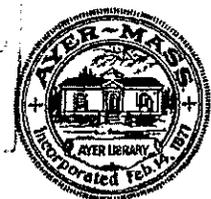


DEC 12 2013
3:10pm



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

Tuesday, December 17, 2013, 7:00pm

Executive Session Meeting Agenda (6:00pm)

- 6:00pm Call to Order in Open Session
- 6:05pm Executive Session pursuant to MGL Chapter 30A, Section 21A:
Exemption #3 (Collective Bargaining Strategy) AFSCME 93 Town Hall/Clerical Union
Exemption #3 (Collective Bargaining Strategy) Fire Contract Negotiations Update
Exemption #6 (To Consider Purchase of Real Property) Kohler Place

*Open Session Meeting Agenda (7:00pm)

- **7:00pm Reconvene/Call to Order in Open Session – Review and Approve the Agenda;
Announcements
- 7:05pm PUBLIC INPUT
- 7:15pm PUBLIC HEARING pursuant to MGL Chapter 139 as to whether or not 37 Willard
Street, Ayer, MA is a nuisance to the neighborhood or dangerous, and if found to be so,
to prescribe its disposition, alteration or regulation as defined by MGL Chapter 139
- 8:00pm Mr. Mark Wetzel, DPW Superintendent's Report
 - Water Meter and Automatic Meter Reading System Purchase Order \$199,321.19 (year one)
 - Old Groton Road Re: Winter Maintenance Discussion
 - Willows Development, LLC Payment for Water Tank Construction
- 8:30pm Approval of All 2014 License Renewals
- 8:45pm Town Administrator's Report
 - DRAFT RFP for the Disposition of 76 Central Avenue
 - Proposal for the Disposition Process of the Old Central Fire Station
 - Town-Wide Life Insurance Policy Proposal Discussion
- 9:00pm New Business / Selectmen's Questions
 - Economic Analysis of Ayer Update (Selectman Hillman)
 - Memorial Garden Vegetation Plan Update (Selectman Hillman)
- 9:10pm Approval of Minutes: Oct. 15, 2013; Nov. 12, 2013; Nov. 19, 2013; Dec. 3, 2013
- 9:15pm Adjournment

**Note: All Ayer Board of Selectmen Open Session Meetings are recorded and broadcast by Ayer Public Access Cable Television (APAC) and are posted at a later date on the Town of Ayer's Website at www.ayer.ma.us*

***Note: Times assigned to Agenda Items are for planning purposes only and do not necessarily constitute the exact time for any Agenda Item.*

Town of Ayer
BOARD OF SELECTMEN
Meeting Packet For
Tuesday, December 12, 2013, 7:00pm
Ayer Town Hall, 1st Floor Meeting Room

7:00pm RECOVENE/CALL TO ORDER IN OPEN SESSION

- Review and Approve the Agenda; Announcements

PUBLIC INPUT

PUBLIC HEARING 7:15PM: REGARDING 37 WILLARD STREET, AYER

At 7:15pm the Ayer Board of Selectmen will conduct a Public Hearing pursuant to MGL Chapter 139 as to whether or not 37 Willard Street, Ayer, MA is a nuisance to the neighborhood or dangerous, and if found to be so, to prescribe its disposition, alteration or regulation as defined by MGL Chapter 139

- Notice of Hearing to be read into the record (See Attached)
- MGL Chapter 139 (See Attached)
- Building Commissioner's File (See Attached)
- Board of Health's File (See Attached)
- Fire Chief Pedrazzi will be present at the Hearing
- Building Commissioner Vellante will be present at the Hearing

Board of Selectmen

MEETING TUESDAYS AT 7:00 P.M. • UPPER TOWN HALL • 1 MAIN STREET • AYER, MASSACHUSETTS 01432



Tel. (978) 772-8220
Fax. (978) 772-3017

Town Administrator
(978) 772-8210

Via Certified U.S. Mail; Regular U.S. Mail and Electronic Mail

December 6, 2013

Mr. Dennis Brannon
8 Green St.
Tewksbury, MA. 01876

SUBJECT: Notice of Hearing by the Ayer Board of Selectmen for Tuesday, December 17, 2013 at 7:15pm at the Ayer Town Hall, 1 Main Street, Ayer, MA 01432 under the provisions of MGL Chapter 139 as to whether or not 37 Willard Street, Ayer, MA is a nuisance defined by Statute (MGL Chapter 139)

Dear Mr. Brannon,

On Tuesday, December 3, 2013, the Ayer Board of Selectmen at their Open Session Meeting voted unanimously to authorize this Notice of Hearing for Tuesday, December 17, 2013 at 7:15pm at the Ayer Town Hall, 1 Main Street, Ayer, MA 01432 for determination under MGL Chapter 139 as to whether or not 37 Willard Street, Ayer, MA 01432 is a nuisance as defined by Statute (MGL Chapter 139).

Accordingly, you are hereby advised that pursuant to G.L. c.139, §1, the Ayer Board of Selectmen will hold a public hearing to determine whether the property located at 37 Willard Street, Ayer, MA is a nuisance to the neighborhood or dangerous, and if found to be so, to prescribe its disposition, alteration or regulation.

This Hearing will be conducted publically by the Ayer Board of Selectmen on Tuesday, December 17, 2013 at 7:15pm in the First Floor Meeting Room of the Ayer Town Hall located at 1 Main Street, Ayer, MA 01432.

As the record owner of the property, you are invited to attend the hearing. You will be given an opportunity to be heard and to introduce evidence. You may be represented by counsel if you so choose.

Sincerely,

Robert A. Pontbriand
Ayer Town Administrator

Cc: Ayer Board of Selectmen
Mr. Gabriel Vellante, Building Commissioner
Fire Chief Robert J. Pedrazzi
Police Chief William A. Murray
Ayer Board of Health
Attorney Brian J. Winner, Town Counsel

7006 2150 0001 8707 6394

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Paul Brannon	
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City, State, ZIP+4 [®] Tewksbury, MA 01876	

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- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Dennis Brannon
8 Green Street
Tewksbury, MA 01876

2. Article Number

(Transfer from service label)

COMPLETE THIS SECTION ON DELIVERY

A. Signature

 Agent's Address
 X *Dennis Brannon*

B. Received by (Printed Name)

C. Date of Delivery

12-11-

 D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

3. Service Type

- Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee)

 Yes

7006 2150 0001 8707 6394



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THE COMMONWEALTH OF MASSACHUSETTS

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PART I **ADMINISTRATION OF THE GOVERNMENT**
(Chapters 1 through 182)

[PREV](#) [NEXT](#)

TITLE XX **PUBLIC SAFETY AND GOOD ORDER**

[PREV](#) [NEXT](#)

CHAPTER 139 **COMMON NUISANCES**

[PREV](#) [NEXT](#)

Section 1 **Orders adjudging buildings, structures or vacant land to be nuisances; notice, hearing and service of copy of order**

[PREV](#) [NEXT](#)

Section 1. The aldermen or selectmen in any city or town may, after written notice to the owner of a burnt, dilapidated or dangerous building or other structure, or his authorized agent, or to the owner of a vacant parcel of land, and after a hearing, make and record an order adjudging it to be a nuisance to the neighborhood, or dangerous, and prescribing its disposition, alteration or regulation. The city or town clerk shall deliver a copy of the order to an officer qualified to serve civil process, who shall forthwith serve an attested copy thereof in the manner prescribed in section one hundred and twenty-four of chapter one hundred and eleven, and make return to said clerk of his doings thereon.

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**PROCEDURE FOR REMOVAL
OF BURNT OR DANGEROUS BUILDING
ADJUDGED A NUISANCE UNDER G. L. CHAPTER 139**

1. Notice to Owner: The Selectmen must give written notice to the owner, or his authorized agent, of their intention to (1) hold a hearing to consider whether a burnt, dilapidated or dangerous building or other structure should be declared a nuisance to the neighborhood, or dangerous, and (2) if such a determination is made, to make an order directing the owner to take such action as is necessary to eliminate the nuisance or danger.

The notice should specify the date, time and place of the hearing. If possible, the notice should be hand delivered and sent by mail. If hand delivery is not possible, notice should be sent by both regular mail and certified mail, return receipt requested. G.L. c. 139, s.1

2. Hearing: At the hearing the Selectmen should review all the facts relating to the condition of the building or structure in question. If there are any reports from Town officers or other sources, they should be referenced and made a part of the record of the hearing. If possible, photographs of the property should also be included in the record. The owner of the property should be permitted to speak and offer any evidence as to why the building or structure is not a nuisance or dangerous. At the conclusion of the hearing the Selectmen should take a vote as to whether they adjudge the building or structure to be a nuisance or dangerous. G.L. c. 139, s.1

3. Order: If the building or structure is adjudged a nuisance or dangerous, the Selectmen are authorized to issue an order for its "disposition, alteration or regulation." The order must be in writing and must specifically state the action to be taken by the owner to eliminate the nuisance or danger, and must specify the time by which that action must be taken. G.L. c. 139, s.1

4. Service of Order: The order must be served by an officer qualified to serve civil process. A bonded constable in the Town may serve the order. The order may be served in person on the owner or his authorized agent, or a copy may be left at the last and usual dwelling place of the owner or agent. Service may also be by registered mail, return receipt requested. If possible, service should be in person, with a copy by mail.

If the residence and whereabouts of the owner or his agent are unknown or are outside of Massachusetts, the order may be served by posting a copy in a conspicuous place on the subject property and by advertising the order for at least three of five consecutive days in one or more newspapers of general circulation within the Town. G.L. c. 139, s.1; c. 111, s. 124

5. Right of Appeal: A "person aggrieved" by the order may file an appeal in the Superior Court by starting a civil action within three days after service of the order upon him. The appeal includes a trial by jury. If an appeal is pending, the Town should not take action against the building or structure. G.L. c. 139, s. 2

6. Failure of Owner to Comply with Order: If the owner or his agent does not comply with the order, and does not file an appeal, the Town may, through the Selectmen, take such action as is necessary to remove the nuisance or danger. If the Town acts to demolish or remove the

building or structure, the cost of such demolition or removal becomes a debt due the Town upon the completion of the work and the delivering of an account of such cost to the owner or his authorized agent. The debt may be recovered by a contract claim in court.

If the debt is not paid, it shall be a lien on the land if a statement of claim, signed by the Board of Selectmen, and setting forth the amount due is recorded with the Registry of Deeds within 90 days after the debt becomes due. G.L. c. 139, ss. 3, 3A; c. 111, s. 125

BUILDING COMMISSIONER
TOWN OF AYER

GABRIEL J. VELLANTE JR.
TOWN HALL
1 MAIN ST.
AYER, MA. 01432

DEC 12 2013

TELEPHONE (978) 772-8214

10, Dec., '13

37 Willard St. file as requested

Sincerely,

Gabriel J. Vellante Jr.

Gabriel J. Vellante Jr.
Building Commissioner/Zoning Enforcement Officer

Gabe Vellante

From: Robert Pontbriand <ta@ayer.ma.us>
Sent: Tuesday, December 10, 2013 11:48 AM
To: 'Gabe Vellante'; 'Chief Pedrazzi'; 'Chief William Murray'; boh@ayer.ma.us; hhasz@ayer.ma.us
Cc: ayerbos@ayer.ma.us; 'Janet Lewis'
Subject: Public Hearing on 37 Willard Street Per MGL Chapter 139 at 7:15pm on Tuesday, December 17, 2013 at 7:15pm

Importance: High

FOR INFORMATIONAL PURPOSES ONLY. NOT FOR DELIBERATION.

Dear All,

As you are aware, the Board of Selectmen will be conducting a Public Hearing pursuant to MGL Chapter 139 on Tuesday, December 17, 2013 at 7:15pm to determine whether or not 37 Willard Street is a nuisance per the Statute (Chapter 139).

In preparation for this Public Hearing please submit any and all letters, documents, evidence that your respective Departments have on 37 Willard Street so that the Board of Selectmen can review those materials as well as enter them into the Official Record of the Public Hearing.

Please provide copies of all materials to the BOS Office no later than 12pm (noon) on Friday, December 13, 2013 for inclusion in the BOS packets.

Thank you.

Sincerely,

Robert

Robert A. Pontbriand
Ayer Town Administrator

Ayer Town Hall
1 Main Street
Ayer, MA 01432

(978)772-8210
ta@ayer.ma.us

Gabe Vellante

From: Gabe Vellante <bldg@ayer.ma.us>
Sent: Tuesday, December 10, 2013 10:39 AM
To: 'dennisbrannon'
Subject: RE: 37 Willard Street update

Dennis,
I met with the Town Administrator this morning and discussed your property.
Since this issue has been taken up by the Board of Selectmen, it must run its course.
They will take up the issue at their next meeting on 17,Dec.,'13, as you have been notified.
I suggest that you attend and bring any documentation of your progress and intentions.
(IE: Signed contract for demo work and abatement work etc.) .
Thank you,
Gabe

From: dennisbrannon [<mailto:dennisbrannon@gmail.com>]
Sent: Tuesday, December 10, 2013 8:18 AM
To: Gabe Vellante
Subject: RE: 37 Willard Street update

thanks. I look forward to hearing from you. Good luck.

Sent from my Samsung Galaxy Rush

----- Original message -----

From: Gabe Vellante <bldg@ayer.ma.us>
Date: 12/10/2013 8:13 AM (GMT-05:00)
To: 'Dennis Brannon' <dennisbrannon@gmail.com>
Subject: RE: 37 Willard Street update

Thank you for your prompt reply.
I will meet with the Town Administrator today regarding this matter and will
get back to you either today or Thursday morning

Gabe

-----Original Message-----

From: Dennis Brannon [<mailto:dennisbrannon@gmail.com>]
Sent: Tuesday, December 10, 2013 7:19 AM
To: Gabriel Vellante
Cc: Dennis Brannon
Subject: 37 Willard Street update

Gabe,

Met with Greg Harding and his preferred demo guy Ray at the house on Monday (Dec. 9) so they could see inside.

Ray will handle the demolition and work with Greg for the asbestos containment.

Bob from A1 to do the monitoring and AWP.

