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

*Broadcast and Recorded by APAC*

**July 18, 2023**

**Open Session Meeting Minutes**

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

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

**Call to Order:** S. Houde called the meeting to order at 6:00 PM. S. Houde further stated that this meeting/hearing of the Ayer Select Board (SB) 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).

**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. Copeland to approve the meeting agenda. **Motion passed 3-0.**

**Announcements:** None

**Public Input:** Fran Callahan, 98 Sandy Pond Road stated he was there because of Pirone Park and has been in Town for 79 years and a previous member of the Select Board for 9 years. He is against the project at Pirone Park. He stated that there is other land that the Town could use, such as Bishop Road and the DPW. He said he knows 50 people who are against this project.

Fred Meshna, 21 Prospect Street stated he is very confused about the process. He stated that it is his understanding that some money is going to be used for the planning and site development. S. Houde stated this is for an architectural rendering to be presented at Town Meeting. He said it doesn't make sense to spend money before it goes to the Town Meeting. He stated he didn't know about the process. J. Livingston stated there have been public meetings on this proposal. He asked how the Board can approve funding without a Town Meeting vote. S. Copeland stated that the ARPA funds are under the discretion of the Select Board.

Cynthia LeFave, 37 Old Farm Way stated that she is against building this on Pirone park. She said that the Town needs a Senior Center but not at the expense of Open Space. She does not support the Town spending money. She's asking that the Town go back to the drawing Board.

Melissa Curtis, 22 Westford Road asked about the project funding. S. Houde stated that ARPA funds are for one time use from the federal government. She then asked where the baseball/little league teams were going to play. S. Houde and J. Livingston stated that the Parks Commission is supportive of the project.

Shawn Merritt, 25 Grove Street stated that he is urging the Select Board to vote no on the use of ARPA funding for plan development at Pirone Park. He supports a new senior center, but not at Pirone Park.

Eric Sechman, 7 Church Street stated that he does not support using Pirone Park for the proposed project; he stated that is ok that the baseball field is underutilized and not every inch of open space has to be used at all times. He stated that the Town stopped having the fireworks at Pirone Park because of the concern of too many people in a small space, and now they are looking to add a building at the Park with one way in and one way out.

Dennis Curran, 51 Pleasant St. stated that it is important that he comments as a senior and that he fully understands the desire to maintain the open space. He said that the \$150,000 is to provide more than one rendering with cost estimates. He stated that the Parks Department identified Field 6 as the ideal location at the Park and that no one is taking anything away, but rather looking to enhance the Park.

Susan Copeland, 4 Mountain Ave. stated that she is not speaking directly about Pirone Park and that eventually there will be a ballot question. She does not want the integrity of the election skewed with the fact she is speaking up. The Town put forth opportunities for people to sit on the building committee and only got 3 or 4 names. She is urging people to get more involved and pay attention to what is happening with their local government. She said it is insulting to Town workers when people say they didn't know about something and that all the information is out there.

**Public Hearing – Application for G.L. c.138 sec. 12 All Alcoholic Beverages Restaurant License - Pleasant Cafe Inc. of Ayer, 7 Depot Square Ayer:** S. Houde opened the public hearing at 6:24 PM by reading the public hearing notice as advertised in the Nashoba Valley Voice on Friday July 7, 2023 and sent to statutorily required abutters. The Board is considering an application for a new G.L. c. 138, sec. 12 All Alcoholic Beverages Restaurant License from Pleasant Cafe Inc. of Ayer, 7 Depot Square Ayer, MA. Attorney Roy Pastor joined the applicant, Frank Dzerkacz. C. Antonellis stated that the application has been reviewed by the departments and the Police Chief had follow-up questions about the floor plan and food trucks. F. Dzerkacz stated that they may bring in an ice cream truck occasionally. J. Livingston asked about the menu. F. Dzerkacz stated it'll be basic burger and fries and will mirror the Maynard location.

Pauline Conley, 40 Cambridge Street asked what the status of the former tenant's license was. C. Antonellis said it was back in the Town's possession.

