

RECEIVED
OCT 29 2020

TOWN OF AYER
TOWN CLERK

1:45pm
Annun Copeland

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



Monday November 2, 2020 – 6:00 PM

Open Session Remote Participation Meeting Agenda

Due to the ongoing COVID-19 Pandemic, Governor Baker issued an Emergency Order Temporarily Suspending Certain Provisions of the Open Meeting Law. Public bodies otherwise governed by the OML are temporarily relieved from the requirement that meetings be held in public places, open and physically accessible to the public, so long as measures are taken to ensure public access to the bodies' deliberations "through adequate, alternative means." This meeting will be broadcast live on Channel 8, and on Zoom. The public may participate remotely by following the call-in information on the bottom of the live broadcast screen.) For the Zoom meeting information relating to remote participation, please contact Cindy Knox, IT Director at cknox@ayer.ma.us or 978-772-8252 prior to the meeting.

6:00 PM

Call to Order

Pledge of Allegiance; Review and Approve Agenda; Announcements

Public Input

Due to the unique and unprecedented circumstances of the COVID-19 Pandemic; individuals with public input and/or questions for the Select Board should call-in at this portion of the meeting and state their name and address when asked by the Chair. Any public input and/or questions may be sent to the Assistant Town Manager, Carly Antonellis at 978-772-8220 or at atm@ayer.ma.us

6:05 PM*

Ms. Alicia Hersey, Community Development Office

1. Lien Subordination Request Case #15-395 (16 Pond Street)

6:10 PM

Town Manager's Report

1. Administrative Update/Review of Town Warrant(s)
2. COVID-19 Update
3. Review/Discussion of the Annual Special Fall Town Meeting from 10/26/20
4. Review/Discussion Regarding License Renewals and Fees
5. FY 2022 Budget Directive and Discussion
6. Declaration of Board of Health Vacancy and Joint Appointment Process

6:25 PM

New Business/Selectmen's Questions

1. Initial Discussion on Future Dialogue on Race and Diversity Issues (S. Copeland)

6:30 PM

Approval of Meeting Minutes

October 20, 2020 (Part 1 and Part 2)

6:35 PM

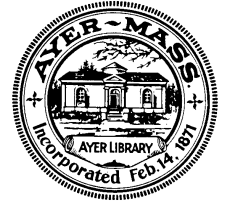
Adjournment

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

Town of Ayer

Community & Economic Development Department

Upper Town Hall ♦ One Main Street ♦ Ayer, MA 01432 ♦ 978-772-8221 ♦ 978-772-8206



MEMORANDUM

TO: Select Board
FR: Alicia Hersey, Community Development Office
RE: Lien Subordination Request **CASE# 15-395**
DT: October 28, 2020

The property owner of housing at 16 Pond Street has requested the Town subordinate his mortgage on the property in favor of a new first mortgage.

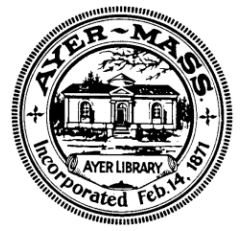
Assessed Value of Property (FY19)	\$324,300.00
Appraised Value of Property (7/15)	\$356,000.00
First Mortgage (to be paid off)	\$222,792.00
Second Mortgage (to be paid off)	N/A
Amount of Program Assistance (liens)	\$39,260.00
Proposed New Mortgage Amount	\$230,200.00
Proposed Total Debt Amount	\$269,460.00
Maturity Date of Program Lien	July 17, 2032

The borrower is seeking to obtain a new first mortgage at a lower interest rate.

Based upon the subordination policy approved by the Town and state Department of Housing and Community Development, "if total of liens is more than 65% but less than 80% of the appraised valuation, a recommendation to approve, or approve with conditions, will be made to the Board of Selectmen". In the current case, the outstanding liens will be equal to 75.69% of the appraised value of the property.

Therefore, in accordance with the Town's subordination policy, I recommend the Chairman of the Board sign the subordination of the Town's lien conditioned upon a new mortgage not to exceed \$230,200.