I received Ray's proposal last night and I'm reviewing it now. The house and basement will be removed and filled in.

Ray is out of town the rest of the week, so the demo will have to be next week.

So I now have a contractor that will handle both the demo and asbestos and identified who will do the monitoring.

Since all the issues have been resolved except for the date when the demo happens, would it be possible to cancel the hearing or postpone it? I assume the purpose was to apply more pressure to show results.

But this was all already underway before the hearing was scheduled. I'm hoping to not need to hire legal counsel for the hearing.

This is already a very expensive project.

Dennis Brannon

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<http://www.avast.com>

Gabe Vellante

From: Brian J. Winner <BWinner@k-plaw.com>
Sent: Tuesday, December 10, 2013 10:18 AM
To: Robert Pontbriand
Cc: Gabe Vellante; Gregg J. Corbo; Mark R. Reich
Subject: RE: 37 Willard Street update

Dear Robert,

I agree that the Board should proceed. If they are able to complete the work to the Town's satisfaction prior to the hearing, the Board's decision can reflect that. If the work is not started or not completed by then, the Board's can proceed and it can choose to recognize their representations and take that into account in any decision it reaches if it wishes to. Since the hearing is on the 27th, they should have plenty of time.

Please contact me if you wish to talk about this further.

Brian

Brian J. Winner, Esq.
Kopelman and Paige, P.C.
101 Arch Street
Boston, MA 02110-1109
617-654-1823
617-654-1735 (Fax)
bwinner@k-plaw.com

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From: Robert Pontbriand [<mailto:ta@ayer.ma.us>]
Sent: Tuesday, December 10, 2013 10:04 AM
To: Brian J. Winner
Cc: Gabe Vellante; Gregg J. Corbo; Mark R. Reich
Subject: Fwd: 37 Willard Street update

Dear Brian,

FYI below. Please advise. The BOS is intending to proceed with the Hearing.

Thank you.

Robert

Begin forwarded message:

From: "Gabe Vellante" <bldg@ayer.ma.us>
Date: December 10, 2013 at 8:13:57 AM EST
To: "Dennis Brannon" <dennisbrannon@gmail.com>
Subject: RE: 37 Willard Street update

Thank you for your prompt reply.
I will meet with the Town Administrator today regarding this matter and will get back to you either today or Thursday morning

Gabe

-----Original Message-----

From: Dennis Brannon [<mailto:dennisbrannon@gmail.com>]
Sent: Tuesday, December 10, 2013 7:19 AM
To: Gabriel Vellante
Cc: Dennis Brannon
Subject: 37 Willard Street update

Gabe,
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Ray will handle the demolition and work with Greg for the asbestos containment.
Bob from A1 to do the monitoring and AWP.
I received Ray's proposal last night and I'm reviewing it now. The house and basement will be removed and filled in.
Ray is out of town the rest of the week, so the demo will have to be next week.
So I now have a contractor that will handle both the demo and asbestos and identified who will do the monitoring.

Since all the issues have been resolved except for the date when the demo happens, would it be possible to cancel the hearing or postpone it? I assume the purpose was to apply more pressure to show results. But this was all already underway before the hearing was scheduled. I'm hoping to not need to hire legal counsel for the hearing. This is already a very expensive project.

Dennis Brannon

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<http://www.avast.com>

Gabe Vellante

From: Gabe Vellante <bldg@ayer.ma.us>
Sent: Tuesday, December 10, 2013 8:14 AM
To: 'Dennis Brannon'
Subject: RE: 37 Willard Street update

Thank you for your prompt reply.

I will meet with the Town Administrator today regarding this matter and will get back to you either today or Thursday morning

Gabe

-----Original Message-----

From: Dennis Brannon [<mailto:dennisbrannon@gmail.com>]
Sent: Tuesday, December 10, 2013 7:19 AM
To: Gabriel Vellante
Cc: Dennis Brannon
Subject: 37 Willard Street update

Gabe,

Met with Greg Harding and his preferred demo guy Ray at the house on Monday (Dec. 9) so they could see inside.

Ray will handle the demolition and work with Greg for the asbestos containment.

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Dennis Brannon

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<http://www.avast.com>

Gabe Vellante

From: Robert Pontbriand <ta@ayer.ma.us>
Sent: Friday, December 06, 2013 4:39 PM
To: ayerbos@ayer.ma.us; hhasz@ayer.ma.us; boh@ayer.ma.us; 'Chief Pedrazzi'; 'Chief William Murray'; bldg@ayer.ma.us
Cc: 'Brian J. Winner'; 'Gregg J. Corbo'; 'Mark R. Reich'
Subject: Notice of Hearing for 37 Willard Street
Attachments: Notice of Hearing for 37 Willard Street Ayer MA 12-17-2013 715pm.pdf

FOR INFORMATIONAL PURPOSES ONLY. NOT FOR DELIBERATION.

Dear All,

Attached is the electronic version of the Notice of Hearing pursuant to MGL Chapter 139 for 37 Willard Street which was sent via U.S. Regular Mail, Certified Mail, and Electronic Mail today.

Sincerely,

Robert

Robert A. Pontbriand
Ayer Town Administrator

Ayer Town Hall
1 Main Street
Ayer, MA 01432

(978)772-8210
ta@ayer.ma.us

Gabe Vellante

From: Gabe Vellante <bldg@ayer.ma.us>
Sent: Thursday, December 05, 2013 9:20 AM
To: 'Dennis Brannon'
Subject: RE: 37 Willard St.

Dennis

Thanks for the update. I need some solid dates for work to start. The Board is getting upset with the lack of some strong progress on this property.

Gabe

-----Original Message-----

From: Dennis Brannon [<mailto:dennisbrannon@gmail.com>]
Sent: Thursday, December 05, 2013 6:52 AM
To: Gabriel Vellante
Subject: 37 Willard St.

I'm waiting on an update from AeroTec Environmental. I'll check with them to see how its going and let you know.
Dennis Brannon

This email is free from viruses and malware because avast! Antivirus protection is active.
<http://www.avast.com>

Gabe Vellante

From: Dennis Brannon <dennisbrannon@gmail.com>
Sent: Tuesday, December 03, 2013 6:25 AM
To: Gabriel Vellante
Subject: 37 Willard Street

I'm in contact with Greg Harding of AeroTec Environmental for the asbestos abatement.
I'll send you the date as soon as I get it.

Dennis Brannon

Gabe Vellante

From: Dennis Brannon <dennisbrannon@gmail.com>
Sent: Tuesday, November 26, 2013 8:33 AM
To: Gabe Vellante
Subject: Re: 37 Willard St.

I understand. Rich was not interested in scheduling or coordinating the HazMat work, but is still interested in doing the Demo work. I'll get you firm dates and names for the HazMat work as soon as I have them.

I will line up a Demo contractor to start when the HazMat work is complete and will send you the contractor's name.

Dennis Brannon

Homeowner

On 11/26/2013 8:01 AM, Gabe Vellante wrote:

The HazMat removal will be done first. They will furnish you a Certificate at the end of that phase to certify the building is clean.

You should have your demo contractor scheduled to continue the remaining demo immediately after the HazMat work.

In many instances the Demo contractor will also schedule or coordinate the HazMat work. That's up to you.

I need some firm dates on this work and contractor's names so that I can show them to the Town Administrator and Selectmen.

Gabe Vellante

Building Commissioner

-----Original Message-----

From: Dennis Brannon [<mailto:dennisbrannon@gmail.com>]

Sent: Thursday, November 21, 2013 3:35 PM

To: Gabe Vellante

Subject: Re: 37 Willard St.

Mr. Vellante,

Thank you for your reply. I didn't see it before I sent my Thursday update. Sounds like we are in agreement on what needs to be done. By demo contractor I assume you mean for hazardous waste demo. That part has to come first, right?

Thank you.

Dennis Brannon

On 11/21/2013 3:13 PM, Gabe Vellante wrote:

Mr. Brannon,

Thank you for the update.

The Selectmen are not happy with the progress being made on this issue

and are considering taking legal action.

Please update me no later than next Tuesday on the status of the demo

and scheduling.

You need to have your Demo contractor identified and the tentative

time line for the work established.

Thank you,

Gabe Vellante

-----Original Message-----

Gabe Vellante

From: Chief Pedrazzi <firechief@ayer.ma.us>
Sent: Tuesday, November 26, 2013 9:07 AM
To: gvellante@ayer.ma.us
Subject: Incident report from 11 Groton School Rd. 11/25/13
Attachments: 2013_11_26_09_05_04.pdf

Hi Gabe,

Attached is the report from last nights incident.

Chief

From: Dennis Brannon [<mailto:dennisbrannon@gmail.com>]
Sent: Tuesday, November 19, 2013 8:13 AM
To: Gabriel Vellante
Subject: 37 Willard St.

Rich said he'd contact you on Nov. 11. Then nothing. I've been trying to reach him via mail, text, and phone. He finally called on the 18th. No progress. I thought I had a construction supervisor to handle the demolition. sigh...that was a wrong assumption. So I'm making the phone calls today and will coordinate the companies to do the demolition. I'll keep you updated with the progress and will send you an update on

Thursday.

I want to get this nightmare over with as quickly as possible.

I know you want to see results. I do too. I've been sick with a severe cold with fever and racking cough that made talking difficult. I still not over it, but cough drops are now working to control the cough.

I had also assumed Rich was keeping you updated. I'll do that now.

Dennis Brannon

Gabe Vellante

From: Gabe Vellante <bldg@ayer.ma.us>
Sent: Tuesday, November 26, 2013 8:02 AM
To: 'Dennis Brannon'
Subject: RE: 37 Willard St.

The HazMat removal will be done first. They will furnish you a Certificate at the end of that phase to certify the building is clean.

You should have your demo contractor scheduled to continue the remaining demo immediately after the HazMat work. In many instances the Demo contractor will also schedule or coordinate the HazMat work. That's up to you.

I need some firm dates on this work and contractor's names so that I can show them to the Town Administrator and Selectmen.

Gabe Vellante

Building Commissioner

-----Original Message-----

From: Dennis Brannon [<mailto:dennisbrannon@gmail.com>]
Sent: Thursday, November 21, 2013 3:35 PM
To: Gabe Vellante
Subject: Re: 37 Willard St.

Mr. Vellante,

Thank you for your reply. I didn't see it before I sent my Thursday update. Sounds like we are in agreement on what needs to be done. By demo contractor I assume you mean for hazardous waste demo. That part has to come first, right?

Thank you.

Dennis Brannon

On 11/21/2013 3:13 PM, Gabe Vellante wrote:

> Mr. Brannon,
> Thank you for the update.
> The Selectmen are not happy with the progress being made on this issue
> and are considering taking legal action.
> Please update me no later than next Tuesday on the status of the demo
> and scheduling.
> You need to have your Demo contractor identified and the tentative
> time line for the work established.
> Thank you,
> Gabe Vellante

>

>

> -----Original Message-----

> From: Dennis Brannon [<mailto:dennisbrannon@gmail.com>]
> Sent: Tuesday, November 19, 2013 8:13 AM
> To: Gabriel Vellante
> Subject: 37 Willard St.

>

> Rich said he'd contact you on Nov. 11. Then nothing. I've been

- > trying to reach him via mail, text, and phone.
- > He finally called on the 18th. No progress. I thought I had a
- > construction supervisor to handle the demolition.
- > sigh...that was a wrong assumption. So I'm making the phone calls
- > today and will coordinate the companies to do the demolition. I'll
- > keep you updated with the progress and will send you an update on Thursday.
- > I want to get this nightmare over with as quickly as possible.
- >
- > I know you want to see results. I do too. I've been sick with a
- > severe cold with fever and racking cough that made talking difficult.
- > I still not over it, but cough drops are now working to control the cough.
- >
- > I had also assumed Rich was keeping you updated. I'll do that now.
- >
- > Dennis Brannon
- >
- >

Gabe Vellante

From: Robert Pontbriand <ta@ayer.ma.us>
Sent: Monday, November 25, 2013 8:55 AM
To: ayerbos@ayer.ma.us
Cc: 'Janet Lewis'; 'Chief William Murray'; 'Chief Pedrazzi'; bldg@ayer.ma.us; boh@ayer.ma.us; hhasz@ayer.ma.us
Subject: FW: Free service to Ayer
Attachments: Compliance letter Ayer.docx

FOR INFORMATIONAL PURPOSES ONLY. NOT FOR DELIBERATION.

Dear Selectmen,

FYI below and attached.

Sincerely,

Robert

Robert A. Pontbriand
Ayer Town Administrator

From: steve cottens [<mailto:attystc@gmail.com>]
Sent: Saturday, November 23, 2013 1:57 PM
To: ta@ayer.ma.us
Subject: Free service to Ayer

Dear Mr. Pontbriand

Please take a moment to read the attached letter about a service our office provides regarding medical marijuana compliance audits. Please contact me with any questions.

Thank you
Stephen Cottens

Cottens and Carp LLC
Attorneys at Law
13C Highland Circle
Suite C
Needham Ma. 02494
Ph: 617-861-4LAW
Fax: 617-866-8737
www.cottensandcarp.com

STEPHEN T. COTTENS 617-861-4LAW; Fax: 617-866-8737. The information in this electronic mail is protected by attorney/client and/or attorney/work product privilege. It is intended only for use of the individual named above and the privileges are not waived by virtue of this having been sent by email. Nothing contained in this email is intended to be nor shall be interpreted or deemed to give rise to binding contractual obligations of any nature; such obligations may only be created by and require manual signatures. If the person receiving this email or any other reader of the email is not the named recipient or employee or agent responsible to deliver it to the addressee, any use, dissemination, distribution or copying of this communication is strictly prohibited. If you received this communication in error, please immediately notify us by telephone and delete the original message from your computer.

Gabe Vellante

From: Gabe Vellante <bldg@ayer.ma.us>
Sent: Thursday, November 21, 2013 3:13 PM
To: 'Dennis Brannon'
Subject: RE: 37 Willard St.

Mr. Brannon,

Thank you for the update.

The Selectmen are not happy with the progress being made on this issue and are considering taking legal action.