**Motion:** A motion was made by S. Copeland and seconded by J. Livingston to approve the Liquor License Application for Pleasant Café Inc. as requested. **Motion passed 3-0.**

**Motion:** A motion was made by J. Livingston and seconded by S. Copeland to close the public hearing at 6:31 PM. **Motion passed 3-0.**

**Municipal Aggregation Update – Colonial Power Group:** C. Antonellis introduced Mark Cappadona and Denise Allard from Colonial Power Group who were attending via Zoom. She also noted that an email went out earlier today informing residents and business owners that the DRAFT Municipal Aggregation Plan is now on the Town's website and in the Town Clerk and Town Manager's office for public input starting tomorrow for the next 30 days. Mark Cappadona stated that the aggregation

program is about the supply side of the electricity bill. It is a Town program that is an opt-out of at any time, that essentially works with 3<sup>rd</sup> party suppliers. He stated that before the program starts, everyone that is signed up for basic service will receive a letter with the choice to opt-out. Colonial Power Group runs this program in 80 other communities in Massachusetts. After the 30-day public comment period is over, the Select Board will vote on the plan, which will then get sent to the Department of Energy Resources and the Department of Public Utilities (DPU). He noted that the DPU has a long backlog, and it could be up to 3 years before approval. National Grid will continue to be the Town's distribution company. The savings are not guaranteed but are dictated by the market. He noted there have been significant savings as of late.

Denise Allard stated that any utility discount, budget billing, or access to MassSave will still be in effect and will not change with the implementation of this program. M. Cappadona stated that if you have solar on your house, the program will still work for you but instead of paying the National Grid rate, you'll pay the Town aggregation rate.

Pauline Conley, 40 Cambridge Street asked if the aggregation rate was annual. M. Cappadona stated that it will be up to the Town to make that decision.

Eric Sechman, 7 Church Street asked if you already used a 3<sup>rd</sup> party supplier, would you automatically be enrolled in the Town's plan. M. Cappadona stated that that no they would not because they are in an agreement with another 3<sup>rd</sup> party supplier. There is always the option to opt-in to the Town's program but urged consumers to make sure there is no penalty for leaving a current agreement early.

**Request for Abatement - Water Bill - 95 Washington Street:** Matt Murphy, 95 Washington Street was back in attendance following the last Select Board meeting with more information on the amount of the requested abatement. Mr. Murphy is requesting \$389.07.

**Motion:** A motion was made by J. Livingston and seconded by S. Copeland to request the abatement in the amount of \$389.07 to Matthew Murphy for his water bill. **Motion passed 3-0.**

**ARPA Funding Request from the Building Committee for the Proposed Senior Center/Community Center:** Katie Petrossi, Chair and Ken Diskin, Vice-Chair of the Senior/Community Center Building Committee joined the SB. K. Petrossi thanked the Board for their consideration. K. Diskin stated that the site selection of Pirone Park was a cooperative effort between the Parks Commission and the COA. He said that there is a misconception that there were no other sites considered, which is not true. Over 14 sites were looked at; some of those conversations were private because financial information was being shared. He stated the project may not work on the site, but at this point we have to take a risk to be able to present the project to Town Meeting.

S. Houde asked what the \$150,000 in ARPA funding would yield. C. Antonellis stated that they have received a proposal from Catlin Architecture which would provide soil investigation, civil, structural, environmental and cost estimation. C. Antonellis stated that she met with John Catlin (Catlin Architecture), Katie Petrossi, Kevin Malantic (Parks Commission) at Pirone Park to show the site and what the public concerns were with the project. The total cost of the proposal was \$125,000 (\$25,000 going towards the geotechnical consulting).

J. Livingston stated that no shovel would go into the ground unless Town Meeting stated go forward. K. Petrossi stated correct, that these drawings will allow voters to make an informed decision.

P. Conley, 40 Cambridge Street asked what the plan would be to recoup ARPA funds, if the State Public

Lands Protection Act will prohibit the building of the center on Pirone Park. S. Houde stated that there were no plans to recoup the funds, as they were one-time ARPA funds. C. Antonellis stated that there is a misconception floating around that the Town is not able to build on Pirone Park, which is not true. The Town can build on Pirone Park, provided it follows the Article 97 process, which the Town will do. P. Conley then asked about an RFP process for hiring an architect/engineer. C. Antonellis stated design services are exempt from the bidding process. P. Conley asked if the Town was only looking at one architect. C. Antonellis stated that she and D. Van Schalkwyk had reviewed a list of firms that had submitted to the Town for the feasibility study and were recommending Catlin Architecture. K. Petrossi agreed.