**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: October 2, 2020

TO: Ayer Select Board

FROM: Robert A. Pontbriand
Town Manager

SUBJECT: Town Manager's Report for the November 2, 2020 Select Board Meeting

Dear Honorable Select Board Members,

I am pleased to transmit to you the following Town Manager's Report for the November 2, 2020 Select Board Meeting. If you have any questions prior to the meeting, please do not hesitate to contact me directly. Thank you.

Administrative Update/Review of Town Warrant(s):

- I will provide a brief Administrative Update at the meeting of the various activities, initiatives, and projects of the Administration since the Select Board last met on October 20, 2020.
- I have reviewed, approved, and signed the following Town Warrants since the Select Board last met on October 20, 2020:

Payroll Warrant #21-07 in the amount of \$317,771.22 was reviewed, approved, and signed on October 7, 2020.

Accounts Payable Warrant #21-07 in the amount of \$936,097.79 was reviewed, approved, and signed on October 13, 2020.

Payroll Warrant #21-08 in the amount of \$371,059.93 was reviewed, approved, and signed on October 22, 2020.

Accounts Payable Warrant #21-08 in the amount of \$1,656,076.29 was reviewed, approved, and signed on October 28, 2020.

COVID-19 Update:

- I will provide a brief update at the meeting of the Town's ongoing COVID-19 preparedness and related activities since the Select Board last met on October 20, 2020.

Review/Discussion of the Annual Special Fall Town Meeting from 10/26/2020:

- I would like to have a brief review/discussion with the Select Board regarding the Annual Special Fall Town Meeting from October 26, 2020.

Review/Discussion Regarding License Renewals and Fees:

- It is time for the annual review and renewal of the various licenses and fees under the Select Board. Due to the ongoing COVID-19 Pandemic and its ongoing economic/financial impacts to small businesses, many municipalities in the Commonwealth are implementing a one-time reduction/proration of licenses and fees for small businesses for the upcoming year. Attached is a spreadsheet prepared by the Assistant Town Manager of all the licenses and fees under the Select Board (*See attached*).

FY 2022 Budget Directive and Discussion:

- The FY 2022 Budget Directive per the Town's FY 2022 Budget Calendar is scheduled to be issued on November 6, 2020 for all Town Departments to prepare their FY 2022 Budgets. As the COVID-19 Pandemic continues there remains great uncertainty in terms of the economic and financial impacts to the Town. Currently all revenues remain on target and the Town is in a strong financial position. However, unemployment continues to rise nationally and statewide; the negative impacts to State revenues appear to be significant; and the general economic/financial outlook remains uncertain.
- I look forward to discussing my plan for the FY 2022 Budget Directive and welcome the Select Board's input, feedback, and suggestions.

Declaration of Board of Health Vacancy and Joint Appointment Process:

- As the Select Board is aware, Ms. Mary Spinner resigned from the Ayer Board of Health on September 23, 2020 creating a vacancy on an elected board. Please see the attached memorandum from the Chair of the Ayer Board of Health requesting that the joint appointment process commence to fill the vacancy (*See attached*). The process for filling the vacancy on an elected board is set forth by MGL, Chapter 41, Section 11. In accordance with the provisions of the statute, the Town of Ayer has followed the following process when filling a vacancy on an elected board:
 - The Select Board declares the vacancy on the elected board (in this case the Board of Health).
 - The Town publicly advertises the vacancy for at least 14 days. Interested candidates should submit a letter of intent and resume to the Town Manager's Office within at least 14 days of declared vacancy. Candidates must be at least 18 years of age and a resident of the Town of Ayer.
 - The Select Board meets with the Board of Health in a posted, public joint meeting to interview candidates and make the appointment.
 - The appointment shall be made with a simple majority vote of all Select Board and Board of Health Members present.
 - The appointee shall serve on the Board of Health until the next Town Election and may run for election at that time.

- I respectfully recommend that the Select Board vote to declare the vacancy on the Ayer Board of Health with all applications of interested candidates due to the Town Manager's Office by no later than Friday, November 20, 2020. The Joint Appointment meeting could then be scheduled to take place as part of the regular Select Board Meeting on December 1, 2020 and/or a special meeting could be called.