Please update me no later than next Tuesday on the status of the demo and scheduling.

You need to have your Demo contractor identified and the tentative time line for the work established.

Thank you,

Gabe Vellante

-----Original Message-----

From: Dennis Brannon [<mailto:dennisbrannon@gmail.com>]
Sent: Tuesday, November 19, 2013 8:13 AM
To: Gabriel Vellante
Subject: 37 Willard St.

Rich said he'd contact you on Nov. 11. Then nothing. I've been trying to reach him via mail, text, and phone. He finally called on the 18th. No progress. I thought I had a construction supervisor to handle the demolition. sigh...that was a wrong assumption. So I'm making the phone calls today and will coordinate the companies to do the demolition. I'll keep you updated with the progress and will send you an update on Thursday. I want to get this nightmare over with as quickly as possible.

I know you want to see results. I do too. I've been sick with a severe cold with fever and racking cough that made talking difficult. I still not over it, but cough drops are now working to control the cough.

I had also assumed Rich was keeping you updated. I'll do that now.

Dennis Brannon

Gabe Vellante

From: Dennis Brannon <dennisbrannon@gmail.com>
Sent: Tuesday, November 19, 2013 8:13 AM
To: Gabriel Vellante
Subject: 37 Willard St.

Rich said he'd contact you on Nov. 11. Then nothing. I've been trying to reach him via mail, text, and phone.

He finally called on the 18th. No progress. I thought I had a construction supervisor to handle the demolition. sigh...that was a wrong assumption. So I'm making the phone calls today and will coordinate the companies to do the demolition. I'll keep you updated with the progress and will send you an update on Thursday. I want to get this nightmare over with as quickly as possible.

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I had also assumed Rich was keeping you updated. I'll do that now.

Dennis Brannon

Gabe Vellante

From: Dennis Brannon <dennisbrannon@gmail.com>
Sent: Tuesday, November 12, 2013 12:44 AM
To: Gabriel Vellante
Subject: 37 Willard

Rich will contact you on Tuesday. I'll be in Attleboro for an 11am meeting with the nursing home business office to resolve Mass Health issues for mom and dad. I'll be back in the evening. I'll have my smart phone (978-726-4614) with me and will back in the evening.

Dennis Brannon

BUILDER NEVER CALLED."

Gabe Vellante

From: Gabe Vellante <bldg@ayer.ma.us>
Sent: Thursday, November 07, 2013 11:16 AM
To: 'Dennis Brannon'
Cc: ta@ayer.ma.us
Subject: 37 Willalrd St.

Mr. Brannon,
I have not seen any progress on your 137 Willard St. property.

At this time I am requiring that you have your contractor submit a Demolition Permit along with all appropriate documentation and a work schedule no later than 12,Nov.,'13.

If you fail to meet this deadline, this matter will be turned over to Town Counsel for legal action.

Gabriel J. Vellante Jr.
Building Commissioner
Town of Ayer, MA.

A1 Spectrum Services

A1 Spectrum Services
49 0 Lois Rd
Sutton, MA 01590

Phone: 508 865 4525
FAX: 508 865 5525
email: a1spec@charter.net

Facsimile

To: Rich
@Fax:
From: Robert F Gravallese
Date: Tuesday, October 15, 2013 @ 3:24PM
Re:
Pages: 1, including this

Hi Rich,

There is a lot of asbestos in that house. There is no simple solution to addressing this due to the clutter and damage.

Tx

Bob

A1 Spectrum Services

69 Wentworth Road, Revere, MA 02151-2155

43 Eight Lots Road, Sutton, MA 01590

Phone: 508-865-4525 • Fax: 508-865-5525

Email: a1spec@charter.net



October 14, 2013

Report For: Dennis Brannon
8 Green Street
Tewksbury, MA 01876

Project: Residence
37 Willard Street
Ayer, MA

Scope: A1 Spectrum Services was contracted to perform an asbestos inspection on the above entitled property. The purpose of the inspection was to identify all asbestos containing materials which exist within the structure so they can be removed prior to demolition/renovations operations.

The interior of the house is badly water damaged and cluttered with debris.

The windows are replacements.

Date of Inspection: October 8, 2013

Methodology: Industrial hygiene services were conducted by Robert F Gravalles, a Professional Industrial Hygienist and Massachusetts licensed asbestos inspector.

Those materials suspected to be asbestos containing were sampled, containerized, labeled and transferred to a Massachusetts licensed laboratory for analysis by Polarized Light Microscopy.

Analysis: Analysis of the bulk samples were performed by EPA Method 600/R-93/116, July 1993 (Polarized Light Microscopy).

All samples were analyzed by Asbestos ID Lab, Woburn, MA. A Mass. DLWD licensed and NVLAP accredited laboratory. (Mass # AA 0000216).

Results:

ASBESTOS BULK SAMPLING DATA

Location	Material	Composition	%
Basement - No Suspect Materials			
1st Fl., Hall	Joint Compound	Non Fibrous	100
1st Fl., Hall	Wallboard	Cellulose	15
		Non Fibrous	85
Kitchen	Sink Undercoat	Chrysotile*	5
		Cellulose	10
		Non Fibrous	85

Location	Material	Composition	%
Kitchen	Linoleum	Chrysotile*	30
		Cellulose	10
		Non Fibrous	60
Hall	Textured Ceiling Plaster (TCP)	Chrysotile*	2
		Cellulose	8
		Non Fibrous	90
Living Room	TCP	Chrysotile*	2
		Cellulose	3
		Non Fibrous	95
Bed I	TCP	Chrysotile*	2
		Non Fibrous	98
Bed II	Joint Compound	Chrysotile*	2
		Non Fibrous	98
Bed II	Wallboard	Cellulose	15
		Non Fibrous	85
Kitchen	Joint Compound	Chrysotile*	2
		Non Fibrous	98
Exterior	Roof Shingle	Cellulose	50
		Non Fibrous	50
Exterior	Roof Felt	Cellulose	20
		Non Fibrous	80

* - Chrysotile is a form of asbestos.

** - Crocidolite is a form of asbestos

T - Trace

Findings:

There are asbestos containing materials in the building in the form of sink undercoat, linoleum, Textured Ceiling Plaster (TCP) and joint compound. The materials should be removed by a Mass. DLS licensed asbestos abatement contractor.

The bathroom floor was inaccessible due to clutter. It is assumed that the floor is the same as the kitchen and should be treated as asbestos containing.

In accordance with Mass DEP and DLS policy, all wallboard associated with the asbestos containing joint compound must be treated as asbestos containing.

The entire building is cluttered with non stationary contents ranging from furniture, personal items and garbage. The asbestos containing textured ceiling plaster and wallboard with asbestos containing joint compound has fallen, from water damage, onto the contents rendering them asbestos contaminated. The entire main level, and all its contents, must be considered and treated as asbestos containing.

It is suggested that you acquire quotes from asbestos contractors to perform the project as a routine asbestos abatement and a second price to perform the

project under "Alternative Work Practices" (AWP). An AWP is a request to Mass. DEP to perform the job, due to unusual conditions, in a safe manner but outside the purview of existing regulations. I suggest you obtain a price to "Live Load" the entire 1st floor. This would involve: 1. An AWP plan, 2. Approval by Mass DEP, 3. Loading the contents of the 1st floor into lined containers while wetting the material by mechanical means, 4. Perimeter air testing would be required as this was performed.

Aside from the expense of the asbestos abatement contractor, the cost of preparing the AWP and site air monitoring would cost approximately \$2500. If you selected A1 to perform these tasks the cost would be \$600 for the AWP and support, and \$600/day for air monitoring.

All other suspect materials were negative for the presence of asbestos.

**SUMMARY TABLE
(Asbestos Containing Materials)**

Location	Material	Condition	Quantity
Kitchen	Sink Undercoat	Not Damaged	5 SF
Kitchen	Linoleum	Unknown	~60 SF
Bath	Linoleum	Unknown	~45 SF
Entire 1st Floor	Wallboard Systems	Severely Damaged	~2000 SF
Entire 1st Floor	Textured Ceiling Plaster	Severely Damaged	~800 SF
Entire 1st Floor	Contaminated Contents	NA	~1600 CF

Recommendations: The asbestos containing materials should be removed by a Mass. DLWD licensed asbestos abatement contractor.

There is a ten day notification period which must lapse prior to the start of abatement work.

We recommend the following contractors based on price and quality of work:

Aero Tec
Greg H
978 375 9534

Advanced Abatement
Wally Ramos
617 834 5238

ASAP
Scott Curley
508 954 3637

c: file



Robert F. Gravallese
AI# 60817

**Asbestos Identification Laboratory**

165U New Boston St, Ste 271

Woburn, MA. 01801

Bulk Asbestos Analysis by Polarized Light Microscopy
EPA Method: 600/R-93/116

10/11/2013

A-1 Spectrum Services
43 Eight Lots Road
Sutton, MA 01590
Suite/Apt

RE: Batch 1109
Results of Asbestos Project: 37 Will Ave D

Dear Bob Gravellese,

Asbestos Identification Laboratory has completed the analysis of the bulk samples Work Received:
10/10/2013 from your office. These results represent the bulk samples from the above-referenced project. :

The information and analysis contained in this report have been generated using the EPA /600/R-93/116 Method for the Determination of Asbestos in Bulk Building Materials. Materials or products that contain more than 1% of any kind or combination of asbestos are considered an asbestos containing building material as determined by the EPA. This Polarized Light Microscope (PLM) technique may be performed either by visual estimation or point counting. Point counting provides a determination of the area percentage of asbestos in a sample. If the asbestos is estimated to be less than 10% by visual estimation of friable material, the determination may be repeated using the point counting technique. The results of the point counting supersede visual PLM results. Results in this report only relate to the items tested. This report may not be used by the customer to claim product endorsement by NVLAP or any other U.S. Government Agency.

- NVLAP Lab Code: 200919-0
- Massachusetts Certification License: AA000208
- State of Connecticut, Department of Public Health Approved Environmental Laboratory Registration# PH-0142
- State of Maine, Department of Environmental Protection Asbestos Analytical Laboratory License Number LB-0078(Bulk) LA-0087(Air)
- State of Rhode Island and Providence Plantations Department of Health Certification: AAL-121

Thank you Bob Gravellese for your business.

Michael Manning
Owner/Director
(781)932-9600



Asbestos Identification Laboratory

165U New Boston St., Ste 271

Woburn, MA. 01801

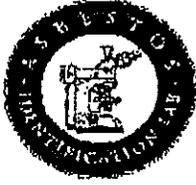
Bulk Asbestos Analysis by Polarized Light Microscopy

EPA Method: 600/R-93/116

NVLAP
Lab Code: 200918-01

Results Table

Sample ID	Lab ID	Material	Sample Location	Analytical Results
37W-1	16814	JC		No Asbestos Detected
37W-2	16815	WB		No Asbestos Detected
37W-3	16816	SM		Chrysotile=5%
37W-4	16817	LINO		Chrysotile=30%
37W-5	16818	TCP		Chrysotile=2%
37W-6	16819	TCP		Chrysotile=2%
37W-7	16820	TCP		Chrysotile=2%
37W-8	16821	JC		Chrysotile=2%
37W-9	16822	WB		No Asbestos Detected
37W-10	16823	JC		Chrysotile=2%
37W-11	16824	ROOF S		No Asbestos Detected
37W-12	16825	ROOF F		No Asbestos Detected



Asbestos Identification Laboratory
 165U New Boston St., Ste 271
 Woburn, MA. 01801
 Bulk Asbestos Analysis by Polarized Light Microscopy
 EPA Method: 600/R-93/116

NVLAP[®]
 Lab Code: 200919-01

Results for Client Project: 37 Will Ave D, Batch# 1109

Work Received: 10/10/2013 Date Sampled: 10/08/2013 Results Sent: 10/11/2013 11:21:16 AM

Field ID: 37W-1 Material: JC Color: White Location: Sample# 16814 NON=100 None Detected

Field ID: 37W-2 Material: WB Color: Gray Location: Sample# 16815 CEL=015 NON=085 None Detected

Field ID: 37W-3 Material: SM Color: Gray Location: Sample# 16816 CEL=010 NON=085 ASBESTOS DETECTED
 CHR=005

Field ID: 37W-4 Material: LINO Color: Multi Location: Sample# 16817 CEL=010 NON=060 ASBESTOS
 DETECTED CHR=030

Field ID: 37W-5 Material: TCP Color: White Location: Sample# 16818 CEL=008 NON=090 ASBESTOS
 DETECTED CHR=002

Field ID: 37W-6 Material: TCP Color: White Location: Sample# 16819 CEL=003 NON=095 ASBESTOS
 DETECTED CHR=002

Field ID: 37W-7 Material: TCP Color: White Location: Sample# 16820 NON=098 ASBESTOS DETECTED
 CHR=002

Field ID: 37W-8 Material: JC Color: White Location: Sample# 16821 NON=098 ASBESTOS DETECTED CHR=002

Field ID: 37W-9 Material: WB Color: Gray Location: Sample# 16822 CEL=015 NON=085 None Detected

Field ID: 37W-10 Material: JC Color: White Location: Sample# 16823 NON=098 ASBESTOS DETECTED CHR=002

Field ID: 37W-11 Material: ROOF S Color: Black Location: Sample# 16824 CEL=050 NON=050 None Detected

Field ID: 37W-12 Material: ROOF F Color: Black Location: Sample# 16825 CEL=020 NON=080 None Detected

****End of Report****

Legend (All sample results represent percentages EX: 001 = 1%) TR(Trace) = < 1%

Asbestos Minerals: Chrysotile=CHR, Amosite=AMO, Crocidolite=CRO, Actinolite=ACT, Tremolite=TRE, Anthophyllite=ANT

Fibrous Materials: Fiberglass=FBG, Mineral Wool=MNW, Cellulose=CEL, Hair=HAR, Synthetic=SYN, Other=OTH, Non-Fibrous=NON

Gabe Vellante

From: Gabe Vellante <bldg@ayer.ma.us>
Sent: Tuesday, October 15, 2013 8:28 AM
To: 'Brian J. Winner'; 'Bridgette Braley'
Cc: 'Robert Pontbriand'; Ayer-Police Chief Murray William
Subject: RE: Ayer Enforcement Cases

Brian,

I had contacted the Police Chief regarding 190 W. Main St. and was under the assumption that he had contacted you. Here is his e-mail address pdchief@ayer.ma.us.

