

RECEIVED  
OCT 28 2022



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



TOWN OF AYER  
TOWN CLERK

11:50am

**Tuesday November 1, 2022**

**Open Session In-Person and Zoom Meeting Agenda**

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

- 6:00 PM\***                    **Call to Order**  
Pledge of Allegiance; Review and Approve Agenda; Announcements
- Public Input**
- 6:10 PM**                    **Change of Manager Request – Global Montello Group Corp. d/b/a Alltown  
Fresh Ayer– 28 Harvard Road, Ayer, MA 01432**
- 6:15 PM**                    **Mr. Irving Rockwood - Sandy Pond Schoolhouse Update**
- 6:25 PM**                    **Dan Van Schalkwyk, Director, Dept. of Public Works**  
1. Drought and Water Supply Status Update
- 6:30 PM**                    **Town Manager's Report**  
1. Administrative Update/Review of Town Warrant(s)  
2. Appointments
- 6:40 PM**                    **New Business/Select Board Member Questions**
- 6:45 PM**                    **Approval of Meeting Minutes**  
September 20, 2022; October 4, 2022
- 6:50 PM**                    **Adjournment**

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

*The next regularly scheduled meeting of the Select Board is Tuesday November 15, 2022. There will be two (2) Public Hearings – FY '23 Tax Classification Hearing and CY 2023 Solid Waste (Transfer Station) Rates*

MCDERMOTT  
QUILTY &  
MILLER LLP

28 STATE STREET, SUITE 802  
BOSTON, MA 02109

October 12, 2022

RECEIVED

OCT 14 2022

TOWN OF AYER  
OFFICE OF THE SELECT BOARD

Via FedEx Overnight Delivery (8174 4136 1557)

Town of Ayer  
Select Board  
1 Main Street  
Ayer, MA 01432  
Attn: Carly Antonellis, Assistant Town Manager

**RE: Application for Change of Manager  
Global Montello Group Corp.  
(ABCC # 90212-PK-0060) d/b/a Alltown Fresh Ayer  
28 Harvard Road, Ayer, MA 01432**

Dear Ms. Antonellis:

Enclosed please find the following documents in connection with Global Montello Group Corp.'s application for a Change of Manager to the existing license currently exercised on the premises located at 28 Harvard Road, Ayer, MA 01432:

1. Monetary Transmittal Form & ABCC Payment Confirmation;
2. Amendment Application with Applicant's Statement;
3. ABCC CORI Request Form of Proposed Manager;
4. Proof of Citizenship of Proposed Manager; and
5. Corporate Vote.

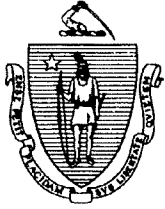
Kindly assign this matter for a hearing on the next available meeting date.

Thank you for your attention to and courtesy in this matter. If you have any questions, please do not hesitate to contact me.

Very truly yours,

  
Jon D. Aieta, Esquire  
jaieta@mqmlp.com

JDA:ajm



The Commonwealth of Massachusetts  
 Alcoholic Beverages Control Commission  
 95 Fourth Street, Suite 3, Chelsea, MA 02150-2358  
 www.mass.gov/abcc

**RETAIL ALCOHOLIC BEVERAGES LICENSE APPLICATION  
 MONETARY TRANSMITTAL FORM**

**AMENDMENT-Change of Manager**

APPLICATION SHOULD BE COMPLETED ON-LINE, PRINTED, SIGNED, AND SUBMITTED TO THE LOCAL LICENSING AUTHORITY.

**ECRT CODE: RETA**

**Please make \$200.00 payment here: ABCC PAYMENT WEBSITE**

**PAYMENT MUST DENOTE THE NAME OF THE LICENSEE CORPORATION, LLC, PARTNERSHIP, OR INDIVIDUAL AND INCLUDE THE PAYMENT RECEIPT**

ABCC LICENSE NUMBER (IF AN EXISTING LICENSEE, CAN BE OBTAINED FROM THE CITY)

ENTITY/ LICENSEE NAME

ADDRESS

CITY/TOWN  STATE  ZIP CODE

For the following transactions (Check all that apply):

- |  |   |   |   |
|--|---|---|---|
| <input type="checkbox"/> New License                                   | <input type="checkbox"/> Change of Location   | <input type="checkbox"/> Change of Class (i.e. Annual / Seasonal)         | <input type="checkbox"/> Change Corporate Structure (i.e. Corp / LLC) |
| <input type="checkbox"/> Transfer of License                           | <input type="checkbox"/> Alteration of Licensed Premises  | <input type="checkbox"/> Change of License Type (i.e. club / restaurant)  | <input type="checkbox"/> Pledge of Collateral (i.e. License/Stock)    |
| <input checked="" type="checkbox"/> Change of Manager                  | <input type="checkbox"/> Change Corporate Name  | <input type="checkbox"/> Change of Category (i.e. All Alcohol/Wine, Malt) | <input type="checkbox"/> Management/Operating Agreement               |
| <input type="checkbox"/> Change of Officers/<br>Directors/LLC Managers | <input type="checkbox"/> Change of Ownership Interest<br>(LLC Members/ LLP Partners,<br>Trustees) | <input type="checkbox"/> Issuance/Transfer of Stock/New Stockholder       | <input type="checkbox"/> Change of Hours                              |
|  | <input type="checkbox"/> Other <input type="text"/>   |   | <input type="checkbox"/> Change of DBA                                |

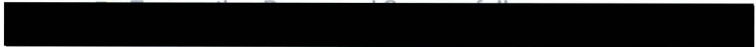
THE LOCAL LICENSING AUTHORITY MUST SUBMIT THIS APPLICATION ONCE APPROVED VIA THE ePLACE PORTAL

**Alcoholic Beverages Control Commission  
 95 Fourth Street, Suite 3  
 Chelsea, MA 02150-2358**

### Payment Confirmation

YOUR PAYMENT HAS PROCESSED AND THIS IS YOUR RECEIPT

Your account has been billed for the following transaction. You will receive a receipt via email.