Thank you.

Attachment(s): Licenses and Fees Spreadsheet Prepared by the Assistant Town Manager
Resignation of BOH Member Memo from the Chair of the Ayer Board of Health (Oct. 20, 2020)

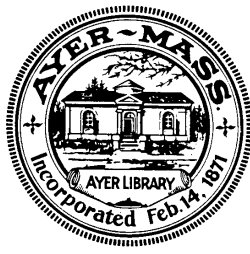
License Type	Corporation Name	Business Name	Business Address	Renewal Amount Due
Class 1		Toreku Tractor & Equipment, Inc.	4 Littleton Road	\$100
Class 1	Gervais Inc.	Gervais Ford	5 Littleton Road	\$100
Class 2		Ayer Auto Repair, LLC	85-87 Central Avenue	\$100
Class 2	Donald Buchikos	Don's Auto Sales	9 Bishop Road	\$100
Class 2		J.C. Madigan, Inc.	8 Shaker Road	\$100
Class 2		Power of Honesty, Inc.	179 West Main Street Unit #1	\$100
Class 2	Donald Partridge	Smart Auto Sales	42 Littleton Road	\$100
Class 2		Rt 2A Auto Sales, Inc.	77 Fitchburg Road	\$100
Class 2		Terranova Auto Body	40 Littleton Road	\$100
Class 2	Clayton Arvidson	Turbo Lube	21 Fitchburg Road	\$100
Class 2	Carlos Obregon, Sr.	Ultimate Car Care	1 Bishop Road	\$100
Class 3		Harry Schwartz & Sons, Inc.	20 Sandy Pond Road	\$100
			Class I, II, III Subtotal	\$1,200
CV	Subayer, Inc. or 1 Mill Street, LLC.	Subway	1 Mill Street	\$50
CV	Ayer Convenience, Inc.	Ayer Convenience	60 Park Street	\$50
CV		Devens Pizza & Deli	210 West Main Street	\$50
CV	MDC Management Co., LLC.	McDonald's Restaurant	2 Sandy Pond Road	\$50
CV	Wendy's of New England #6007	Wendy's Restaurant	2 Barnum Road	\$50
CV		Woo Jung Restaurant	174 West Main Street	\$50
CV		Verona Pizza & Seafood	18 Park Street	\$50
CV	Aylit, LLC	Dunkin Donuts	16 Park Street	\$50
CV	Karyn Corporation	Karyn's Kitchen	200 West Main Street	\$50
CV		Ayer Gulf	26 Park Street	\$50
CV		The Cottage Restaurant	18 Main Street	\$50
CV	Fu Xiang Restaurant, Inc.	Wok & Roll	49 Park Street	\$50
CV	Hardwick General Stores, Inc.	Lazy Mary's	30 Littleton Road	\$50
CV	Charter Foods North, LLC.	Taco Bell	4 Sandy Pond Road	\$50
CV		Union Coffee	25 Main Street #1	\$50
CV		Tipo Taco's	35 Main Street	\$50
CV		Ruby Donut Shop	210 West Main Street	\$50
CV		Junction RPD	60 West Main Street	\$50
CV	Global Montello Group Corp.	Alltown Fresh Ayer	28 Harvard Road	\$50
			CV Subtotal	\$950