Shawn Merritt, 25 Grove Street asked about the format of the meeting and when the public could speak. S. Houde stated all public are welcome to speak during public input and may ask questions throughout the meeting.

There was additional discussion.

**Motion:** A motion was made by S. Copeland and seconded by J. Livingston to approve \$150,000 in ARPA funding for the Building Committee for the proposed Senior/Community Center. **Motion passed 3-0.**

**Ayer + Devens 2033 Study & Report Committee Interviews/Appointments:** The Select Board interviewed the following candidates to serve on the Ayer + Devens 2033 Study & Report Committee: Jim Fay, Rebecca Jones, Sandra Kelly, Rachel Kozera, Barry Schwarzel, Erich Sechman, Geof Tillotson and Ben Vogelsang. The Board was impressed with all the candidates and wished to appoint them all. There was room for only 7 resident positions. The Board discussed increasing those seats from 7 to 9 and are recommending that Geof Tillotson serve as one of the two Planning Board reps.

**Motion:** A motion was made by S. Copeland and seconded by J. Livingston that the SB expand the Committee membership from 9 to 11 positions. **Motion passed 3-0.**

**Motion:** A motion was made by S. Copeland and seconded by J. Livingston to appoint the following residents to the Ayer + Devens 2033 Committee: Jim Fay, Rebecca Jones, Sandra Kelly, Rachel Kozera, Barry Schwarzel, Erich Sechman, and Ben Vogelsang. **Motion passed 3-0.**

**Dan Van Schalkwyk, Director, Department of Public Works - Ratification of Agreement for W.**

**Main St. Emergency 24" Sewer Trunk Repair:** D. Van Schalkwyk reported that a sink hole had opened up on Main Street last week and that the Town had to make emergency repairs. The Town procured a Contractor under emergency conditions to replace the failed pipe as soon as possible. He is recommending that the Board vote to ratify an Agreement and Amendment with GVC Construction, Inc. of Lunenburg, MA. He showed the Select Board several photos of the repair process.

**Motion:** A motion was made by S. Copeland and seconded by J. Livingston to ratify the agreement with GVC Construction, Inc. for emergency repairs up to \$100,000. **Motion passed 3-0.**

**Motion:** A motion was made by S. Copeland and seconded by J. Livingston to approve an amendment to the emergency repairs contract to allow the repair work up to \$250,000. **Motion passed 3-0.**

*Award of Sandy Pond Road Sanitary Sewer Rehabilitation Project* – D. Van Schalkwyk stated he has been doing analysis on available funds for this project. He detailed the benefits of using a UV liner vs. a water/steam liner and is recommending a UV liner. He is requesting \$600,000 in ARPA funds to be used for this project.

**Motion:** A motion was made by J. Livingston and seconded by S. Copeland to authorize \$600,000 in ARPA funds for inflow/infiltration repairs. **Motion passed 3-0.**

**Motion:** A motion was made by J. Livingston and seconded by S. Copeland to award the Sandy Pond Road Sanitary Sewer Rehabilitation Project Alternative 2 to National Water Main Cleaning Company in the amount of \$1,398,831. **Motion passed 3-0.**

*Change Order 2 – Ayer W. Main St. Public Infrastructure Project (MassWorks)* – D. Van Schalkwyk presented Change Order 2 for the construction of the Ayer West Main Street Public Infrastructure Project. The change order includes additional work due to unknown utilities, unforeseen concrete base material, winter pavement markings, curbing changes, and overages for some actual quantities versus estimated quantities at time of bidding; for a total amount of \$347,105.69. He is recommending approval of Change Order No. 2 for the Ayer West Main Street Public Infrastructure Project, Onyx Corporation, in the amount of \$347,105.69 for signature by the Chair.

**Motion:** A motion was made by S. Copeland and seconded by J. Livingston to approve Change Order #2 for Onyx Corporation in the amount of \$347,105.69 with signature by the Chair. **Motion passed 3-0.**

*Water Supply Update* – D. Van Schalkwyk reported that water production has been resilient over the past couple of weeks and the large usage spikes have come down.

*Central Ave./Groton Harvard Road 4-Way Stop* – D. Van Schalkwyk stated that the 4-way stop conversion at Central Ave. and Groton Shirley Road will take place on Wednesday July 26, 2023.