Regarding 37 Willow St. I have been in contact with the owner and the demo contractor. Last week they had a HazMat inspection performed on the building. I plan on contacting the demo contractor this week to see when he is planning on doing the demo work.

At this time I do not feel that you need to take any action on this property.

Gabe

From: Brian J. Winner [<mailto:BWinner@k-plaw.com>]
Sent: Friday, October 11, 2013 3:02 PM
To: Bridgette Braley; Gabe Vellante (bldg@ayer.ma.us)
Cc: Robert Pontbriand
Subject: Ayer Enforcement Cases

Dear all,

I am pleased to report that the Court has scheduled a hearing on the Ernisse matter on October 30, 2013 at 2:00 p.m. at the Lowell Superior Court. You are welcome to attend but not required. I will report the results of the hearing of course. Please let me know if you learn of any developments of significance prior to then.

Also, I am starting to prepare complaints regarding 190 W. Main Street and 71 Sandy Pond based on the materials that Gabe has provided to me. I have a couple of preliminary questions before I go any further. First, Bridgette, do you have any materials that I should consider on these properties? Also, Gabe, you mentioned that the police have been active at 190 W. Main Street and that you would contact them about mailing their file to me. Have they responded? Is there anything that I should be considering on their end? Lastly, I wanted to confirm that 37 Willard Street is in the demo process or has been demo'd at this point and that I do not need to be taking any action on that property at this point.

Please let me know and I will continue preparing the complaints in the meantime.

Very truly yours,

Brian

Brian J. Winner, Esq.
Kopelman and Paige, P.C.
101 Arch Street
Boston, MA 02110-1109
617-654-1823
617-654-1735 (Fax)
bwinner@k-plaw.com

Gabe Vellante

From: Gabe Vellante <bldg@ayer.ma.us>
Sent: Thursday, October 10, 2013 8:14 AM
To: 'Dennis Brannon'
Subject: RE: 37 Willard St. Hazardous Waste Inspection

Thanks for the update.
Please have Rich get a copy of the report to me.
Gabe

-----Original Message-----

From: Dennis Brannon [<mailto:dennisbrannon@gmail.com>]
Sent: Thursday, October 10, 2013 8:04 AM
To: Gabriel Vellante; Richard Silveria
Subject: 37 Willard St. Hazardous Waste Inspection

The Hazardous Waste Inspection was done on Tuesday at 10am. The inspector said I'll get the report on Monday. He'll also fax it to Richard Silveria.

Gabe Vellante

From: Dennis Brannon <dennisbrannon@gmail.com>
Sent: Saturday, September 28, 2013 11:04 AM
To: Gabe Vellante
Subject: Re: 37 Willard St.

mid next week. Richard is scheduling it.
On 9/26/2013 3:13 PM, Gabe Vellante wrote:

When will the haz. Waste inspection be scheduled?

From: Dennis Brannon [<mailto:dennisbrannon@gmail.com>]
Sent: Thursday, September 26, 2013 10:45 AM
To: Gabe Vellante
Subject: Re: 37 Willard St.

Gabe,
I was disappointed too.
I'm working with Richard Silveria and he confirmed that he met with you to discuss the basement.
Next is the hazardous waste inspection.
Dennis

On 9/17/2013 8:06 AM, Gabe Vellante wrote:

Dennis,
I am disappointed that you did not meet the deadline that we established.
I will extend your deadline to the 26TH of Sep., '13. At that time you must have a contractor and he should contact me with his schedule for the work.
The Selectmen want to keep this moving forward. If you fail to meet this extended deadline, the town will be forced to turn this over to counsel for further legal action.

Thank you for keeping up to date on your progress.
Gabe Vellante
Building Commissioner

From: Dennis Brannon [<mailto:dennisbrannon@gmail.com>]
Sent: Thursday, September 12, 2013 11:25 AM
To: Gabe Vellante
Subject: Re: 37 Willard St.

Gabe,
I should have called the contractors in the email right away. I didn't since it was the labor day weekend and then I got nailed by a bad cold. I also wanted to hear back from the contacts I had already made. That didn't work out. I've checked out online the contacts in your email and they all seem excellent choices. I'm in the process of getting bids, but getting the application submitted by the 15th seems unlikely. I'll get the application done as quickly as possible.

I'd like to request a one week extension of the deadline.
Dennis Brannon

On 8/29/2013 9:38 AM, Gabe Vellante wrote:

Dennis,

Thank you for your reply, and I hope all works out well for your parents. We do not recommend contractors, however, Silveria Co. Richard Silveira (978-772-7171) in Ayer just demoed a large building in the center of town damaged by fire. He did an excellent job in a short time. You could also contact The Donell Corp. Robert Donell (978-273-3738 cell) and Monahan Construction Marc Monahan (978-772-9138). These are contractors who have done work in town and two live in Ayer.

You are free to hire anyone whom you feel is competent however they must possess a MA. Construction License, and have appropriate liability insurance, and Workers Compensation Insurance.

I will work with you to resolve this issue, however, it must be done in a timely manner.

At this time I will extend the deadline to 15, Sep., '13. By this date you must have a demo contractor identified and submit the permit application for the demo work. The standard building permit, available on-line at the town website, can be used for this work. The contractor should fill it out, and submit copies of his license, workers comp certificate, and a letter of authorization from you with the application. The fee for residential demo work is a flat fee of \$100.00 payable to The Town OF Ayer.

If you have a problem meeting this date please contact me.
Gabe Vellante
Building Commissioner

From: Dennis Brannon [<mailto:dennisbrannon@gmail.com>]
Sent: Thursday, August 29, 2013 7:16 AM
To: Gabriel Vellante
Cc: Dennis Brannon
Subject: 37 Willard St.

Mr. Gabe Vellant,

I need more time. I want to complete the demolition as quickly as possible, but recent events have made that difficult. During this time period, both of my parents became seriously ill with pneumonia. Both are no longer competent to make medical decisions so I spent a lot of time down in Attleboro. My mom barely survived her 2nd time with pneumonia, so this third time was serious. She recovered, and then my dad was sent to the hospital with pneumonia for the 2nd time. He has advanced Parkinson's and this really hit him hard. The doctors didn't think he would survive. But he did, and is now back in the nursing home with oxygen and a feeding tube in his stomach. He has a long ways to go to hopefully recover. They both are now safe, so I can focus on this demolition.

I under estimated how long it would take to get the demolition started. I've never hired a contractor before and have never had to demolish a house. I want to make sure the job gets done right to your satisfaction. Is there anybody you could recommend that you've worked with in the past? I'm following leads to hire, and should hear back shortly.. But I don't know who to trust. This is all new to me.

No fines are needed to motivate me. I really, really, really want to get this done as soon as possible.

I still want to sell the property, but that is a problem for another day.

Sincerely,
Dennis Brannon

Gabe Vellante

From: Dennis Brannon <dennisbrannon@gmail.com>
Sent: Thursday, September 12, 2013 11:25 AM
To: Gabe Vellante
Subject: Re: 37 Willard St.

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You are free to hire anyone whom you feel is competent however they must possess a MA. Construction License, and have appropriate liability insurance, and Workers Compensation Insurance.

I will work with you to resolve this issue, however, it must be done in a timely manner.

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If you have a problem meeting this date please contact me.

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Building Commissioner

From: Dennis Brannon [<mailto:dennisbrannon@gmail.com>]
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Cc: Dennis Brannon
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No fines are needed to motivate me. I really, really, really want to get this done as soon as possible.

I still want to sell the property, but that is a problem for another day.

Sincerely,
Dennis Brannon

Gabe Vellante

From: Dennis Brannon <dennisbrannon@gmail.com>
Sent: Thursday, August 29, 2013 9:59 AM
To: Gabe Vellante
Subject: Re: 37 Willard St.

Gabe,
Thank you for working with me on this and for the contacts. The date seems reasonable at this time. If there's a problem, I'll let you know.

Thanks!
Dennis

On 8/29/2013 9:38 AM, Gabe Vellante wrote:

Dennis,
Thank you for your reply, and I hope all works out well for your parents.
We do not recommend contractors, however, Silveria Co. Richard Silveira (978-772-7171) in Ayer just demoed a large building in the center of town damaged by fire. He did an excellent job in a short time. You could also contact The Donell Corp. Robert Donell (978-273-3738 cell) and Monahan Construction Marc Monahan (978-772-9138). These are contractors who have done work in town and two live in Ayer.
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Building Commissioner

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Mr. Gabe Vellant,

I need more time. I want to complete the demolition as quickly as possible, but recent events have made that difficult.
During this time period, both of my parents became seriously ill with pneumonia. Both are no longer competent to make medical decisions so I spent a lot of time down in Attleboro. My mom barely survived her 2nd time with pneumonia, so this third time was serious. She recovered, and then my dad was sent to the hospital with pneumonia for the 2nd time. He has advanced Parkinson's and this really hit him

hard. The doctors didn't think he would survive. But he did, and is now back in the nursing home with oxygen and a feeding tube in his stomach. He has a long ways to go to hopefully recover. They both are now safe, so I can focus on this demolition.

I under estimated how long it would take to get the demolition started. I've never hired a contractor before and have never had to demolish a house. I want to make sure the job gets done right to your satisfaction. Is there anybody you could recommend that you've worked with in the past? I'm following leads to hire, and should hear back shortly.. But I don't know who to trust. This is all new to me.

No fines are needed to motivate me. I really, really, really want to get this done as soon as possible.

I still want to sell the property, but that is a problem for another day.

Sincerely,
Dennis Brannon

Gabe Vellante

To: Dennis Brannon
Subject: RE: 37 Willard St.

Dennis,

Thank you for your reply, and I hope all works out well for your parents.

We do not recommend contractors, however, Silveria Co. Richard Silveira (978-772-7171) in Ayer just demoed a large building in the center of town damaged by fire. He did an excellent job in a short time. You could also contact The Donell Corp. Robert Donell (978-273-3738 cell) and Monahan Construction Marc Monahan (978-772-9138). These are contractors who have done work in town and two live in Ayer.

You are free to hire anyone whom you feel is competent however they must possess a MA. Construction License, and have appropriate liability insurance, and Workers Compensation Insurance.

I will work with you to resolve this issue, however, it must be done in a timely manner.

At this time I will extend the deadline to 15, Sep., '13. By this date you must have a demo contractor identified and submit the permit application for the demo work. The standard building permit, available on-line at the town website, can be used for this work. The contractor should fill it out, and submit copies of his license, workers comp certificate, and a letter of authorization from you with the application. The fee for residential demo work is a flat fee of \$100.00 payable to The Town OF Ayer.

If you have a problem meeting this date please contact.

Gabe Vellante
Building Commissioner

From: Dennis Brannon [<mailto:dennisbrannon@gmail.com>]
Sent: Thursday, August 29, 2013 7:16 AM
To: Gabriel Vellante
Cc: Dennis Brannon
Subject: 37 Willard St.

Mr. Gabe Vellant,

I need more time. I want to complete the demolition as quickly as possible, but recent events have made that difficult. During this time period, both of my parents became seriously ill with pneumonia. Both are no longer competent to make medical decisions so I spent a lot of time down in Attleboro. My mom barely survived her 2nd time with pneumonia, so this third time was serious. She recovered, and then my dad was sent to the hospital with pneumonia for the 2nd time. He has advanced Parkinson's and this really hit him hard. The doctors didn't think he would survive. But he did, and is now back in the nursing home with oxygen and a feeding tube in his stomach. He has a long ways to go to hopefully recover.

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I still want to sell the property, but that is a problem for another day.

Sincerely,

BUILDING COMMISSIONER

TOWN OF AYER

GABRIEL J. VELLANTE JR.
TOWN HALL
1 MAIN ST.
AYER, MA. 01432

TELEPHONE (978) 772-8214

25, Jul., '13

Mr. Dennis Brannon
8 Green St.
Tewksbury, MA. 01876

Re: 37 Willard St., Ayer, Massachusetts

ORDER TO REMOVE DANGEROUS STRUCTURE

Mr. Brannon,

On 07, May, '13, I conducted an inspection and have determined that the structure located on the property owned by you at 37 Willard Street, Ayer, Massachusetts, is dangerous to life and limb, that it is uninhabited and appears abandoned, that it is open to the weather, and that is especially unsafe in the case of fire.

At a meeting on 11, Jun., '13, I reported to the Ayer Board of Selectmen regarding the condition of your house located at 37 Willard Rd., and at that time the Board voted unanimously to declare your house as unsafe and a danger to the public.

Therefore, in accordance with the authority conferred upon me pursuant to Massachusetts General Laws, Chapter 143, section 6:

You are hereby ORDERED to demolish the building located at 37 Willard Street, Ayer, Massachusetts, to remove all debris from the site, to level the lot to uniform grade by a proper sanitary fill to cover any cellar or foundation hole remaining on the property and to install a proper fence for the protection of passers-by.

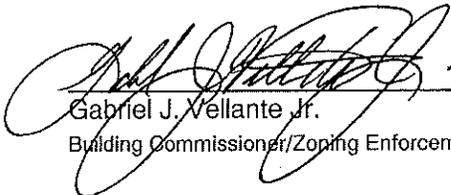
You shall employ sufficient labor to speedily complete this work in accordance with all applicable laws and regulations by August 30, 2013 at twelve noon.

Once you have selected a contractor, he should file for a Demolition Permit, and submit copies of his MA. Construction Supervisors License, Home Improvement Contractor Registration and his Worker's Compensation Certificate. Further, he must have the house tested for hazardous materials prior to the start of any demolition work. If hazardous materials are found, proper abatement will also be required.

If you are aggrieved by this Order you may appeal by filing a civil action in the Middlesex Superior Court within **Three Days** of service of this Order upon you.