s15BW	Ayer Shop'n Save, LLC	Ayer Shop 'n Save	22 Fitchburg Road	\$1,500
s15BW	Ayer Beer & Wine, Corp.	Ayer Beer and Wine	210D West Main Street	\$1,500
s15AA	The Vineyard, LTD.	The Vineyard	63 Park Street	\$3,000
s15AA	Ayer Package Store, Inc.	Ayer Package Store	48 Main Street	\$3,000
s15AA	Traffic Circle Liquors, Inc.	Jack-O-Lantern	2 Littleton Road	\$3,000
s15AA	Barnum Road Liquors, Inc.	Barnum Road Liquors	1 Barnum Road	\$3,000
s15BW; CV	G.W. Archer, Inc.	Archer's Mobil	70 Main Street	\$1,550
s15BW; CV	Ranu Corp.	Pauline's Variety	67 1/2 East Main Street	\$1,550
s12BWC; CV	Ayer Gun & Sportsmens Club	Ayer Gun & Sportsmens Club	225 Snake Hill Road	\$1,550
s12AA; CV	Mark A Diccico Enterprises, LLC	Lucia's Tavola Ristorante	31 Main Street	\$3,050
s12AA; CV	Mark A Diccico Enterprises, LLC	Markoh's on Main	43 Main Street	\$3,050
s12AA; CV	Shaker Hills Country Club, Corp.	Shaker Hills Country Club	146 Shaker Road	\$3,050
s12AA; CV	Nashoba Restaurant, Inc.	Nashoba Club	14 Central Avenue	\$3,050
s12AA; CV	9 Main Ayer, Inc.	Osawa Bistro	9 Main Street	\$3,050
s12AA; CV	R&R Concepts, Corp.	Bar25	25 Main Street	\$3,050
s12AA; CV; Amusement	Tiny's Doughnut Treat, Inc.	Tiny's Restaurant	2 Groton School Road	\$3,150
s12AA; CV; Amusement; Sunday Entertain;	Carlin's Restaurant, Inc.	Carlin's	7 Depot Square	\$3,200
s12AA; CV; Amusement; Sunday Entertain;	Page-Moore Café, Inc.	Billiard's Café	39 Main Street	\$3,800
			Multiple Licenses Subtotal	\$48,100
			GRAND TOTAL	\$50,250

Multiple Licenses Subtotal Breakdown

\$18,000 s15, Package Stores
\$28,500 s12, Restaurants
\$600 Common Victualler's
\$800 Amusement
\$200 Sunday Entertainment

\$48,100



TOWN OF AYER

BOARD OF HEALTH

TOWN HALL – 1 MAIN STREET – AYER, MASSACHUSETTS 01432 (978) 772-8213

Memorandum

From: Ayer Board of Health

To: Ayer Select Board

Date: October 20, 2020

RE: Resignation of BOH Member

Dear Board Members:

On behalf of myself and Ayer Board of Health member Patricia Peters, this memorandum is to notify the Town of Ayer Select Board that Mary Spinner has resigned from the Ayer Board of Health effective September 23, 2020. As you know, Ms. Spinner has been a valued member of the Board of Health for many years; her keen memory and eye for detail will be greatly missed.

Please let me know if you need any further information from me to begin the process of appointing a new person to serve the remainder of Ms. Spinner's term, which ends in 2021.

Best regards,

Pamela Papineau
Chair, Ayer Board of Health

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



Broadcast and Recorded by APAC

Tuesday October 20, 2020 Meeting 1 of 2
Open Session Meeting Minutes

SB Present: Shaun C. Copeland, Chair; Scott A. Houde, Vice-Chair; Jannice L. Livingston, Clerk
All Via Remote Participation

Also Present: Robert A. Pontbriand, Town Manager
Carly M. Antonellis, Assistant Town Manager
Both Via Remote Participation

Call to Order: S. Copeland called the meeting to order at 5:45pm.

Remote Access: S. Copeland stated that pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, MGL Chapter 30A, Section 18 and the Governor's March 15, 2020 Order imposing strict limitations on the number of people that may gather in one place, this meeting of the Ayer Board of Selectmen is being conducted via remote participation. No in-person attendance of members of the public will be permitted, but every effort has been made to ensure that the public can adequately access the proceedings as provided in the Order. He further stated that all votes will be taken by Roll Call.

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

Approval of Agenda:

Motion: A motion was made by J. Livingston and seconded by S. Houde to approve the agenda, as submitted.