*Transfer Station Wednesday Hours Update* – D. Van Schalkwyk detailed a memo in the Select Board's packet relative to the extended Wednesday hours at the transfer station.

J. Livingston asked if anyone had called to complain about the hours. D. Van Schalkwyk stated no. She stated that she is not in favor of the Town doing another survey. She then asked how the Town is monitoring customers that drive in without a sticker because it has been mentioned online. D. Van Schalkwyk stated he hadn't heard anything but will mention it to Transfer Station personnel. J. Livingston stated that she thinks the Board should keep the hours the way they are. S. Houde agreed and added he would like more context with the numbers in the memo. J. Livingston stated that the Town is inadvertently causing a problem by trying different approaches to increase the number of customers. She stated that a working group looked at the issue in 2014 and perhaps it was time to look at it again, as far as what is and isn't working.

Pauline Conley, 40 Cambridge Street stated that there have been a number of posts on Facebook encouraging people to use the transfer station without a permit. She would like a cost-benefit analysis.

J. Livingston asked if transfer station employees were still working forty hours a week. D. Van Schalkwyk stated no, there are overtime hours available every week.

The Board agreed to keep the hours at the transfer station status quo.

**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. R. Pontbriand reported that there has been a successful close out of the FY '23 budget.

*Appointments* – R. Pontbriand is recommending that Amanda Lewis, Benefits and Payroll Manager and Kevin Johnston (Retired) being appointed to the Insurance Advisory Committee.

**Motion:** A motion was made by J. Livingston and seconded by S. Copeland to appoint Ms. Amanda Lewis to the Insurance Advisory Committee, term to expire June 30, 2024. **Motion passed 3-0.**

**Motion:** A motion was made by S. Copeland and seconded by J. Livingston to appoint Mr. Kevin Johnston as the Retiree representative to the Insurance Advisory Committee, term to expire June 30, 2024. **Motion passed 3-0.**

R. Pontbriand is also recommending that Ms. Donna Lavoie be appointed to the Disabilities Commission.

**Motion:** A motion was made by J. Livingston and seconded by S. Copeland to appoint Ms. Donna Lavoie to the Disabilities Commission, term to expire June 30, 2024. **Motion passed 3-0.**

*Update on Opioid Settlement Allocation* – R. Pontbriand updated the Select Board on the opioid settlement allocation. He has spoken with the Attorney General’s Office. The Town was part of a federal class action lawsuit with 51 parties (all 50 states and the District of Columbia) and that settlement figures were reached at a federal level. One aspect of the formula was number of deaths by county, which may be one reason that Harvard in Worcester County received more than Ayer in Middlesex County. R. Pontbriand stated that he will reach out to the national settlement administrator to inquire about the discrepancy between Ayer and Harvard. The Town of Ayer will be making a determination on what they will be using the funds for in the coming months.

**New Business/Select Board Member Questions - Devens Jurisdictional Framework Committee**

**(DJFC) Update – SB Member Livingston:** J. Livingston stated that no formal votes were taken at the last meeting of the DJFC. She reported to the DJFC that the local Ayer Committee would be up and running by August. She stated that the local Harvard Committee has recently discussed changing the study date of 2033 to 2024 or as soon as possible due to Senator Cronin’s attempt to change Chapter 498 without any of the Town’s or Senator Eldridge’s knowledge. The Town of Shirley is working on getting their local committee up and running. She gave an update from each of the DJFC stakeholders. She noted that MassDevelopment is still not at the table and that they wouldn’t be joining for several years as 2033 approaches. She stressed the need for a consultant to help the three towns navigate through the process. The Devens census shows about 500 residents. The DJFC will be meeting on October 11, 2023 in Ayer. There was additional discussion about reporting dates and timelines. Community and Economic Development Director Alan Manoian joined the SB and stated that the first step is a study from all three Towns and then in 2 years submit a report to the State.

**Approval of Meeting Minutes:** The SB agreed to table the June 20, 2023 until the August 15, 2023 meeting.

**Adjournment:**

**Motion:** A motion was made by S. Copeland and seconded by J. Livingston to adjourn at 8:37 PM.  
**Motion passed 3-0.**

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

Date Minutes Approved by SB: 8/15/23

Signature Indicating Approval: 