If this notice Order is not complied with promptly the Town may institute the appropriate action or proceeding at law or in equity to prevent any unlawful action, use, or condition, and shall seek such fines and penalties as may be allowable by law. Therefore, due to the serious consequences that may follow from your failure to act, your prompt attention to this matter is strongly suggested.

Sincerely,



Gabriel J. Vellante Jr.
Building Commissioner/Zoning Enforcement Officer

CC:File

CF: D:\STREET-2/w/Willard St/n037/ltr-ltr13027

Gabriel Vellante

From: Dennis Brannon [dennisbrannon@gmail.com]
Sent: Monday, June 03, 2013 9:46 AM
To: Gabriel Vellante
Subject: Re: 37 Willard St.

Mr. Vellante,
Thank you for the email reply.
I'll tarp the roof to minimize further damage.

Dennis Brannon

On 5/30/2013 11:03 AM, Gabriel Vellante wrote:

Mr. Brannon,
Thank you for your prompt response to my recent letter.
I was pleased to see that you are trying to make some improvements to the appearance of the property.
My concerns are related to the deteriorating condition of the roof and possible failure of the framing system.
At this point I do not feel that the failure of the roof would pose an immediate danger to the public, in that the failure would most likely implode on itself.
However I feel that some action should be taken on your part to minimize further rotting and to reduce the possibility of failure.
I feel that trapping the roof might solve the problem on a temporary basis.

I can be reached on my office phone 978-772-8214 on Tuesday or Thursday mornings

Gabe Vellante
Building Commissioner

Mr. Brannon,

Thank you for your prompt response to my recent letter.

I was pleased to see that you are trying to make some improvements to the appearance of the property.

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I feel that trapping the roof might solve the problem on a temporary basis.

I can be reached on my office phone 978-772-8214 on Tuesday or Thursday mornings

Gabe Vellante
Building Commissioner

Mr. Dennis Brannon
8 Green Street
Tewksbury, MA 01876
978-658-2994
dennisbrannon@gmail.com

May 25, 2013

Gabriel J. Vellante, Jr.
Town Hall
1 Main Street
Ayer, MA 01432

~~CERTIFIED MAIL~~

Re: Structural failures at 37 Willard Street

Mr. Vellante, Jr.,

I received your letter and the certified letter on May 23, 2013 and tried to contact you via phone at 978-772-8214 on May 24th. I heard the recorded message listing your office hours but was unable to leave a message so I'm responding via mail. My contact info is listed above.

The original intent was to tear down the house and rebuild. I loved living there since 1985 and looked forward to moving back in. I stayed with my brother David in Tewksbury and Matthew Post handled the insurance claim. Matthew told me I needed to tear down and rebuild. Unfortunately, I do not have enough money to do that. I had hoped my situation would improve, but it has only gotten worse. So now I want to sell the property as is so someone else can do the tear down and rebuild. If you know of anyone who would be interested, please send them my way.

I was at the house on May 16th and May 19th to address the concerns of the Nashoba Board of Health. Hopefully, that problem is now resolved. I will be doing some more outside pruning to improve the appearance.

My plan of action is to sell the property as soon as possible. Is that acceptable to you? Please contact me via phone (please leave a message if I'm not home), or email so we can discuss this.

Sincerely,
Dennis Brannon

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

107 S. W. AVENUE
DENNIS BRANNON
100 GREEN ST.
TEWKSBURY, MD.
01876

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *Dennis Brannon* Agent
 Addressee

B. Received by (Printed Name)

C. Date of Delivery

5-23-13

D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

3. Service Type

- Certified Mail Express Mail
- Registered Return Receipt for Merchandise
- Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

2. Article Number
(transfer from service label)

7010 2780 0000 7270 5994

FILE

BUILDING COMMISSIONER

TOWN OF AYER

GABRIEL J. VELLANTE JR.
TOWN HALL
1 MAIN ST.
AYER, MA. 01432

TELEPHONE (978) 772-8214

14, May, '13

Mr. Dennis Brannon
37 Willard St.
Ayer, Ma. 01432

CERTIFIED MAIL

Re: Structural failures at 37 Willard St.

Mr. Brannon,

After your recent house fire, I was contacted by your insurance company's adjuster. I made a site inspection with him and he pointed out structural weaknesses in the building along with large areas of mold in the attic. At that time he asked if I would allow the house to be torn down and a new building of the same size to be built.

I stated that that would be acceptable, however, I have never heard from anyone since.

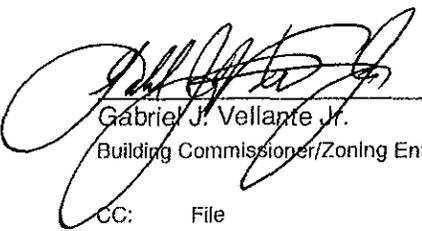
At the request of the Ayer Board of Health, I made a site inspection of your above referenced property on or about 07, May, '13. The purpose of this inspection was to evaluate the structural conditions on the roof which were of concern to the Board of Health.

It appears that the rear section of the roof is exposed to the weather and has resulted in a considerable amount of rot on the sheathing and rafters. This is apparent in that there are sections of the rear roof which have collapsed.

Although the house is secure, these conditions are a potential safety hazard should anyone gain access.

At this time I am requesting that you contact me no later than 24, May, '13, so that we may discuss your plans for the property; and the structural issues with the roof and come to an agreement as to what actions you plan on taking and establish a reasonable timetable for corrective work.

Sincerely,



Gabriel J. Vellante Jr.
Building Commissioner/Zoning Enforcement Officer

CC: File
Board of Health
Town Administrator

CF: D:\STREET-2/W/Willard/n037/ltr-ltr13010



37 Willard St, Ayer, MA

Data-SIO, NOAA, U.S. Navy, NGA, GEBCO

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Google

Pointer 42°32'59.69" N 71°34'08.35" W elev 276 ft Streaming ||||| 100%

Eye all 1589 ft



37 Willard St, Ayer, MA

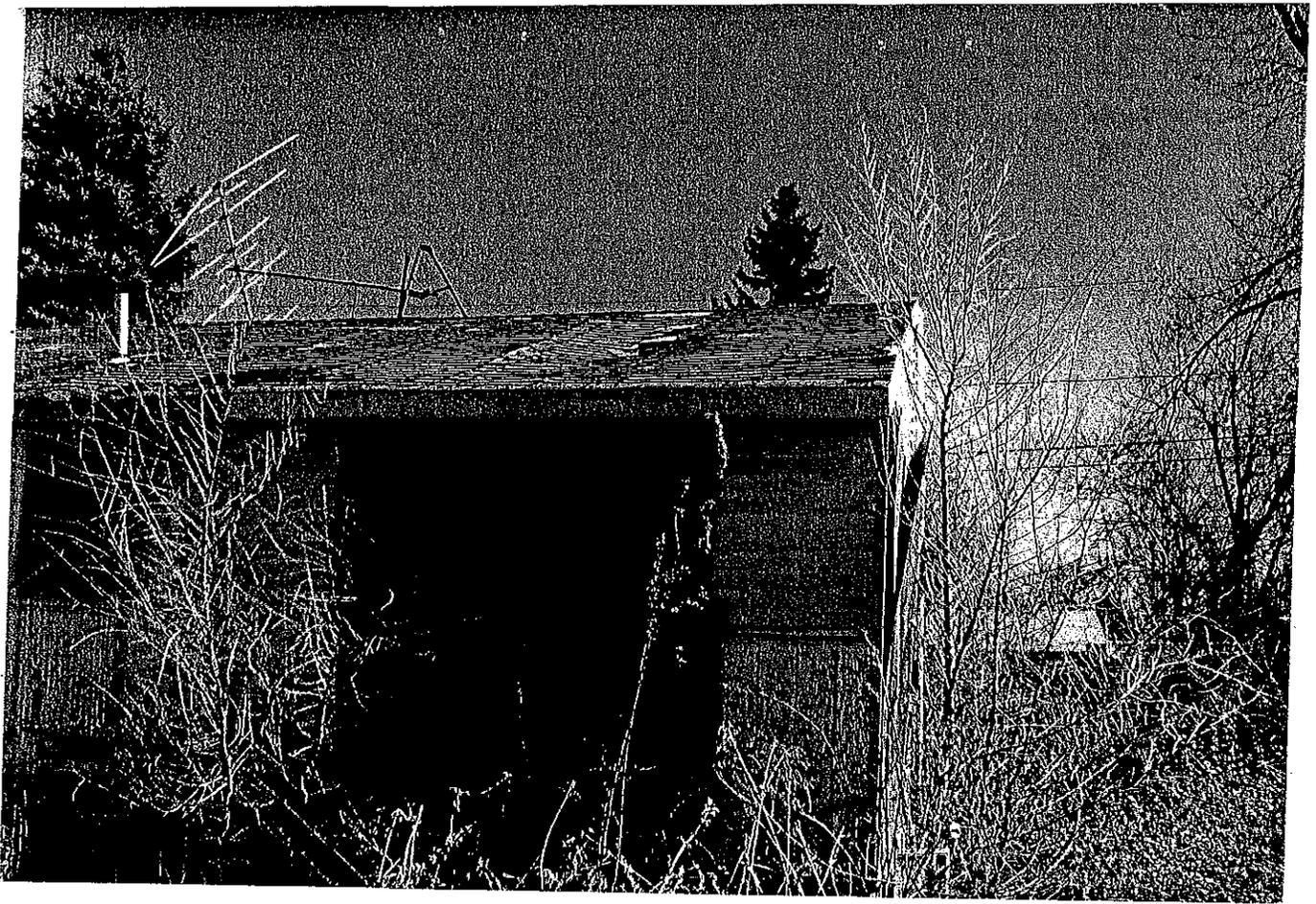
Data SIO, NOAA, U.S. Navy, NGA, GEBCO

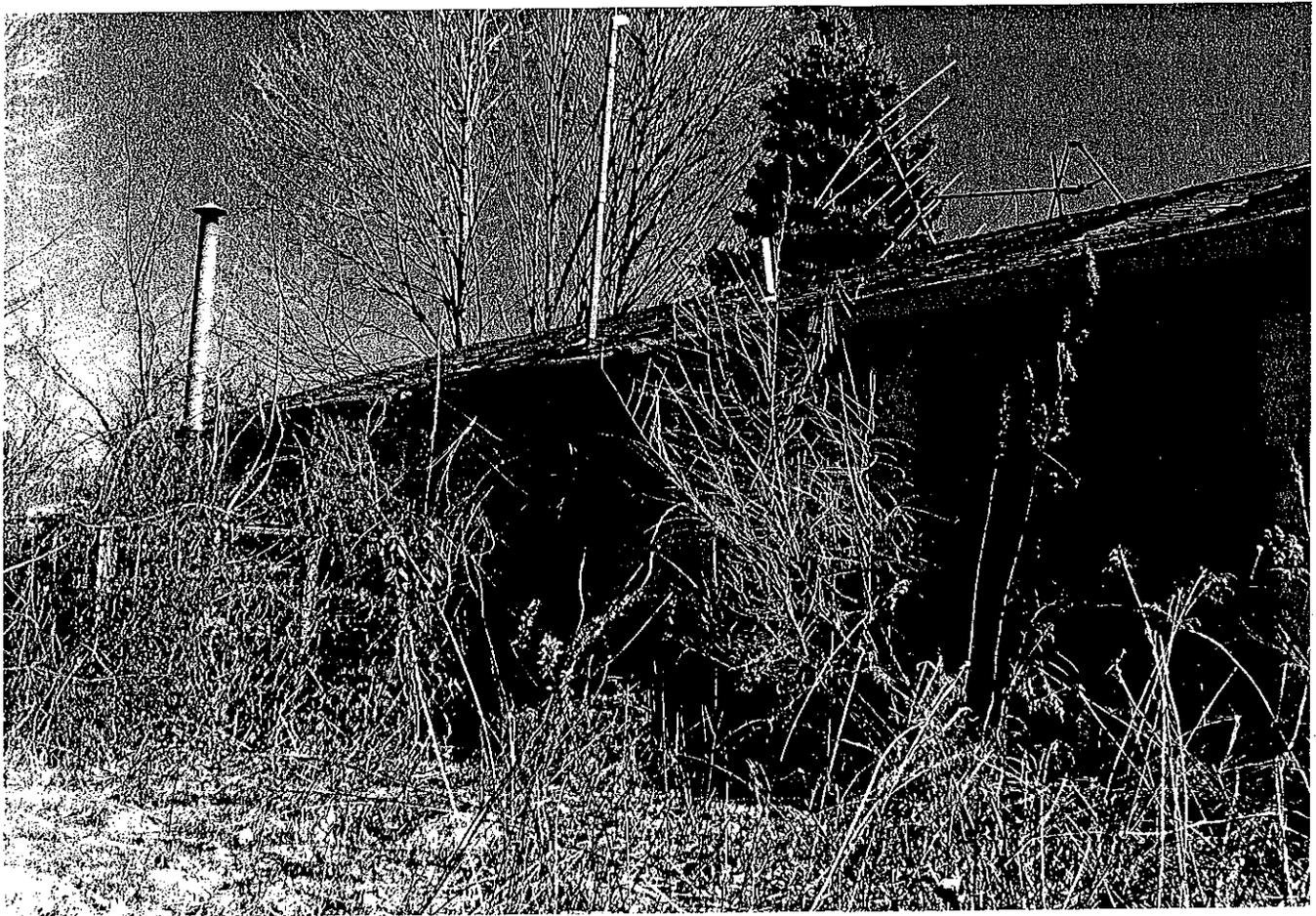
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Google™

Pointer 42°32'59.59" N 71°34'08.35" W elev 276 ft Streaming ||||| 100%

Eye all 427 ft





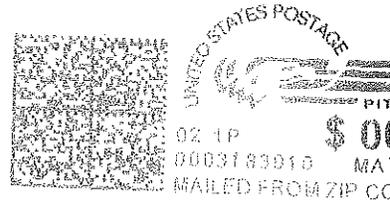
37 WILLARD ST. 26 APR 13.