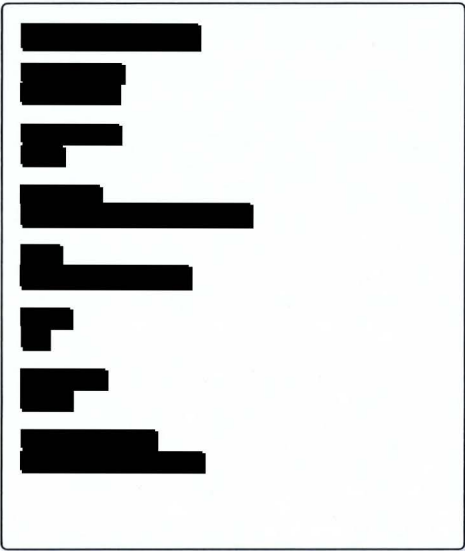
Description	Applicant, License or Registration Number	Amount
FILING FEES-RETAIL	Global Montello Group Corp.	\$200.00
		<b>\$200.00</b>

Total Convenience Fee: **\$4.70**

Date Paid: **10/5/2022 11:46:42 AM EDT**

Total Amount Paid: **\$204.70**

Payment On Behalf Of  
License Number or Business Name:  
Global Montello Group Corp.  
  
Fee Type:  
FILING FEES-RETAIL





The Commonwealth of Massachusetts  
 Alcoholic Beverages Control Commission  
 95 Fourth Street, Suite 3, Chelsea, MA 02150-2358  
 www.mass.gov/abcc

**AMENDMENT-Change of Manager**

**Change of License Manager**

**1. BUSINESS ENTITY INFORMATION**

Entity Name	Municipality	ABCC License Number
Global Montello Group Corp.	Ayer	90212-PK-0060

**2. APPLICATION CONTACT**

The application contact is the person who should be contacted with any questions regarding this application.

Name	Title	Email	Phone
Stephen V. Miller	Attorney	[REDACTED]	[REDACTED]

**3A. MANAGER INFORMATION**

The individual that has been appointed to manage and control of the licensed business and premises.

Proposed Manager Name: Patrick Joslin Date: [REDACTED]

Residential Address: [REDACTED]

Email: [REDACTED]

Please indicate how many hours per week you intend to be on the licensed premises: 45 Last-Approved License Manager: Jonathan Cantillon

**3B. CITIZENSHIP/BACKGROUND INFORMATION**

Are you a U.S. Citizen?  Yes  No \*Manager must be U.S. citizen

If yes, attach one of the following as proof of citizenship US Passport, Voter's Certificate, Birth Certificate or Naturalization Papers.

Have you ever been convicted of a state, federal, or military crime?  Yes  No

If yes, fill out the table below and attach an affidavit providing the details of any and all convictions. Attach additional pages, if necessary, utilizing the format below.

Date	Municipality	Charge	Disposition
N/A	N/A	N/A	N/A

**3C. EMPLOYMENT INFORMATION**

Please provide your employment history. Attach additional pages, if necessary, utilizing the format below.

Start Date	End Date	Position	Employer	Supervisor Name
12/15/2014	Present	General Manager	Global Montello Group Corp.	Kenny Wong

**3D. PRIOR DISCIPLINARY ACTION**

Have you held a beneficial or financial interest in, or been the manager of, a license to sell alcoholic beverages that was subject to disciplinary action?  Yes  No If yes, please fill out the table. Attach additional pages, if necessary,utilizing the format below.

Date of Action	Name of License	State	City	Reason for suspension, revocation or cancellation
N/A	N/A	N/A	N/A	N/A

I hereby swear under the pains and penalties of perjury that the information I have provided in this application is true and accurate:

Manager's Signature: [Signature] Date: 9/23/22



**APPLICANT'S STATEMENT**

I, Sean T. Geary the:  sole proprietor;  partner;  corporate principal;  LLC/LLP manager  
Authorized Signatory

of Global Montello Group Corp.  
Name of the Entity/Corporation

hereby submit this application (hereinafter the "Application"), to the local licensing authority (the "LLA") and the Alcoholic Beverages Control Commission (the "ABCC" and together with the LLA collectively the "Licensing Authorities") for approval.

I do hereby declare under the pains and penalties of perjury that I have personal knowledge of the information submitted in the Application, and as such affirm that all statements and representations therein are true to the best of my knowledge and belief. I further submit the following to be true and accurate:

- (1) I understand that each representation in this Application is material to the Licensing Authorities' decision on the Application and that the Licensing Authorities will rely on each and every answer in the Application and accompanying documents in reaching its decision;
- (2) I state that the location and description of the proposed licensed premises are in compliance with state and local laws and regulations;
- (3) I understand that while the Application is pending, I must notify the Licensing Authorities of any change in the information submitted therein. I understand that failure to give such notice to the Licensing Authorities may result in disapproval of the Application;
- (4) I understand that upon approval of the Application, I must notify the Licensing Authorities of any change in the ownership as approved by the Licensing Authorities. I understand that failure to give such notice to the Licensing Authorities may result in sanctions including revocation of any license for which this Application is submitted;
- (5) I understand that the licensee will be bound by the statements and representations made in the Application, including, but not limited to the identity of persons with an ownership or financial interest in the license;
- (6) I understand that all statements and representations made become conditions of the license;
- (7) I understand that any physical alterations to or changes to the size of the area used for the sale, delivery, storage, or consumption of alcoholic beverages, must be reported to the Licensing Authorities and may require the prior approval of the Licensing Authorities;
- (8) I understand that the licensee's failure to operate the licensed premises in accordance with the statements and representations made in the Application may result in sanctions, including the revocation of any license for which the Application was submitted; and
- (9) I understand that any false statement or misrepresentation will constitute cause for disapproval of the Application or sanctions including revocation of any license for which this Application is submitted.
- (10) I confirm that the applicant corporation and each individual listed in the ownership section of the application is in good standing with the Massachusetts Department of Revenue and has complied with all laws of the Commonwealth relating to taxes, reporting of employees and contractors, and withholding and remitting of child support.

Signature: 

Date: 10/5/2022

Title: Chief Legal Officer

**GLOBAL MONTELLO GROUP CORP.**

**CORPORATE VOTE**

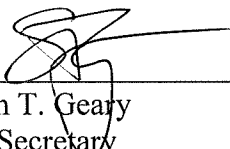
October 3, 2022

The undersigned, acting in his capacity as a duly elected and appointed Secretary of Global Montello Group Corp., a Delaware corporation that is qualified to do business in the Commonwealth of Massachusetts, with a principal place of business located at 800 South Street, Suite 500, Waltham, MA 02453 (the "Corporation"), does hereby certify, on behalf of the Corporation, as follows:

1. That the Corporation apply to the Ayer Board of Selectmen for a Wine & Malt Beverages License, for the premises located at 26 & 28 Harvard Road, Ayer, MA 01432;
2. That Sean T. Geary, the Chief Legal Officer and Secretary of the Corporation, is authorized to sign the application for the license in the name of Corporation and execute, on its behalf, any necessary papers, and to do all things required relative to the granting of the license;
3. That Patrick Joslin of Spencer, MA is authorized to act as the Corporation's Manager of Record, with as full authority and control of the premises located at 26 & 28 Harvard Road, Ayer, MA 01432, and of the conduct of all business therein relative to alcoholic beverages as the licensee itself could in any way have and exercise if it were a natural person resident in the Commonwealth of Massachusetts and that a copy of this vote duly certified by the Assistant Secretary of the Corporation shall constitute the written authority required by M.G.L. c. 138 § 26; and
4. That the Sole Director of the Corporation is a citizen of the Unites States of America and resident of the Commonwealth of Massachusetts.

The Corporation has NOT been dissolved.

A true copy attest,

  
\_\_\_\_\_  
Sean T. Geary  
Its: Secretary  
Duly Authorized



# Sandy Pond Schoolhouse Restoration Update: Phase II & Beyond

Ayer Select Board, 1 November 2022





## What's Happening Now?

For starters, there's a striking, new, wooden roof, as shown in the photo above. In conformity with Department of the Interior specifications, it features red cedar shingles on a cedar breather underlayment over continuous 30# roofing felt with a 3' Ice & Water Shield at the ridge and perimeter, plus new copper flashing. With a design life of at least 20 years, and hopefully longer, it should be around for a while. And it looks marvelous.

The roof is a major milestone in the restoration of Sandy Pond Schoolhouse, the most important—and costly—of the four high priority projects currently underway or in the planning stage. The others are:

- Replacement of the current washroom with a larger, fully accessible, washroom with new fixtures and hot and cold running water.
- Restoration of the classroom and ell windows
- Creation of an accessible entrance and walkway on the rear (north) side of the ell.

These will be undertaken roughly in the order listed. As of this writing, work has begun on the washroom. The original interior wall has been removed and those materials—which will be reused—are being stored in the classroom. Framing for the new washroom has been completed along with the structural improvements necessary to support installation of new plumbing.

Upon completion these projects will make a huge difference in the usability of the schoolhouse. With its structural problems resolved, a fully restored classroom, and an accessible washroom, Sandy Pond Schoolhouse will be ready for a variety of uses that have heretofore been impractical. Chief among these is a visitation program for elementary school students, a project now being developed with the assistance and support of several Page-Hilltop instructors and the school administration. We hope to launch this exciting new program in 2023.

## Follow the Money

From the outset, it was clear that the cost of restoring Sandy Pond Schoolhouse would exceed the capabilities of a small, nonprofit association like the Sandy Pond School Association, inc. The only question was, "By how much"? Short answer, "a lot". Even now, it's hard to translate "a lot" into a final dollar amount. But what is clear is that this is a project that would have been impossible without generous community support, and particularly support from the Ayer Community Preservation Committee and the Ayer Select Board. Thanks, thanks, and thanks to one and all!

At this point, we believe we are in a good place. We began Phase II, with approximately \$197,000 in CPC grant monies in hand—approximately \$10,000 remaining from the 2018 Phase I grant, and \$187,000 from the October 2020 Phase II grant.

To date we have incurred and paid the following expenses: architectural/design fees (\$20,000), the roof (\$67,200), and initial washroom and ell interior expenses (\$22,000). As a result, we have approximately \$87,000 in hand to cover additional work. The remaining high priority projects are a) completing the interior accessibility & washroom work, b) window restoration, and c) construction of a new accessible entrance and walkway. While we are still awaiting quotes for these items, we are cautiously optimistic our remaining funds will suffice to cover them.

If all goes well, we may even have a bit left over at that point. If so, we'll tackle other remaining Phase II tasks, the most expensive of which is installation of heat pumps. Other remaining items include interior finish work in the ell, installation of a security system, restoration of the flagpole, construction of a crawl space access hatch, and replacement of the front ell door. Once the high priority work is complete, we'll tackle as many of these as possible and set the remainder aside for future attention.