Roll Call: S. Copeland, aye; S. Houde, aye; J. Livingston, aye. **Motion passed by Roll Call Vote 3-0.**

Quorum Adjustment Pursuant to the Provisions of Section 7 of Chapter 92 of the Acts of 2020: S. Houde stated that the consideration for the reduction in quorum is for the October 26, 2020 Annual Fall Special Town Meeting only and that it is being considered due to the COVID-19 pandemic. S. Copeland stated that the intent is not to dissuade people from attending, but to ensure the Town Meeting starts on time and that a quorum remains throughout the meeting. S. Houde asked if it was possible to have a remote town meeting. S. Copeland stated that option is only for Towns with a Representative Town Meeting form of government. R. Pontbriand stated it can be reduced to no less than 10% of the current quorum, which is 50 and he is recommending 25. SB members agreed that they were comfortable with 25.

Mr. David Bodurtha, 28 Coolidge Road stated that he didn't feel this was necessary.

Ms. Janet Providakes, 1 Briliana Court asked what the rationale was in lowering the quorum. S. Houde clarified that we are not attempting to cap the number of people attending, but due want to ensure that we finalize all Town business in the event that fewer people came to Town Meeting because of COVID-19.

J. Livingston stated that the concerns on lowering the quorum are valid and she is recommending lowering the quorum to 40 voters.

Motion: A motion was made by J. Livingston and seconded by S. Houde to lower the quorum pursuant to the Provisions of Section 7 of Chapter 92 of the Acts of 2020 to 40 voters for the Annual Special Fall Town Meeting being held on Monday October 26, 2020. **Roll Call:** S. Copeland, no; S. Houde, aye; J. Livingston, aye. **Motion passed by Roll Call Vote 2-1.**

Adjournment:

Motion: A motion was made by S. Houde and seconded by J. Livingston to adjourn at 5:59 PM. **Roll Call:** S. Copeland, aye; S. Houde, aye; J. Livingston, aye. **Motion passed by Roll Call Vote 3-0.**

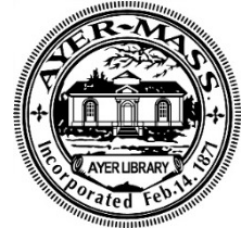
Minutes Recorded and Submitted by Carly M. Antonellis, Assistant Town Manager

Date Minutes Approved by BOS: _____

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 October 20, 2020 Meeting 2 of 2
Open Session Meeting Minutes

SB Present: Shaun C. Copeland, Chair; Scott A. Houde, Vice-Chair; Jannice L. Livingston, Clerk
All Via Remote Participation

Also Present: Robert A. Pontbriand, Town Manager
Carly M. Antonellis, Assistant Town Manager
Both Via Remote Participation

Call to Order: S. Copeland called the meeting to order at 6:00pm.

Remote Access: S. Copeland stated that pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, MGL Chapter 30A, Section 18 and the Governor's March 15, 2020 Order imposing strict limitations on the number of people that may gather in one place, this meeting of the Ayer Board of Selectmen is being conducted via remote participation. No in-person attendance of members of the public will be permitted, but every effort has been made to ensure that the public can adequately access the proceedings as provided in the Order. All votes will be taken by Roll Call.

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. **Roll Call:** S. Copeland, aye; S. Houde, aye; J. Livingston, aye. **Motion passed by Roll Call Vote 3-0.**

Announcements: J. Livingston asked to recognize the passing of Town Moderator Tommy Horgan. S. Copeland then called for a Moment of Silence.

Public Input: None

Superintendent Mark Wetzel, Department of Public Works: *Execution of Contract for Groton Shirley Road Utility Improvements* – M. Wetzel explained that there are many dirty water complaints in the Groton Shirley Road area and that this project will help remedy the problem. The Town will also be installing sewer pipes and eventually repaving the road. There were 17 general bids received on October 1, 2020. The low bidder is KJS, LLC from Walpole, MA.

Motion: A motion was made by S. Houde and seconded by J. Livingston to execute the contract between the Town of Ayer and KJS, LLC. from Walpole, MA in the amount of \$598,159.25. **Roll Call:** S. Copeland, aye; S. Houde, aye; J. Livingston, aye. **Motion passed by Roll Call Vote 3-0.**

Execution of Contract for Spectacle Pond PFAS Treatment Facility – General bids for the Spectacle Pond Water Treatment Plant PFAS Treatment Facilities were opened on September 24, 2020. Winston Builders Corporation

of Westborough, MA is the low bidder at \$5,145,889 and currently completing the Grove Pond PFAS Treatment Facility.