CERTIFIED MAIL™

Building Commissioner
Town Hall
1 Main St.
Ayer, Ma. 01432



780 0000 7270 6229

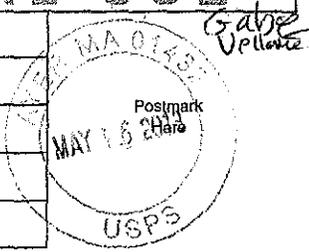


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Total Postage & Fees	\$



Mr. Dennis Brannon
37 Willard St.
Ayer, Ma. 01432

MAY 17 2006

NTXIF 075 OF 1 DD 05/17/12

RETURN TO SENDER
VACANT
UNABLE TO FORWARD

Sent To **D. BRANNON**

Street, Apt. No., or PO Box No. **37 WILLARD ST**

City, State, ZIP+4 **AYER, MA 01432**

BC: 01432136599 0722-0150-10-3
1432@1365
1725 0006

BRANNON
89 WILLOW ST
TOWNSEND - 01876





37 Willard St, Ayer, MA

Data SIO, NOAA, U.S. Navy, NGA, GEBCO

© 2013 Sanborn

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Pointer 42°32'59.51" N 71°34'08.35" W elev. 276 ft Streaming ||| ||| 100%

Eye all 421 ft

Memo

To: Robert Pontbriand

From: Board of Health

Date: December 10, 2013

Subject: 37 WILLARD STREET – BOARD OF HEALTH FILE

Per your request, attached please find the contents of the Board of Health file for property located at 37 Willard Street, Ayer, MA.



Nashoba Associated Boards of Health
Environmental Health Service
30 Central Avenue, Ayer, Ma. 01432

Certified Mail # 7008 3230 0000 7849 4764

May 17th 2011

Dennis Brannon
37 Willard Street
Ayer, MA 01432

Re: Housing Code Violation(s) at 37 Willard Street, Ayer, MA

Dear Mr. Brannon:

In accordance with Chapter 111, Sections 127A and 127B of the Massachusetts General Laws, State Sanitary Code, Chapter 1, 105 CMR 400.000 and State Sanitary Code, Chapter II: "Minimum Standards of Fitness for Human Habitation", 105 CMR 410.000, an inspection was made of the above referenced property by Bridgette Braley, R.S., of the Nashoba Associated Boards of Health on 5/13/11.

If one or more violations found during the inspection are deemed to endanger or materially impair the health, safety, or well-being of the occupants they are so noted by an asterisk (*) on the inspection form and must be corrected within twenty-four (24) hours of receipt of this order.

You are hereby ordered to correct all other violations listed on the enclosed inspection report within thirty (30) days and to contract in writing for the repairs to be made within five (5) days of receipt of this order.

You are hereby ordered not to let for occupancy or to occupy the above dwelling units if they are vacant, or if they become vacant, until all provisions of Chapter II of the State Sanitary Code, 105 CMR 410.000, are met.

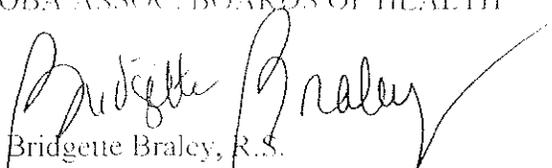
(978) 772-3335 (800) 427-9762 FAX (978) 772-4947

You may request a hearing but not a trial de novo, by filing a written petition to the Board within seven (7) days of receipt of this order. You will be given an opportunity to be heard and to present witnesses and documents in support of why this order should be modified or withdrawn. An attorney may represent you. You have the right to inspect and obtain copies of all relevant documents relating to this matter from the Nashoba Associated Boards of Health, 30 Central Avenue, Ayer, MA 01432, from 8:00am to 4:30pm, Monday through Friday. Any adverse party has the right to appear at the hearing.

FAILURE TO COMPLY WITH THIS ORDER SHALL, UPON CONVICTION, RESULT IN FINES OF NOT LESS THAN TEN (\$10.00) DOLLARS NOR MORE THAN FIVE-HUNDRED (\$500.00) DOLLARS. EACH DAY'S FAILURE TO COMPLY CONSTITUTES A SEPARATE VIOLATION.

Respectfully,

NASHOBA ASSOC. BOARDS OF HEALTH


Bridgette Braley, R.S.
District Sanitarian
Town of Ayer

BB/ac

Enc.

Cy: Board of Health
correspondence
file

VIOLATION LIST

110.600 Storage of Garbage and Rubbish

Miscellaneous trash accumulating in yard.

NASHOBA ASSOCIATED BOARDS OF HEALTH
ENVIRONMENTAL HEALTH DEPT. (978) 772-3335

30 Central Avenue
Ayer, MA 01432

Address 37 Willard Town Ayer

Floor Apt. # of Dwelling or Rooming Units # of Stories

Occupant Tel # # of Occupants

of Habitable Rooms # of Sleeping Rooms Total habitable Sq. Ft.

Name & Address of Owner
Dennis Brannon 37 Willard St Ayer, Ma

- 100 (A) Dwelling Kitchen (1) Sink (2) Stove (3) Refrigerator space/facilities
- 150 (A) Dwelling (1) Toilet (2) Wash Basin (3) Tub Shower (C) Placement (D) Fixture/Condition
- 180 Potable Water 190 Hot Water (110°-130° F) 200 Heating Facilities (A) (B) Space Heaters
- 201 Temperatures (64°/68° 9/15-6/14) 202 Venting

- | | | | |
|--------------------------|----------------------------------|---|----------------------------------|
| ROOM | NATURAL LIGHT | ELECTRIC LIGHT | ELECTRIC OUTLETS |
| Habitable, not kitchen | <input type="checkbox"/> 250 (A) | <input type="checkbox"/> 250 (B) | <input type="checkbox"/> 250 (B) |
| Kitchen | <input type="checkbox"/> 251 (C) | <input type="checkbox"/> 251 (A) | <input type="checkbox"/> 251 (B) |
| Bathroom | | <input type="checkbox"/> 252 (A) | |
| Other Habitable Rooms | | <input type="checkbox"/> 253 <input type="checkbox"/> (A) <input type="checkbox"/> (B) Common Areas | |
| Stairways Halls Passages | <input type="checkbox"/> 254 (A) | <input type="checkbox"/> 254 (A) <input type="checkbox"/> 254 (B) Payment for Common Meter | |

- 255 Amperage 256 Temporary Wiring 280 Ventilation (A) Natural (B) Mechanical

- 300 Sanitary Drainage 350 Connections (A) Water (B) Drainage
- 351 Owner (A) Fixtures/Equip. (B) Optional Equip. 352 Occupant (A) Installation (B) Care/Clean
- 353 Asbestos 354 Metering Electricity/gas 355 Provision of Oil

- 400 Sq. Footage (A) Dwelling (150/100 per occ) (B) Sleeping/Dwelling (70/50 per occ) 401 Ceiling Height
- 450 Egress 451 Obstructions 452 Safety 481 Owner's Name Posted
- 482 Smoke Detectors 483 Emergency Lighting Exit Signs (≥10 units) 484 Building ID

- 500 Structural Elements 501 Weathering A Windows (E) Doors (F) Other
- 502 Roofing 503 Siding 504 Foundation 505 Driveway 506 Stairs 507 Balustrades
- 508 Porches 509 Decks 510 Fences 511 Retaining Walls 512 Driveway Walls 513 Tub Shower 2' High
- 514 Stairs 515 Landscaping A Tree Care B Fencing C Pooling D) Method

- 600 Drainage & Foundation 601 Foundation (B) Basement and (C) Crawl Space (D) Placement
- 602 Foundation 603 Sanitation (A) Sewer (B) Sewer Lines (C) Sump Pumps 620 Curtailment

I, the undersigned, do hereby certify under the pains and penalties of perjury

Dennis Brannon Agent

DATE: 10/11/2017 TIME: 10:30 AM

Based on an inspection conducted on the date and time noted below, the following conditions were noted in violation of the State Sanitary code Chapter II: Minimum Standards of Fitness for Human Habitation, 105 CMR 410.000. Each item is preceded by applicable section of the Code. The item is then described in the narrative portion of the report. Items marked by an asterisk are conditions which may impair the health or safety and well-being of the occupant as determined by 105 CMR 410.750 of the code or the inspector.

REGULATION	DESCRIPTION OF VIOLATION
	- Anonymous complaint -
600	Misc trash accumulating in yard

YOU ARE HEREBY ORDERED TO CORRECT THE ABOVE VIOLATIONS WITHIN 7 HOURS 7 DAYS OF RECEIPT OF THIS REPORT. ANY ITEM MARKED WITH AN ASTERISK MUST BE CORRECTED WITHIN 24 HOURS. SEE REVERSE SIDE FOR IMPORTANT LEGAL INFORMATION.

A1 Spectrum Services

A1 Spectrum Services
49 B Lots Rd
Sutton, MA 01590

Phone: 508 665 4620
FAX: 508 665 5525
Email: a1spec@char.com

57
10-15-2013

Facsimile

To: Rich
@
From: Robert F Cravallo
Date: Tuesday, October 15, 2013
Re:
Pages: 1, including this

Hi Rich,

There is a lot of asbestos in that house. There is no simple solution to addressing this due to the clutter and damage.

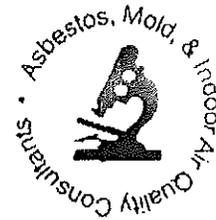
Tx

Bob

13-11-21P12

AI Spectrum Services

100 Water Street, 2nd Floor, MA 02109
 111 Elm Street, Boston, MA 02111
 Phone: 508-863-1828 • Fax: 508-863-5525
 Email: info@aispectrum.com



October 14, 2013

Report For: Dennis Brannon
 8 Green Street
 Brockton, MA 01976

Project: Re-roofing
 111 Elm Street
 Brockton, MA

AI Spectrum Services was contracted to perform an asbestos inspection on the above entitled property. The purpose of the inspection was to identify all asbestos containing materials which exist within the structure so they can be removed prior to demolition/renovations operations.

The interior of the house is badly water damaged and cluttered with debris.
 The windows are replacements.

Date of Inspection: October 8, 2013

Methodology: Industrial hygiene services were conducted by Robert F Gravallese, a Professional Industrial Hygienist and Massachusetts licensed asbestos inspector.

Those materials suspected to be asbestos containing were sampled, containerized, labeled and transferred to a Massachusetts licensed laboratory for analysis by Polarized Light Microscopy.

Analysis: Analysis of the bulk samples were performed by EPA Method 600/R-93/116, July 1993 (Polarized Light Microscopy).

All samples were analyzed by Asbestos ID Lab, Woburn, MA, A Mass. DLWD licensed and NVLAP accredited laboratory. (Mass # AA 0000216).

Results:

ASBESTOS BULK SAMPLING DATA

Location	Material	Composition	%
Basement - No Suspect Materials			
1st Fl., Hall	Joint Compound	Non Fibrous	100
1st Fl., Hall	Wallboard	Cellulose	15
		Non Fibrous	85
Kitchen	Sink Undercoat	Chrysotile*	5
		Cellulose	10
		Non Fibrous	85

Location	Material	Composition	%
Kitchen	Linoleum	Chrysotile*	30
		Cellulose	10
		Non Fibrous	60
Hall	Textured Ceiling Plaster (TCP)	Chrysotile*	2
		Cellulose	8
		Non Fibrous	90
Living Room	TCP	Chrysotile*	5
		Cellulose	5
		Non Fibrous	95
Bed I	TCP	Chrysotile*	2
		Non Fibrous	98
Bed II	Joint Compound	Chrysotile*	2
		Non Fibrous	98
Bed II	Wallboard	Cellulose	15
		Non Fibrous	85
Kitchen	Joint Compound	Chrysotile*	2
		Non Fibrous	98
Exterior	Roof Shingle	Cellulose	50
		Non Fibrous	50
Exterior	Roof Felt	Cellulose	20
		Non Fibrous	80

* - Chrysotile is a form of asbestos.

** - Crocidolite is a form of asbestos

T - Trace

Findings: There are asbestos containing materials in the building in the form of sink undercoat, linoleum, Textured Ceiling Plaster (TCP) and joint compound. The materials should be removed by a Mass. DLS licensed asbestos abatement contractor.

The bathroom floor was inaccessible due to clutter. It is assumed that the floor is the same as the kitchen and should be treated as asbestos containing.

In accordance with Mass DEP and DLS policy, all wallboard associated with the asbestos containing joint compound must be treated as asbestos containing.

The entire building is cluttered with non stationary contents ranging from furniture, personal items and garbage. The asbestos containing textured ceiling plaster and wallboard with asbestos containing joint compound has fallen, from water damage, onto the contents rendering them asbestos contaminated. The entire main level, and all its contents, must be considered and treated as asbestos containing.

It is suggested that you acquire quotes from asbestos contractors to perform the project as a routine asbestos abatement and a second price to perform the

project under "Alternative Work Practices" (AWP). An AWP is a request to Mass DEP to perform the job, due to unusual conditions, in a safe manner but outside the purview of existing regulations. I suggest you obtain a price to "Live Load" the entire 1st floor. This would involve: 1. An AWP plan, 2. Approval by Mass DEP, 3. Loading the contents of the 1st floor into lined containers while wetting the material by mechanical means, 4. Perimeter air testing would be required as this was performed.

Aside from the expense of the asbestos abatement contractor, the cost of preparing the AWP and site air monitoring would cost approximately \$2500. If you selected A1 to perform these tasks the cost would be \$600 for the AWP and support, and \$600/day for air monitoring.

All other suspect materials were negative for the presence of asbestos.

**SUMMARY TABLE
(Asbestos Containing Materials)**

Location	Material	Condition	Quantity
Kitchen	Sink Undercoat	Not Damaged	5 SF
Kitchen	Linoleum	Unknown	~60 SF
Bath	Linoleum	Unknown	~45 SF
Entire 1st Floor	Wallboard Systems	Severely Damaged	~2000 SF
Entire 1st Floor	Textured Ceiling Plaster	Severely Damaged	~800 SF
Entire 1st Floor	Contaminated Contents	NA	~1600 CF

Recommendations: The asbestos containing materials should be removed by a Mass. DLWD licensed asbestos abatement contractor.