## The Long & Winding Road

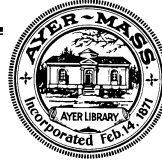
Today, the end of the Sandy Pond School Preservation and Restoration project is finally in sight. It's been a longer journey than anticipated. It began with the SPSA Board's 2014 decision to put the schoolhouse on the National Register of Historic Places. Could we do it? The answer was ultimately yes, but this seemingly straightforward step proved more challenging than anticipated. For one thing, as we immediately discovered, we would need professional assistance. Fortunately, we were able to obtain that assistance in the person of Stacey Spies, an accomplished architectural historian who immediately fell in love with the schoolhouse. "What do you think? Is this a National Register candidate?" we asked Stacey on her first visit. "Slam dunk!" she said.

With Stacey on board, we felt, correctly as it turns out, virtually assured of success. There was just one problem—money. For at that point, even Stacey's wholly reasonable fee exceeded our financial resources. "No problem," we told her. "We don't have all your money right now, but we'll raise it. Trust us," we said. And she did, signing on for what ultimately proved to be a 3-year effort.

Unfortunately, as shortly became clear, our fund-raising hopes exceeded our abilities. Our initial mail campaign raised a grand total of \$50, leaving it unclear how or if we would be able to proceed. Happily, however, our otherwise unsuccessful campaign had had a fortuitous side effect. It had attracted the attention of the Ayer Select Board, which generously volunteered to fund completion of a National Register campaign. And suddenly, where there had been gloom, there was hope. Little did we know this was to be just the first of what would ultimately become a series of roller coaster episodes in an 8-year campaign, whose highlights have included the following:

- 2016 (December): MA Historical Commission approval of our National Register nomination
- 2017 (April): Delivery of a CPC-funded Conditions Assessment, which has provided our basic restoration game plan
- 2018 (May): CPC Phase I Grant Award
- 2019 (September): Completion of Phase I work & 150<sup>th</sup> anniversary celebration
- 2020 (March): COVID, which halted work on schoolhouse
- 2020 (October): CPC Phase II Grant Award
- 2021 (June): Preliminary award of a \$50,000 MPPF Grant
- 2021 (September): MPPF Grant cancellation due to 1956 title issue
- 2022 (March): Land Court Approval of Adverse Possession Claim, resolving the title issue
- 2022 (October): Beginning, at last, of Phase II work

It has, in short, been a long but worthwhile journey. Best of all, it has taken us to the beginning of another new chapter in the history of Ayer's iconic little schoolhouse, as it prepares to welcome a new generation of fans and followers.



## MEMORANDUM

**Date:** November 1, 2022  
**To:** Select Board  
**From:** Dan Van Schalkwyk, P.E., Director  
Kimberly Abraham, Water and Sewer Superintendent  
**Subject:** **Agenda Items for November 1, 2022, Select Board Meeting**

**1. Drought and Water Supply Status Update**

Please find attached a memorandum from Kimberly Abraham, Water and Sewer Superintendent, regarding the latest status of the drought and Ayer's Water Supply. The DPW recommends ending the State of Water Supply Conservation authorized on August 4, 2022. The State of Water Supply Conservation requiring a ban on non-essential outdoor watering began on August 4, 2022 in accordance with the Town Water Rules and Regulations, specifically Appendix F – Water Use Restriction Regulation, Section 4.

Recommended Vote – Motion to end the State of Water Supply Conservation authorized on August 4, 2022, effective immediately.



DEPARTMENT OF PUBLIC WORKS



Water Division

Daniel Van Schalkwyk, Director  
Kimberly Abraham, Water and Sewer Superintendent  
Pamela J. Martin, Business Manager

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

Date: October 11, 2022  
To: Dan Van Schalkwyk, Director  
From: Kimberly Abraham, Water and Sewer Superintendent  
RE: 2022 Drought Update and Recommendation

Each year the Town of Ayer is required to impose mandatory outdoor water use restrictions in the summer to be in compliance with our Water Management Act Permit with the State’s DEP. This year, a State of Water Supply Conservation and stricter restrictions were imposed on August 4<sup>th</sup> to ban all non-essential outdoor water use in response to deteriorating supply conditions. Over the last few weeks, our region has experienced a notable shift in the weather conditions with more precipitation and cooler temperatures. Typically, these conditions will drive down water consumption.

The Massachusetts Drought Management Taskforce has been closely monitoring drought conditions throughout the state and met most recently on October 6<sup>th</sup> to discuss the current drought conditions. After some discussion, the Taskforce decided to recommend to the Secretary that the Northeast Region Drought Level be improved from a Level 3 to a Level 2 Drought. As Ayer is on the border between the Northeast Region and the Central Region it should be noted that the recommendation for the Central Region is improved significantly from a Level 3 to a Level 1 Drought. It is noted that the poor conditions in Essex County is the cause for the Northeast to remain in Level 2.

There has also been a close watch by staff on conditions with our own water supply and consumption. Over the month of September, the Water Division has been able to meet demand. Water Demand dropped slightly in the month of September to levels normally seen in the Fall months.

