consultant earlier in the day.

Appointments – Recycling Committee – R. Pontbriand stated that he is respectfully recommending that the SB appoint the following Ayer residents to the Recycling Committee: Mr. Geof Tillotson to an unexpired 3-year term (Term to expire on June 30, 2022); Ms. Bonnie Tillotson to an unexpired 3-year term (Term to expire on June 30, 2023); Dr. Scott Murray to an unexpired 3-year term (Term to expire on June 30, 2023).

Motion: A motion was made by J. Livingston and seconded by S. Houde to appoint the following residents to the Recycling Committee with the corresponding term: Mr. Geof Tillotson to an unexpired 3-year term (Term to expire on June 30, 2022); Ms. Bonnie Tillotson to an unexpired 3-year term (Term to expire on June 30, 2023); Dr. Scott Murray to an unexpired 3-year term (Term to expire on June 30, 2023). **Motion passed 3-0.**

FY '23 Budget and Town Meeting Update – R. Pontbriand stated that all information regarding the upcoming Town Meeting is on the Town’s website. There will also be informational slides presented with each article at Town Meeting.

Authorization and Execution of Woodlawn Cemetery Quitclaim Deed – The Select Board tabled this item until the May 3, 2022 meeting.

New Business/Select Board Member Questions: *Devens Framework Committee Update (Select Board Member J. Livingston)* – J. Livingston stated that due to COVID-19, the Zoom meeting of the Devens Framework Committee was tabled, because there were too many stakeholders on a call and the meetings weren’t productive. They recently started meeting again. There was a working committee developing an RFI to present to the entire Framework Committee, but MassDevelopment pulled out of the talks with Ayer, Harvard, Shirley. The Committee met last week to discuss MassDevelopment pulling out. The Framework Committee will be sending a letter to the Chair of MassDevelopment asking why there are no longer at the table. J. Livingston stated that the redevelopment of Vicksburg Square is also ongoing and not resolved. With the Super Town Meeting process, she’s not sure each Town is getting the same information. She would like Harvard, Shirley and Ayer to have a discussion about changing the rules to change the Super Town Meeting process. She stated that there is a housing shortage across the state and the decision on Devens Disposition could hold up potential housing opportunities at Vicksburg Square. S. Houde said it was very disturbing that only 5 years after MassDevelopment said that if all the Towns could agree, then disposition would happen earlier than 2032; now they aren’t willing to sit at the table. S. Houde is supportive of the three towns working together to keep this issue on the table. R. Pontbriand stated that it sounded like there are two requests: Dan Rivera, who is the head of MassDevelopment has not been out and met with any of the member Towns. He stressed that he and Vice President for Devens Jessica Strunkin have a great working relationship and she has been very supportive. R. Pontbriand suggested hosting the 3 town’s Select Boards to discuss what the relevant issues are. The Town of Ayer should also send its own letter to MassDevelopment about their decision to walk away from the Framework Committee.

Town Traffic Issues/Concerns (Select Board Member S. Houde) – S. Houde stated that he asked R. Pontbriand to begin the discussion about possibly prohibiting “jake brakes” and to concentrate on speed enforcement in the downtown. J. Livingston stated that she thinks that speed bumps would be effective in controlling speed in the downtown.

Executive Session Pursuant to MGL Chapter 30A, Section 21A Exemption #2 (Non-Union Personnel

Negotiations): At 7:26 PM, a motion was made by J. Livingston and seconded by S. Houde to enter into Executive

Session Pursuant to MGL Chapter 30A, Section 21A Exemption #2 (Non-Union Personnel Negotiation) Water and Sewer Superintendent Contract and Deputy Police Chief Contract and to adjourn from Executive Session. J. Livingston further stated that discussing these matters in Open Session would be detrimental to the Town's negotiating strategy. **By Roll Call Vote:** J. Livingston, aye; S. Houde, aye; S. Copeland, aye. **Motion passed by Roll Call Vote 3-0.**

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

Date Minutes Approved by SB: _____

Signature Indicating Approval: _____

DRAFT

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



Broadcast and Recorded by APAC

Tuesday May 3, 2022
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.

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.**

Announcements: S. Copeland announced that the Annual Town Election will be held on Tuesday May 10, 2022 from 7:00 AM – 8:00 PM in the Great Hall (2nd Floor) of the Ayer Town Hall.