There is a ten day notification period which must lapse prior to the start of abatement work.

We recommend the following contractors based on price and quality of work:

Aero Tec
Greg H
978 375 9534

Advanced Abatement
Wally Ramos
617 834 5238

ASAP
Scott Curley
508 954 3837


Robert F. Gravallese
AI# 60817



Asbestos Identification Laboratory
165U New Boston St., Ste 271
Woburn, MA 01801
Bulk Asbestos Analysis by Polarized Light Microscopy
EPA Method: 600/R-93/116



10/11/2013

A-1 Spectrum Services
43 Eight Lots Road
Sutton, MA 01550
Suite/Apt

RE: Batch 1109
Results of Asbestos Project: 37 Will Ave D

Dear Bob Gravellese,

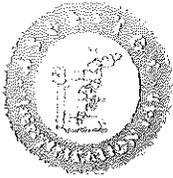
Asbestos Identification Laboratory has completed the analysis of the bulk samples Work Received:
10/10/2013 from your office. These results represent the bulk samples from the above-referenced project. :

The information and analysis contained in this report have been generated using the EPA /600/R-93/116 Method for the Determination of Asbestos in Bulk Building Materials. Materials or products that contain more than 1% of any kind or combination of asbestos are considered an asbestos containing building material as determined by the EPA. This Polarized Light Microscope (PLM) technique may be performed either by visual estimation or point counting. Point counting provides a determination of the area percentage of asbestos in a sample. If the asbestos is estimated to be less than 10% by visual estimation of friable material, the determination may be repeated using the point counting technique. The results of the point counting supersede visual PLM results. Results in this report only relate to the items tested. This report may not be used by the customer to claim product endorsement by NVLAP or any other U.S. Government Agency.

- NVLAP Lab Code: 200919-0
- Massachusetts Certification License: AA000208
- State of Connecticut, Department of Public Health Approved Environmental Laboratory Registration# PH-0142
- State of Maine, Department of Environmental Protection Asbestos Analytical Laboratory License Number LB-0078(Bulk) LA-0087(Air)
- State of Rhode Island and Providence Plantations Department of Health Certification: AAL-121

Thank you Bob Gravellese for your business.

Michael Manning
Owner/Director
(781)932-9600



Asbestos Identification Laboratory

1650 New Boston St., Ste 271

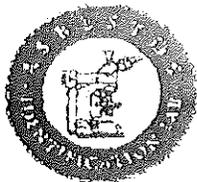
Woburn, MA. 01801

Bulk Asbestos Analysis by Polarized Light Microscopy
EPA Method: 600/R-93/116

NVLAP[®]
Lab Code: 200918-01

Results Table

Sample ID	Lab ID	Material	Sample Location	Analytical Results
37W-1	16814	JC		No Asbestos Detected
37W-2	16815	WB		No Asbestos Detected
37W-3	16816	SM		Chrysotile=5%
37W-4	16817	LINO		Chrysotile=30%
37W-5	16818	TCP		Chrysotile=2%
37W-6	16819	TCP		Chrysotile=2%
37W-7	16820	TCP		Chrysotile=2%
37W-8	16821	JC		Chrysotile=2%
37W-9	16822	WB		No Asbestos Detected
37W-10	16823	JC		Chrysotile=2%
37W-11	16824	ROOF S		No Asbestos Detected
37W-12	16825	ROOF F		No Asbestos Detected



Asbestos Identification Laboratory
 107 New Boston Pl., Ste 271
 Woburn, MA 01801
 Bulk Asbestos Analysis by Polarized Light Microscopy
 EPA Method 8462 C7016

NVLAB[®]
 Lab Code: 200919-0

Results for Client Project: 37 Will Ave D, Batch# 1109

Work Received: 10/10/2013 Date Sampled: 10/08/2013 Results Sent: 10/11/2013 11:21:16 AM

Field ID: 37W-1 Material: JC Color: White Location: Sample# 16814 NON=100 None Detected

Field ID: 37W-2 Material: WB Color: Gray Location: Sample# 16815 CEL=015 NON=085 None Detected

Field ID: 37W-3 Material: SM Color: Gray Location: Sample# 16816 CEL=010 NON=085 ASBESTOS DETECTED
 CHR=005

Field ID: 37W-4 Material: LINO Color: Multi Location: Sample# 16817 CEL=010 NON=060 ASBESTOS
 DETECTED CHR=030

Field ID: 37W-5 Material: TCP Color: White Location: Sample# 16818 CEL=008 NON=090 ASBESTOS
 DETECTED CHR=002

Field ID: 37W-6 Material: TCP Color: White Location: Sample# 16819 CEL=003 NON=095 ASBESTOS
 DETECTED CHR=002

Field ID: 37W-7 Material: TCP Color: White Location: Sample# 16820 NON=098 ASBESTOS DETECTED
 CHR=002

Field ID: 37W-8 Material: JC Color: White Location: Sample# 16821 NON=098 ASBESTOS DETECTED CHR=002

Field ID: 37W-9 Material: WB Color: Gray Location: Sample# 16822 CEL=015 NON=085 None Detected

Field ID: 37W-10 Material: JC Color: White Location: Sample# 16823 NON=098 ASBESTOS DETECTED CHR=002

Field ID: 37W-11 Material: ROOF S Color: Black Location: Sample# 16824 CEL=050 NON=050 None Detected

Field ID: 37W-12 Material: ROOF F Color: Black Location: Sample# 16825 CEL=020 NON=080 None Detected

****End of Report****

Legend (All sample results represent percentages EX: 001 = 1%) TR(Trace) = < 1%

Asbestos Minerals: Chrysotile=CHR, Amosite=AMO, Crocidolite=CRO, Actinolite=ACT, Tremolite=TRE, Anthophyllite=ANT

Fibrous Materials: Fiberglass=FBG, Mineral Wood=MNW, Cellulose=CEL, Hair=HAR, Synthetic=SYN, Other=OTH, Non-Fibrous=NON

Board of Health

From: Bridgette Braley [bbraley@nashoba.org]
Sent: Friday, June 07, 2013 10:32 AM
To: Board of Health
Subject: RE: 37 Willard Street & 100 East Main Street

37 Willard. No further updates. I have driven past the house several times. No odor issues.

100 E. Main. I have not heard back from the tenant regarding re-inspection. The State did the lead inspection so we do not have that info.

--
Bridgette Braley R.S.
District Health Inspector
Nashoba Associated Boards of Health
978-772-3335 ex 303

From: Board of Health [mailto:boh@ayer.ma.us]
Sent: Thursday, June 06, 2013 1:29 PM
To: Bridgette Braley
Subject: 37 Willard Street & 100 East Main Street
Importance: High

Hi, Bridgette,

I am also looking for updates for the BOH meeting on Monday for these properties:

- 37 Willard Street – The Board has a copy of Gabe's letter of May 14, 2013, where the owner was asked to contact Gabe by May 24. Have you heard anything further on this?
- 100 East Main Street – This property had infestation and lead issues. A letter from you went out April 26, 2013, so it's now over 30 days. Any news?

Thanks!

Ruth

Ruth A. P. Terry
Administrative Assistant
Ayer Board of Health
978-772-8213
boh@ayer.ma.us

From: Bridgette Braley [mailto:bbraley@nashoba.org]
Sent: Monday, May 13, 2013 1:32 PM
To: boh@ayer.ma.us
Subject: update

Just an update before I forget. 37 Willard Street. I called the home owner to get an update on the property (is it coming down or will he be renovating it). Waiting to hear back.

--
Bridgette Braley R.S.

Board of Health

From: Board of Health [boh@ayer.ma.us]
Sent: Thursday, May 12, 2011 1:24 PM
To: 'Bridgette Braley'
Cc: 'Chief Pedrazzi'
Subject: 37 Willard Street
Attachments: 37 Willard Street photos 5-12-11.pdf

Hi, Bridgette,

Attached are photos brought in this morning of 37 Willard Street. The building burned in October 2010; the photos were taken a few days ago.

These were brought in by Anthony Poirier, owner of 39 Willard Street (he has tenants in #39 now). Mr. Poirier lives in Winchendon (978-297-1406). He was hoping, with the nicer weather, there would be an effort to clean up #37, but came to see a site that hasn't happened.

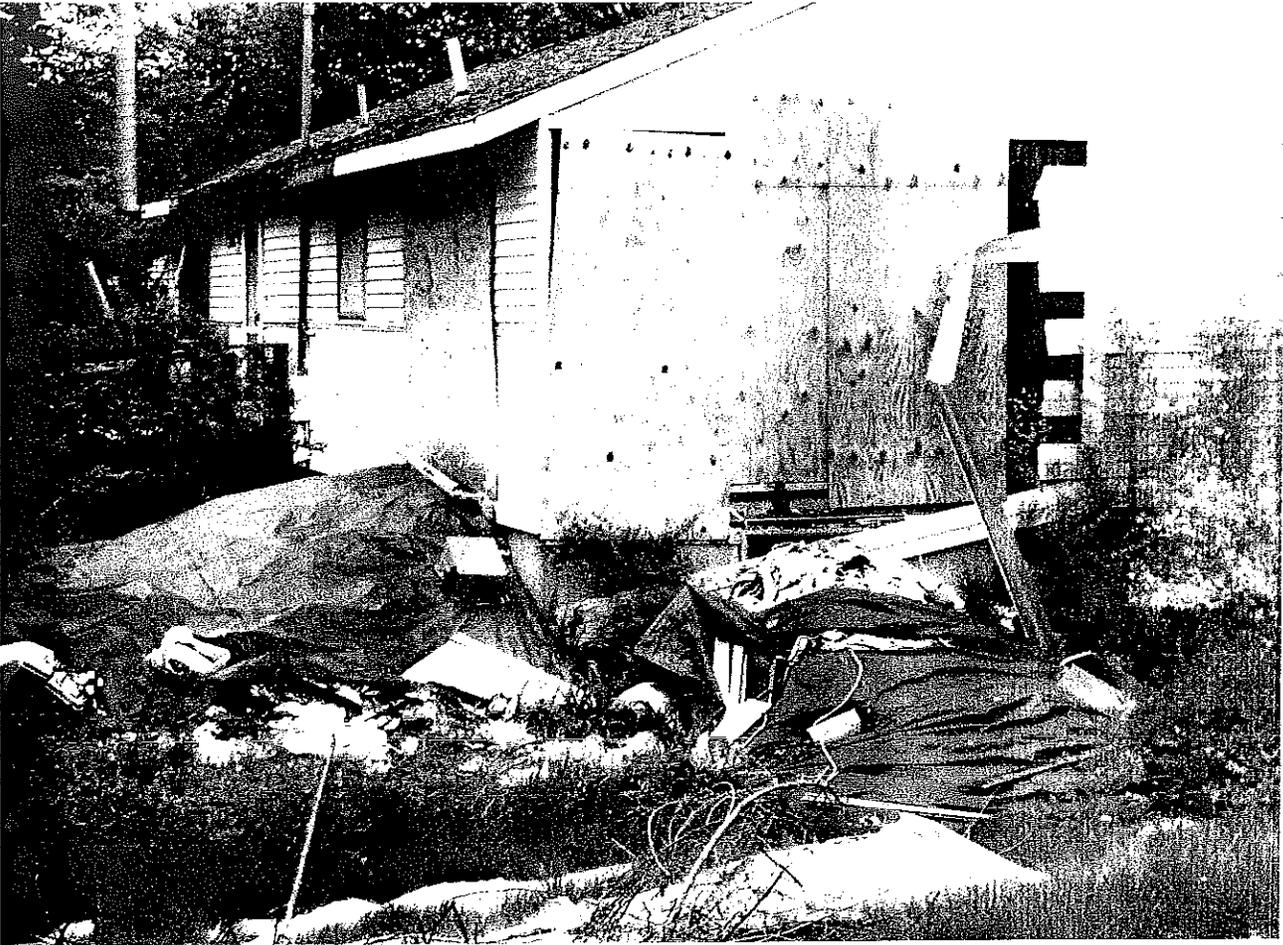
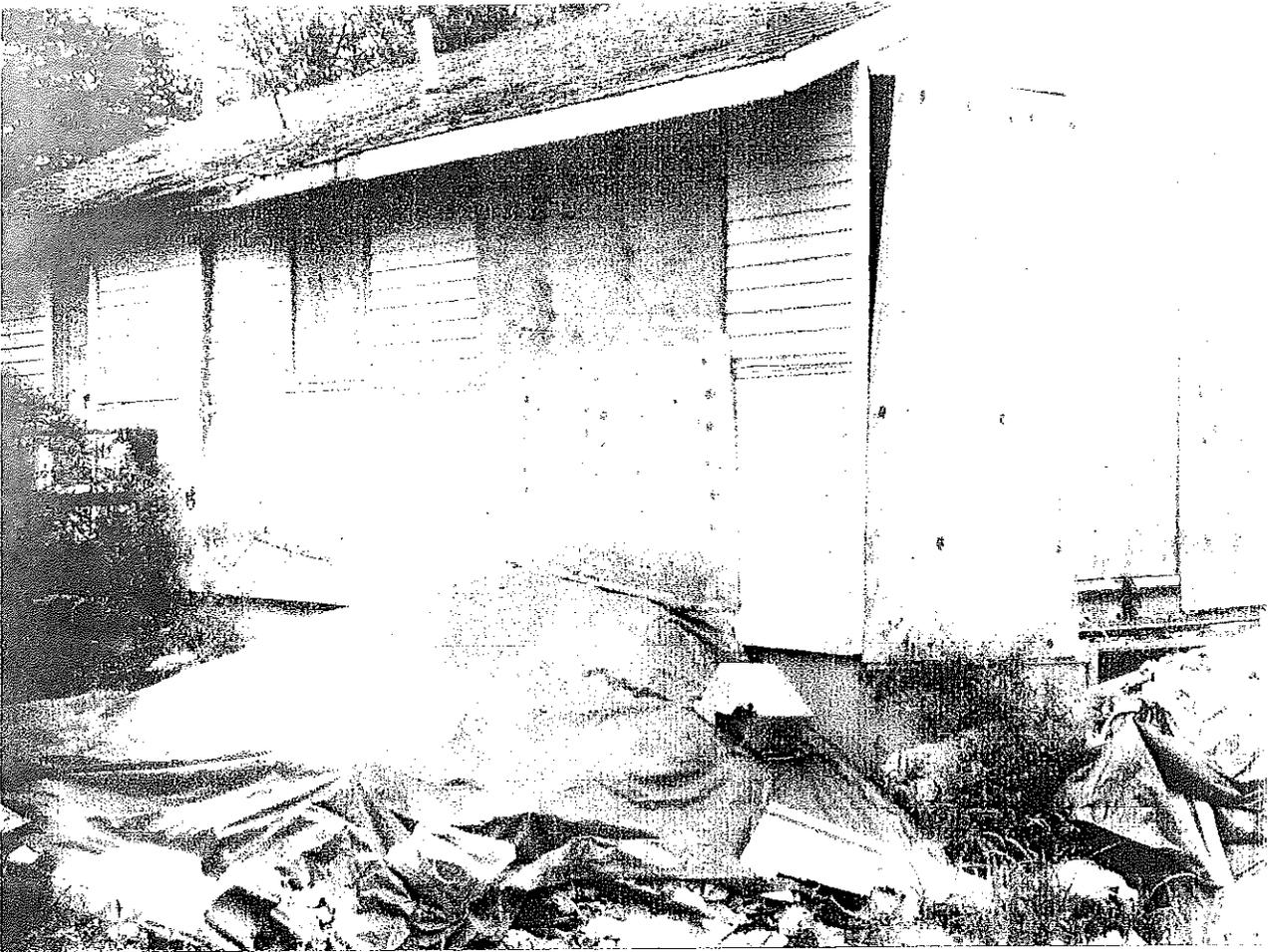
Keep us updated.