2022	April	May	June	July	August	September
Total Consumption (MG)	48.648	53.550	55.868	59.463	56.687	51.980
Avg (MG/Day)	1.569	1.727	1.802	1.918	1.829	1.733
Max (MG/Day)	1.923	2.254	2.017	2.943	2.152	1.958
Min (MG/Day)	0.788	0.816	1.431	0.884	1.249	1.132

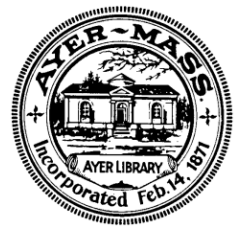
The chart above shows the Total Consumption for the months April though September. Also shown are the daily average, maximum day, and minimum day in Million Gallons. It is clear that the high consumption typical in the summer months has started to wane. The first week in October has shown the same trend with an average daily use of 1.776 Million Gallons.

Based on current weather conditions and the Water Supply and Consumption trends, it is my opinion to recommend to the Select Board to lift the current State of Water Supply Conservation.



**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:** October 28, 2022

**TO:** Ayer Select Board

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

**SUBJECT: Town Manager's Report for the November 1, 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 November 1, 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 Warrant(s):**

- At the meeting I will provide a brief Administrative Update on the Town's various activities, initiatives, and projects since the Select Board last met on October 4, 2022.
- I have reviewed, approved, and signed the following Town Warrants since the Select Board last met on October 4, 2022:

Payroll Warrant #23-07 in the amount of \$381,174.88 was reviewed, approved, and signed on October 4, 2022.

Accounts Payable Warrant #23-07 in the amount of \$1,670,678.54 was reviewed, approved, and signed on October 11, 2022.

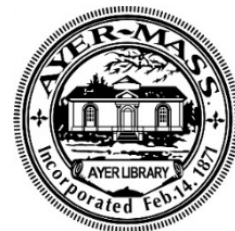
Payroll Warrant #23-08 in the amount of \$402,490.81 was reviewed, approved, and signed on October 18, 2022.

Accounts Payable Warrant #23-08 in the amount of \$1,786,048.64 was reviewed, approved, and signed on October 24, 2022.

**Appointments:**

- I am respectfully recommended that the Select Board vote to appoint Amanda Lewis, Benefits & Payroll Manager as the Town of Ayer's Primary Representative to the Minuteman Nashoba Health Group. (*Note: Amanda Lewis will replace Kevin Johnston who recently retired*).
- I am respectfully recommending that the Select Board vote to appoint Onyinyechi Njoku of Ayer to a three-year term on the Ayer Cultural Council to expire on June 30, 2025.

**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 September 20, 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. Copeland and seconded by S. Houde to approve the meeting agenda. **Motion passed 3-0.**

**Announcements:** S. Copeland thanked the Town Clerk's Office for a successful State Primary Election.

**Public Input:** None

**Susan Copeland, Town Clerk:** S. Copeland stated that pursuant to the VOTES Act, the adjustment of In-Person Early Voting hours now requires a vote of the Select Board. She is proposing the following In-Person Early Voting schedule for the State General Election being held on Tuesday November 8, 2022:

**Week 1**

Saturday October 22, 2022 9:00 AM – 3:00 PM  
Monday October 24, 2022 – Friday October 28, 2022 8:00 AM – 12:00 PM

**Week 2**

Saturday October 29, 2022 9:00 AM – 3:00 PM  
Monday October 31, 2022 – Friday November 4, 2022  
    *Monday, Wednesday, Thursday* 12:00 PM – 4:00 PM  
    *Tuesday* 12:00 PM – 6:00 PM  
    *Friday* 8:00 AM – 2:00 PM

**Motion:** A motion was made by S. Copeland and seconded by S. Houde to approve In-Person Early Voting hours for the Town of Ayer as presented by the Town Clerk, as follows: Saturday October 22, 2022 9:00 AM – 3:00 PM; Monday October 24, 2022 - Friday October 28, 2022 9:00 AM – 12:00 PM; Saturday October 29, 2022 9:00 AM – 3:00 PM; Monday October 31, 2022, Wednesday November 2, 2022, Thursday November 3, 2022 12:00 PM – 4:00 PM; Tuesday November 1, 2022 12:00 PM – 6:00 PM; Friday November 4, 2022 8:00 AM -2:00 PM. **Motion passed 3-0.**

*Request for One Day Liquor License – St. Mary's Parish, October 15, 2022* – S. Copeland was in attendance on behalf of St. Mary's Parish requesting a One Day Beer and Wine License for a parish Polish Dinner being held on Saturday October 15, 2022 at 5:00 PM.

**Motion:** A motion was made by S. Houde and seconded by S. Copeland to approve a One Day Beer and Wine License for St. Mary's Parish on October 15, 2022 from 4:00 PM – 9:00 PM for their parish Polish Dinner. **Motion passed 3-0.**



**Public Hearing – Application for Transfer of c. 138, sec. 15 All Alcoholic Beverages Package Store License from the Vineyard, LTD to Jalaram Bapa, Inc. – 63 Park Street:** S. Copeland opened the Public Hearing at 6:11 PM by reading the Public Hearing Notice, as advertised in the *Nashoba Valley Voice* on Friday September 9, 2022. Vineyard owner Jeff Gendron and Attorney Peter Knox (for Jalaram Bapa, Inc.) were in attendance. Jeff Gendron stated that he is retiring and selling the business to Jalaram Bapa, Inc. There was no public input. C. Antonellis stated that all relevant departments have reviewed the request and there were no issues.

**Motion:** A motion was made by S. Houde and seconded by S. Copeland to approve the transfer of the c. 138 sec.15 All Alcoholic Beverages Package Store License from the Vineyard, LTD to Jalaram Bapa, Inc. located at 63 Park Street.