Public Input: Dennis Curran, 51 Pleasant Street stated that at Town Meeting he found it helpful to have pie charts of department spending. Moving forward he would like to see the police and fire separated in their own category, not grouped together under public safety. D. Curran then stated that Select Board Member Houde had suggested doing a deeper dive into Mutual Aid agreements and asked what that would entail. S. Houde stated that he spoke with the Fire Chief and Deputy Fire Chief after Town Meeting and they will be scheduling a call to discuss in the next several weeks. D. Curran thinks a 3rd party review would be beneficial as opposed to an in-house review.

Alan Manoian, Director, Community and Economic Development - Request for UDAG Funding - \$15,000 – Park Street Undergrounding of Public Utilities Design: A. Manoian is requesting funding in the amount of \$15,000 from the UDAG account for a design fee for National Grid to fund the preparation of a conceptual high-level design and cost estimate for the proposed undergrounding of utilities along Park Street. S. Copeland asked about the \$108,000 initial grant received by the Town for Park Street. A. Manoian stated that the initial \$108,000 was for Green International to lay out the preliminary redesign of the street; in order for National Grid to design their portion the additional \$15,000 is required. S. Houde asked what portion of Park Street would this affect. A. Manoian stated from Park and Main Street to Park and Groton Street.

Motion: A motion was made by J. Livingston and seconded by S. Houde to approve \$15,000 in UDAG funding for the Park Street Undergrounding of Public Utilities Design. **Motion passed 3-0.**

Dan Van Schalkwyk, DPW Director - Execution of 2022 – 2024 Paving and Road Treatment Contract: D. Van Schalkwyk was in attendance. He stated that at the April 19, 2022 Select Board meeting, the Board awarded the contracts for 2022 through 2024 Road Paving and Treatment to PJ Albert Inc. for the road paving portion and All States Construction, Inc. for the rubberized chip seal portion. He stated that the Contractors have provided the required bonds, insurance, and signed agreements. He is requesting that the Board vote to execute the contracts for road paving with PJ Albert Inc. and the rubberized chip seal with All States Construction, Inc for FY23.

Motion: A motion was made by S. Houde and seconded by J. Livingston to execute the contracts for road paving with PJ Albert Inc. and the rubberized chip seal with All States Construction, Inc for FY23. **Motion passed 3-0.**

Drinking Water Week, May 1-7, 2022 – D. Van Schalkwyk stated that National Drinking Water Week is May 1st through May 7th. The week is used to recognize the importance of drinking water and recognize the water professionals who work hard to provide quality drinking water for the community. D. Van Schalkwyk thanked all personnel in the Ayer Water Department.

Motion: A motion was made by J. Livingston and seconded by S. Houde recognize and sign the Drinking Water Week Proclamation. **Motion passed 3-0.**

Town Manager's Report: *Authorization and Execution of Woodlawn Cemetery Quitclaim Deed* – R. Pontbriand was joined by Virginia Matthews the current Treasurer of the Woodlawn Cemetery. R. Pontbriand presented the Woodlawn Cemetery Quitclaim Deed as prepared by Town Counsel for authorization and execution by the Ayer Select Board and Woodlawn Cemetery. Upon an affirmative vote with signature by the Select Board, the Woodlawn Cemetery Quitclaim Deed will be filed with the Registry of Deeds by Town Counsel. Once the quitclaim deed is officially recorded by the Registry of Deeds, the Town of Ayer will be the legal owner of the Woodlawn Cemetery and the transfer process will be complete. The Woodlawn Cemetery has a current balance of the funds which is \$84,086.60. Woodlawn will retain \$4,086.60 to close out the company. The remaining amount will be later transferred to the Town. The Woodlawn Cemetery has presented the Town with a \$80,000 check. \$60,000 will go towards perpetual care and the remaining \$20,000 will go to cemetery operations.

Motion: A motion was made by J. Livingston and seconded by S. Houde to authorize and sign the Woodlawn Cemetery Quitclaim Deed, as requested. **Motion passed 3-0.**

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. R. Pontbriand stated that the departments are working on the truck traffic issue and will update the Board at the next meeting. R. Pontbriand stated that he was thinking for the June 7, 2022 to bring all the new public safety personnel to do a meet and greet with the Board. J. Livingston would like an update on the Town bridges.

New Business/Select Board Member Questions: S. Houde announced that the Town-wide cleanup will be held on Saturday May 14, 2022.

Approval of Meeting Minutes:

Motion: A motion was made by J. Livingston and seconded by S. Houde to approve the meeting minutes of April 5, 2022. **Motion passed 3-0.**

Adjournment:

Motion: A motion was made by J. Livingston and seconded by S. Copeland to adjourn at 6:30 PM. **Motion passed 2-0.**

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

Date Minutes Approved by SB: _____

Signature Indicating Approval: _____