Motion: A motion was made by J. Livingston and seconded by S. Houde to execute the contract between the Town of Ayer and Winston Builders Corp. of Westborough, MA in the amount of \$5,145,889. **Roll Call:** S. Copeland, aye; S. Houde, aye; J. Livingston, aye. **Motion passed by Roll Call Vote 3-0.**

David Bodurtha, 28 Coolidge Road asked when the painting would be completed on Washington Street. M. Wetzel advised within the next 10 days.

Town Manager's Report: *Administrative Update/Review of Town Warrant(s)* - R. Pontbriand provided the Select Board with an update on the various activities, initiatives, and projects of the Administration since the Select Board last met. He also provided a list of signed Town Warrants in the meeting packet. He reported that the East Main Street reconstruction project was underway. The Capital Directive went out on October 2, 2020 and the new boiler at the Town Hall was recently installed, which was paid for by a grant from the Green Communities Program.

COVID-19 Update - R. Pontbriand stated that the Town is now a "yellow" community under the State's classification system. He will be meeting with the Fire Chief to discuss PPE supply and the Town's emergency sheltering plans in the near future.

Approval of DRAFT FY '22 Budget Calendar - R. Pontbriand presented the Final Draft of the FY'22 Budget Calendar.

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

October 26, 2020 Fall Town Meeting Update - R. Pontbriand stated that the Town is prepared for a successful Town Meeting on Monday evening. R. Pontbriand stated that the Town has contracted with a firm to handle the AV equipment for the overflow room, should it be needed. The live test will happen tomorrow afternoon.

David Bodurtha, 28 Coolidge Road asked about the process of selecting a Moderator for Town Meeting. R. Pontbriand explained that it will be the first order of business on Monday evening and that it will be a nomination process. Sam Goodwin has expressed interest, as he served as Moderator at the last Town Meeting due to the illness of Mr. Horgan.

Acceptance of Grant - Town Clerk's Office - R. Pontbriand asked the SB to accept a grant in the amount of \$5,000 from the Center for Tech and Civic Life that was recently awarded to the Town Clerk's Office. The grant assists in fostering safe and secure elections.

Motion: A motion was made by J. Livingston and seconded by S. Houde to accept the grant in the amount of \$5,000. **Roll Call: S. Copeland, aye; S. Houde, aye; J. Livingston, aye. Motion passed by Roll Call Vote 3-0.**

Overview of Article 4: West Main Street Property for a New Senior Center - R. Pontbriand gave a presentation regarding Article 4, which is the authorization to purchase land for a new senior center. He explained the recent feasibility report done by Abacus Architects + Planners. The feasibility report was authorized by the Annual Town Meeting of 2018. Additionally, the 2017 Master Plan identified a new Senior Center as a high priority.

David Bodurtha, 28 Coolidge Road asked why the Town was interested in both parcels. R. Pontbriand stated that the Town is hoping to tear down the existing building on the smaller parcel and build the new center on the larger parcel.

Janet Providakes, 1 Briliana Court asked about the Brook Street property. R. Pontbriand stated that the site was too small to accommodate the total project.

Sara Withee, 11 Groton Shirley Road stated that she had seen the feasibility report and that it was very well done.

New Business/Selectmen's Questions: S. Copeland stated that there was a great response on the police forum and he'd like to schedule a similar event to focus on race and diversity.

Approval of Meeting Minutes:

Motion: A motion was made by S. Houde and seconded by J. Livingston to approve the Meeting Minutes from October 6, 2020. **Roll Call:** S. Copeland, aye; S. Houde, aye; J. Livingston, aye. **Motion passed by Roll Call Vote 3-0.**

Adjournment:

Motion: A motion was made by J. Livingston and seconded by S. Houde to adjourn at 7:07 PM. **Roll Call:** S. Copeland, aye; S. Houde, aye; J. Livingston, aye. **Motion passed by Roll Call Vote 3-0.**

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

Date Minutes Approved by BOS: _____

Signature Indicating Approval: _____