**Motion passed 3-0.**

**Motion:** A motion was made by S. Houde and seconded by S. Copeland to close the Public Hearing at 6:16 PM. **Motion passed 3-0.**

**Mr. Dan Rivera, CEO, MassDevelopment:** Mr. Rivera was in attendance to meet with the Select Board. J. Livingston thanked Mr. Rivera for attending. She stated that the relationship between Devens and Ayer needed some tweaking. As a member of the Devens Jurisdiction Framework Committee (DJFC), she was distressed about the notification that MassDevelopment was pulling out of the Committee. J. Livingston stated that pursuant to Chapter 498 of the Acts of 1993, a report by the Select Boards in all four towns, is due to the State Legislature recommending a permanent government structure for Devens. She stated that the overall feeling is that MassDevelopment doesn't care and wants to run out the clock. She said that residents living in Devens feel disenfranchised.

Mr. Rivera stated that he understands that the reuse of Devens is very important to many people. He stated as an agency, they have to do a good job with redevelopment and that MassDevelopment pulled out of the DJFC to focus on the correct things. He stated this has brought up a good opportunity for the three communities to bring up what they would like to see happen. He stated that his staff is modest, and they are supportive. He feels that three years before the 2033 reporting deadline would be the appropriate time for his staff to focus on the report. He and the Governor are both very supportive of housing and the need to increase affordable housing. MassDevelopment is not trying to run out the clock.

S. Houde stated that 4 years ago MassDevelopment said that they wanted to talk about disposition before 2033. He stated that the challenge with housing in Devens is Super Town Meeting, where you have three towns that need to come together and wholeheartedly agree on everything, which creates uneasiness. He stated that the ability for the communities to have discussion and do analysis now about disposition will help create housing redevelopment at Devens. He noted that disposition of Devens will have a generational impact in all three communities.

Mr. Rivera stated that these are critically important conversations to have. He stated that he has a difference of opinion that you have to know the end state of Devens to make those decisions. He stated that the real estate staff at his agency has been refocused to meet the mission of redevelopment in Massachusetts.

J. Livingston stated that it is greatly appreciated that Mr. Rivera is in attendance because he is putting a face on the agency. She noted that all communities need to look at everything down to who will cut the grass. J. Livingston asked if Mr. Rivera could attend the next meeting of the DJFC.

Dennis Curran, Pleasant Street Ayer stated that he is a member of the Building Committee for a new Senior Center. He said that it has been near impossible to find approximately 2 acres of land in Ayer to build the Senior Center. He noted that a colleague on the committee has reached out to MassDevelopment to explore the potential of locating space in Devens (historical boundary of Ayer) to construct a new Senior Center. He asked Mr. Rivera to be aware that any decisions regarding Devens Disposition will be significant for the Town.

D. Rivera stated that he is excited to have the conversations about the Senior Center. He noted that MassDevelopment does not take the conversations lightly and they want to be a good partner. Anything that the communities are requesting he will provide in writing. He does not want to have a dog in the fight and wants to support the communities.

J. Livingston reiterated her request for MassDevelopment to attend the next DJFC Meeting on October 12, 2022. She thanked him for attending.

**Chief Brian P. Gill, Ayer Police Department - Presentation on Project Lifesaver:** Chief Gill stated that several years ago, he along with Sgt. Kularski and Detective Barhight, implemented the *Bring Me Home Program*, which registers individuals, at their family's request, with cognitive disorders with the APD so that if they wander/get lost, they APD has valuable information to make finding them faster to ensure a positive outcome. He was approached by a resident Mr. Matt Murphy who presented *Project Lifesaver* to the Department. Mr. Murphy has family members who have cognitive disorders, and he is also a professional fundraiser. Chief Gill spoke with R. Pontbriand and the Finance Manager who said that it would be ok for the Town to accept a gift/donation for startup costs for this program. He is looking for the Board's support, as the fundraising for the startup costs will be donated to the Town. He explained that *Project Lifesaver* has rescued almost 4,000 people since its inception. He stated that a family would approach the Town to opt-in to the program and their family member would receive an ankle/wrist bracelet, which would be activated in the event of them being lost. The average timeframe for rescue is 30 minutes.

R. Pontbriand stated that this evening's presentation was made to make the Board aware of the program and that the Town will be fundraising for the startup costs. He and Chief Gill are looking for the Board's support.

Dennis Curran, Pleasant Street stated that the program sounded good, but more broadly speaking how are the participants' civil liberties affected by being tracked. J. Livingston stated that the issue would be between the family.

Matt Murphy stated that he has two young children with disabilities and that their civil liberties take a backseat, especially if they are lost/wandered off. Chief Gill stated that families opt into the program and all missing persons would be officially logged as a report.

S. Houde asked how long after the \$16,000 in start-up costs were raised would the program be deployed. The Chief said very shortly after the funds are raised, he will reach out to set up training to implement the program in Ayer.

**Motion:** A motion was made by S. Houde and seconded by S. Copeland to support *Project Lifesaver*. **Motion passed 3-0.**

**Chief Timothy P. Johnston, Ayer Fire Department - Presentation on Mutual Aid:** Chief Johnston was joined by Deputy Fire Chief Jeremy Januskiewicz to give a presentation on Mutual Aid. Chief Johnston gave a presentation (also in the Select Board Meeting Packet) on the need to provide and receive mutual aid. Mutual aid is an agreement between fire departments to help each other across jurisdictional boundaries. The Chief and Deputy referenced statutory requirements relating to mutual aid, which are MGL c. 40, Section 4J and 105 CMR 170.355. The Chief stated that he will be working with the Town Manager and the Finance Director to update rates for ambulance transportation. They also showed a brief video which showed a side-by-side comparison of two rooms that were ignited by placing a lit stick candle on the sofa. It shows that modern day materials used to make furniture and home décor burns much faster than in the past.

Dennis Curran, Pleasant Street stated that, prior to the SAFER grant award allocation, Ayer had 15 fulltime firefighters which is on the higher end of similarly sized Towns in Massachusetts. He stated that comparative analysis is necessary to determine whether Ayer's staffing is appropriate for a Town of its size. He said that a third of the Town's mutual aid responses were provided out of town. He stated that the Town of Ayer is the de facto mutual aid provider for surrounding communities and the taxpayers of Ayer are subsidizing emergency response services in other towns. D. Curran stated that he would like to see the Town's public safety budget broken out for Town Meeting and that the Town hire a third party to evaluate staffing and mutual aid. He asked how other Town's with similar size populations can keep their residents safe with less personnel.

S. Houde stated that the ambulance is really the crux of the question. He stated if a third of our calls are going out to other communities and were footing the bill for ALS, what is the outlying cost to the Ayer taxpayer? He said if we put

together the data and go the State and demonstrate that we are providing regional ALS service, perhaps the State could provide regional funding.

Chief Johnston stated that the Town supported providing an ALS service in 2004 and there is a lack of paramedics available statewide. Chief Johnston stated that Ayer has always been the leader in the Ayer in terms of staffing.

D. Curran stated that a comparative analysis ought to be done and Ayer shouldn't be providing 300+ runs to Groton every year. J. Livingston stated that there is a moral obligation to respond.

R. Pontbriand stated that even similar size towns aren't comparing apples to apples; for instance, the Town of Groton does not have a freight rail, commuter rail, industrial park, hospital and doesn't have the density that Ayer has. It's more than just looking at population size.

There was additional discussion.

*J. Livingston leaves room at 7:57 PM.*

**Dan Van Schalkwyk, Director, Dept. of Public Works - Discontinuance of the Bottled Water Rebate:** D. Van Schalkwyk was in attendance. He stated that on July 14, 2021, the Select Board voted to offer bottled water rebates to customers of the sensitive subgroups of PFAS6. Ayer's water is now completely treated for PFAS6 and concentrations are non-detectable. He is recommending that the Board vote to discontinue the bottled water rebate program retroactive to the date of full operation of the Spectacle Pond PFAS Water Treatment of July 25, 2022.

**Motion:** A motion was made by S. Houde and seconded by S. Copeland to discontinue the bottled water rebate retroactive to July 25, 2022. **Motion passed 2-0.**

*Lead Service Line Application for SRF Funding* - Under the Lead and Copper Rule Revisions finalized in 2021, the EPA is requiring all public water supply systems to develop and submit a lead service line (LSL) inventory to MassDEP by October 16, 2024. The Massachusetts Clean Water Trust (CWT) is providing financial assistance for the LSL inventories via the Drinking Water State Revolving Fund (SRF). A special LSL Planning Program has been created by the CWT with 100% loan forgiveness and is available on a first come first serve basis. We recommend the Board authorize the Town Manager to file the application for SRF funding. He is also asking the SB to use UDAG funds to demonstrate a local match for the project, which will then be reimbursed by the SRF through a loan forgiveness program.

*J. Livingston reentered at 8:00 PM.*

**Motion:** A motion was made by S. Houde and seconded by S. Copeland to authorize the Town Manager to file the application for SRF funding. **Motion passed 3-0.**

**Motion:** A motion was made by S. Houde and seconded by S. Copeland to authorize the use of UDAG funds up to \$130,000 for the SRF funding to be replenished when the funding is received back from the State. **Motion passed 3-0.**

*Agreement for Pirone Park Playground Phase 1 Demolition* - D. Van Schalkwyk stated that at the September 7, 2022 SB meeting, the Board awarded the Contract for the Phase 1 playground project at Pirone Park, titled "Demolition of Playground and Soil Remediation Pirone Park Playground" in the amount of \$173,000 to Brighter Horizons Environmental (Ayer, MA). The Contractor has provided the required bonds, insurance, and signed agreements.

**Motion:** A motion was made by S. Copeland and seconded by S. Houde to execute the contract between the Town of Ayer and Brighter Horizons Environmental, Inc. in the amount of \$173,000 for the Demolition of Playground and Soil Remediation at Pirone Park with signature by the Chair. **Motion passed 3-0.**



**Town Manager's Report - Administrative Update/Review of Town Warrant(s):** R. Pontbriand provided a brief Administrative Update to the Select Board on the various activities, initiatives, and projects of the Town since the Select Board last met and referenced the Town Warrants that are in the Select Board's packet that were approved since the Select Board last met.

*Fall Special Town Meeting Update* – R. Pontbriand stated that the deadline for warrant articles and citizen's petitions is Friday September 30, 2022. They are currently 4 warrant articles: 2 CPC articles and 2 street acceptance articles.

*FY 2024 Budget and Proposed Budget Calendar* – R. Pontbriand presented the proposed FY '24 budget calendar and would like the SB to approve at their next meeting. J. Livingston noted that the Rate Review Committee, the Bi-Board and the Capital Planning Committee meeting dates still need to be populated on the calendar.

*Approval of CPC Letter of Recommendation – Howitzer* – R. Pontbriand presented a DRAFT of a letter of support from the SB to the CPC committee. The Town has applied to the Community Preservation Committee seeking up to \$31,000 in CPC funding for the historic preservation of the 1943 Howitzer located at Town Hall.

**Motion:** A motion was made by S. Houde and seconded by S. Copeland to approve the letter of support for the Howitzer CPC project. **Motion passed 3-0.**

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

**Approval of Meeting Minutes:** C. Antonellis stated that while the agenda states approval of minutes from August 16, 2022, the Board will be considering the meeting minutes from September 7, 2022, which were in the packet.

**Motion:** A motion was made by S. Copeland and seconded by S. Houde to approve the meeting minutes from September 7, 2022, as amended (the minutes in the packet stated September 7, 2002). **Motion passed 3-0.**

**Adjournment:** A motion was made by S. Copeland and seconded by S. Houde to adjourn at 8:17 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 October 4, 2022**  
**Open Session Meeting Minutes**

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

**SB Absent:** 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. Copeland and seconded by J. Livingston to approve the meeting agenda. **Motion passed 2-0.**

**Announcements:** J. Livingston stated that S. Houde would not be in attendance. She also stated that the Newton Street Art and Folk festival held this past weekend was successful.

**Recognition of Cindy Knox, I.T. Director:** The SB recognized Cindy Knox who will be retiring on October 7, 2022. The Board thanked her for her 12 years of service.

**Public Input:** None

**Dan Van Schalkwyk, Director, Dept. of Public Works - Public Meeting for Vote to Layout Pleasant Street Extension (Portion):** D. Van Schalkwyk was in attendance requesting that the SB vote to Layout Pleasant Street Extension (Portion) in anticipation of the Special Fall Town Meeting being held on October 24, 2022.

**Motion:** A motion was made by J. Livingston and seconded by S. Copeland to vote to Layout Pleasant Street Extension (Portion) as presented. **Motion passed 2-0.**

*Agreement for Spectacle Pond Transmission Main Replacement Project* – D. Van Schalkwyk presented a contract for execution for replacing a section of transmission main leaving Spectacle Pond Water Treatment Plant. The DPW opened 7 bids for the project which ranged from \$437,310.01 to \$1,190,509.60. The low bidder is N. Granese and Sons, Inc. from Salem, MA. The project will be paid from ARPA funds previously authorized by the Select Board.

**Motion:** A motion was made by S. Copeland and seconded by J. Livingston to execute the contract between the Town of Ayer and N. Granese and Sons, Inc. as presented. **Motion passed 2-0.**

D. Van Schalkwyk stated that the paving of Central Ave. and Pleasant Street has been moved to Thursday due to weather.

**Review and Approval of the 2022 Special Fall Town Meeting Warrant:** R. Pontbriand presented the Final Draft of the 2022 Special Fall Town Meeting Warrant. He noted that the Town Moderator and Town Clerk were in attendance. The 2022 Fall Special Town Meeting Warrant contains four (4) Articles for consideration by Town Meeting: Article 1 – Street Acceptance – Pleasant Street Extension (Portion); Article 2 – Street Acceptance – Woodland Way and a Portion of Hemlock Drive; Article 3 – CPC Funding for the Ayer Commons Affordable Housing Project (65 Fitchburg Road); Article 4 – CPC Funding for the 1943 Howitzer Restoration Project

J. Livingston asked if the Planning Board had voted on the street acceptance articles. Planning Board Member Geof Tillotson confirmed that they had. She asked that the votes be included in the Warrant.

There was then a discussion about sponsorship of the articles. J. Livingston noted that when she votes to approve an article to be placed on the warrant, she is saying that she wants the Town to look at it and vote.

**Motion:** A motion was made by S. Copeland and seconded by J. Livingston to approve Article 3, the CPC Funding Article for Ayer Commons Affordable Housing Project as presented in the warrant. **Motion passed 2-0.**

**Motion:** A motion was made by S. Copeland and seconded by J. Livingston to approve Article 4, the CPC Funding Article for the 1943 Howitzer Restoration Project as presented in the warrant. **Motion passed 2-0.**

**Motion:** A motion was made by S. Copeland and seconded by J. Livingston to approve the Special Annual Fall Town Meeting Warrant as presented. **Motion passed 2-0.**

**Town Manager's Report - Administrative Update/Review of Town Warrant(s):** R. Pontbriand provided a brief Administrative Update to the Select Board on the various activities, initiatives, and projects of the Town since the Select Board last met and referenced the Town Warrants that are in the Select Board's packet that were approved since the Select Board last met. He noted that the FY '24 budget cycle is now underway. He met with the newly reconstituted Finance Committee last week. R. Pontbriand stated that the Cable Advisory Committee is underway and there is a public survey currently being conducted.

*Review and Approval of FY '24 Budget Calendar* – R. Pontbriand presented the final draft of the FY '24 Budget Calendar. R. Pontbriand noted that he added a note to the calendar relating to Rate Review Committee, Capital Planning Committee and Bi-Board that they will be regularly meeting throughout the fall and winter months.

**Motion:** A motion was made by S. Copeland and seconded by J. Livingston to approve the FY '24 Budget Calendar as presented. **Motion passed 2-0.**

**New Business/Select Board Member Questions:** S. Copeland asked D. Van Schalkwyk about installing a Crossing Signal at Main and Washington Streets. D. Van Schalkwyk stated that they had one and he'd be coordinating with the Highway Division. S. Copeland also stated that he was contacted by a resident about the poor visibility with the first parking space in front of Bar25/Union Coffee Roasters. S. Copeland asked about reducing the speed on a congested street from 25 mph to 15 mph. D. Van

Schalkwyk stated he would consult with MassDOT, but doesn't believe it can be reduced lower than 25 mph.

J. Livingston asked D. Van Schalkwyk about tree limbs hanging over into public ways. D. Van Schalkwyk stated that they work with the property owner to resolve the issue. He stated if she sends him locations of the problem spots, he will follow-up.

**Adjournment:** A motion was made by S. Copeland and seconded by J. Livingston to adjourn at 6:34 PM.  
**Motion passed 2-0.**

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

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

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

DRAFT