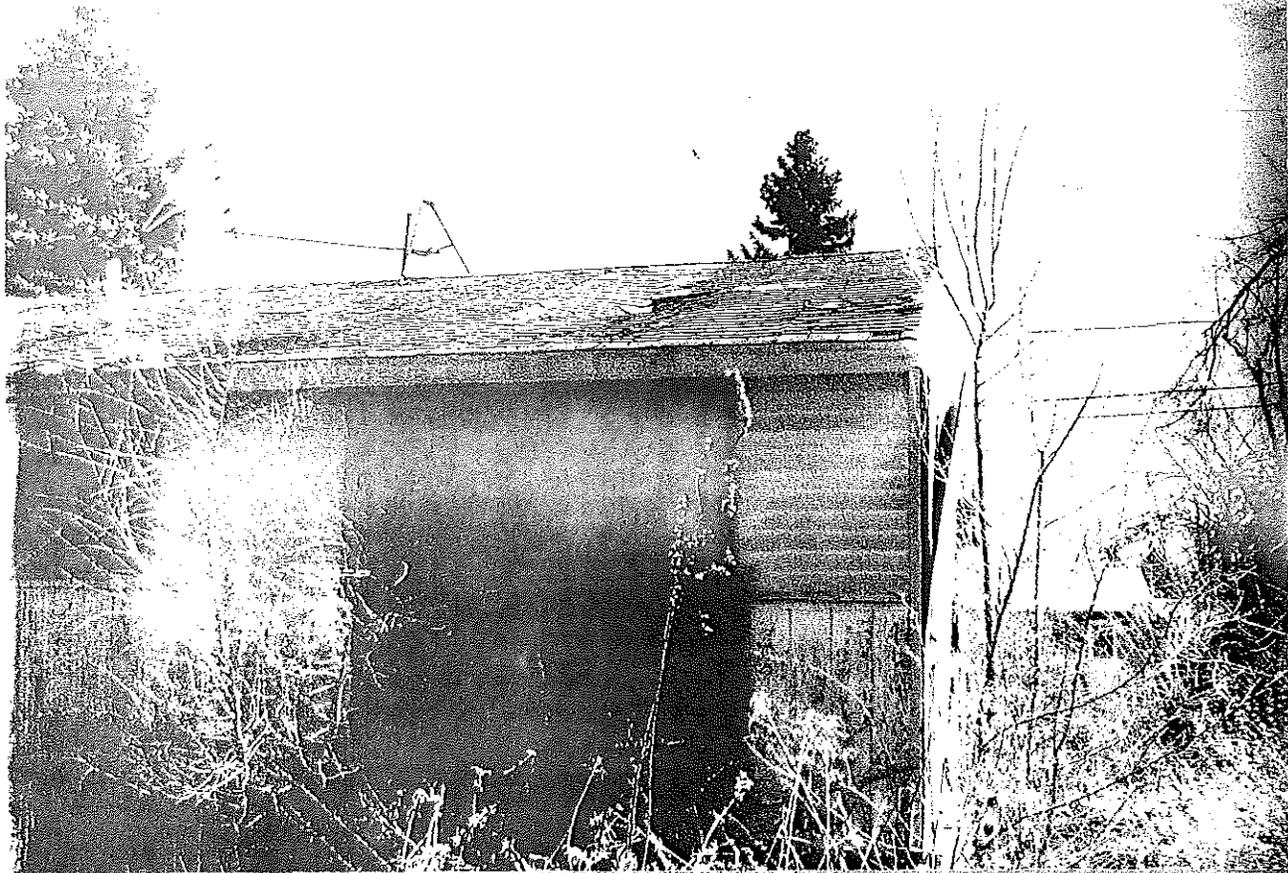
Thanks.

Ruth

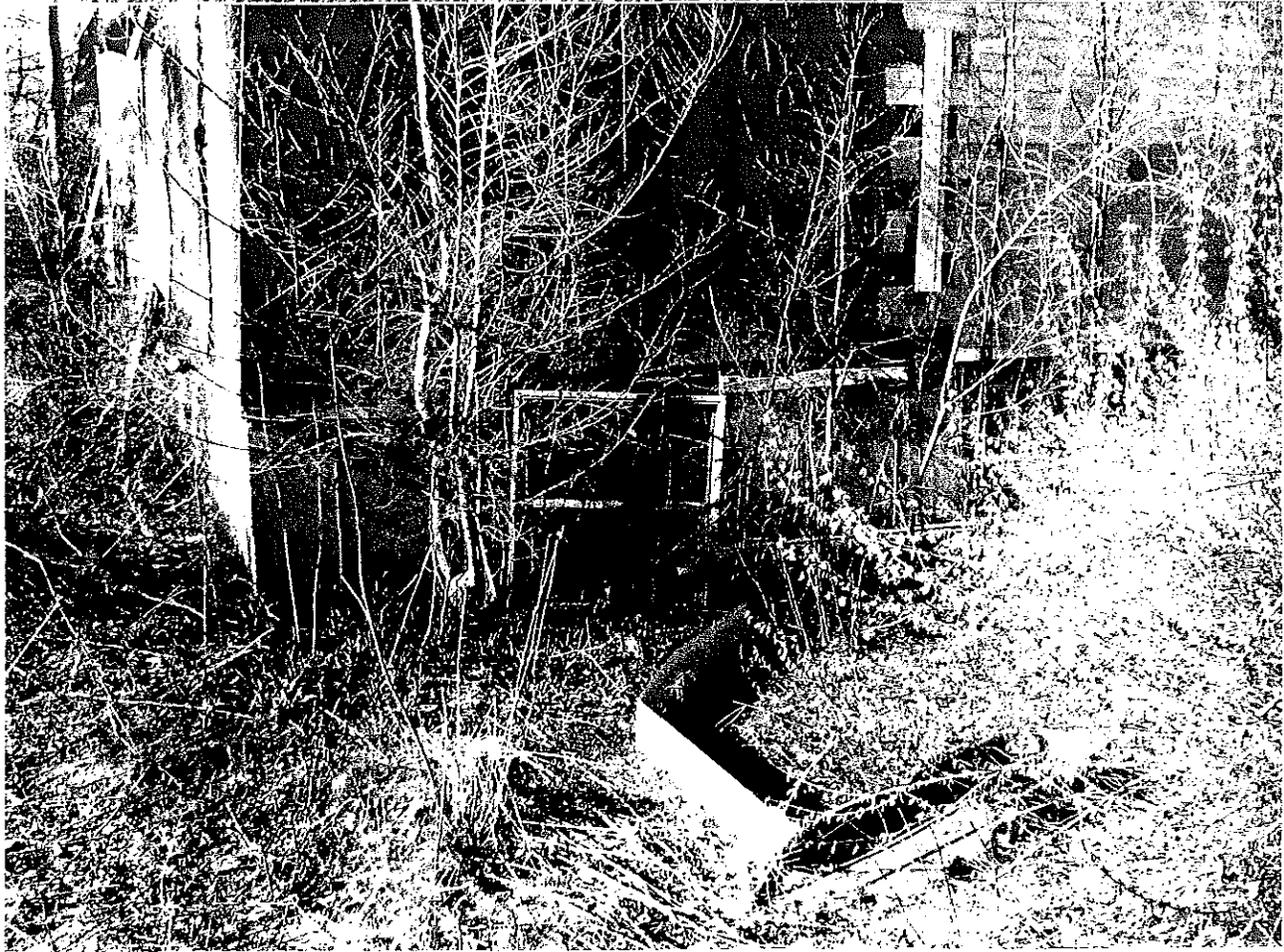
Ruth A. P. Terry
Administrative Assistant
Ayer Board of Health
978-772-8213
boh@ayer.ma.us

100
100
100
100
100





37 Willard St.
Five Oct 2010



37 Willard St
June 2010 - Oct

MR. MARK WETZEL, DPW SUPERINTENDENT'S REPORT

Superintendent Wetzel will appear before the Board regarding the following items:

- Water Meter and Automatic Meter Reading System Purchase Order \$199,321.19 (year one) (See Attached)
- Old Groton Road Re: Winter Maintenance Discussion (See Attached)
- Willows Development, LLC Payment for Water Tank Construction (See Attached)

DEPARTMENT OF PUBLIC WORKS

Mark L. Wetzel, P.E., Superintendent
Pamela J. Martin, Office Manager



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

MEMORANDUM

Date: December 17, 2013
To: Board of Selectmen
From: Mark Wetzel, P.E., Public Works Superintendent
Subject: **Meeting Agenda Items**

Please find attached for your review and/or approval:

1. Water Meter s and Automatic Meter Reading System Bid - The DPW, in accordance with MGL Chapter 30B, received technical and cost proposals from vendors to supply water meters and radio transmitters. Attached is a memo detailing the procurement process and recommendation of award to Ti-SALES Inc. of Sudbury, MA. If the Board concurs with the Selection Committees' recommendation, documents for execution of the Purchase Order Contract in the amount of \$119,321.19 (year one) are prepared for signature by the Board.
2. Old Groton Road - As requested by the Town Administrator, I prepared a memo dated Oct 7, detailing the issues with the road and the procedures / costs required to bring the road up to acceptable standards. As winter is upon us, the DPW would like direction from the Board regarding winter maintenance of this private ally way.
3. Update on Willows Development, LLC payment for Water Tank Construction. See attached memo dated Dec. 9, 2013.

DEPARTMENT OF PUBLIC WORKS

Mark L. Wetzel, P.E., Superintendent
Pamela J. Martin, Office Manager

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

Memorandum

Date: December 4, 2013

To: Robert Pontbriand, Town Administrator

From: Mark Wetzel P.E., Public Works Superintendent



Re: Water Meter and Automatic Meter Reading System Contract Award

The DPW has completed the vendor selection process for the Water Meter and Automatic Meter Reading System Procurement. The project involves purchase of 900 water meters and 3000 radio frequency transmitters over a 3 year period. The cost proposals were for three 1-year contracts, with the award based on the first year proposal.

Procurement was in accordance with MGL Chapter 30B - Request for Proposals process. Weston & Sampson Engineers assisted the DPW in this process. The selection committee included Mark Wetzel, Pamela Martin, Richard Linde, Scott Schwinger and Robert Pontbriand. Margret McCarthy of Weston & Sampson was also involved in the evaluation process.

The Town received four proposals - EJ Prescott Inc, Itron Inc., Stiles Company Inc. and Ti-Sales Inc. Vellano Bros Inc submitted a proposal however it was received late and was returned to them un-opened.

The four proposals were evaluated and ranked based on a detailed evaluation criteria and the Price proposals were then opened. Ti-Sales and Itron were the two highest ranked and were both interviewed. Based on the proposals, interviews and price proposals, Ti-Sales was selected.

Attached is Weston & Sampson's summary of the evaluation and prices. The four proposals are as follows:

Vendor	Ranking	Year 1 Cost
Ti-Sales	89.5	\$119,321.19
Itron	80.5	\$166,466.50
Stiles Company	74.9	\$114,438.50
EJ Prescott	80.5	\$174,340.00

The selection committee was unanimous in selecting Ti-Sales. Their proposal was complete and the Neptune meters and radio system are reliable and will integrate with our existing meters and billing system. They are a local company (Sudbury, MA) and provide outstanding customer service and support.

If you concur with our recommendation to award the Year 1 Contract in the amount of \$119,321.19 to Ti-Sales Inc., I will notify them and have them prepare the appropriate documents for execution by the Board of Selectmen at their next meeting.

The Ayer DPW- Water Division is excited about implementing this important project to improve the water meter reading system for the Town.

Five Centennial Drive
Peabody, MA 01960-7985
tel: 978-532-1900 fax: 978-977-0100
www.westonandsampson.com

planning, permitting,
design, construction,
operation, maintenance

Weston&Sampson

Ayer, Massachusetts
Project 2130347

December 3, 2013

Mr. Mark Wetzel, PE
DPW Superintendent
Town of Ayer
25 Brook Street
Ayer, Massachusetts 01432

Re: Water Meter and Automatic Meter Reading System
Recommendation

Dear Mark:

Four (4) proposals were received on October 24, 2013 for Water Meters and Automatic Meter Reading System. Proposals were received from Everett J. Prescott (EJP), Itron, Stiles and Ti-Sales. Weston & Sampson transmitted draft review of technical proposals to the Town on November 6, 2013. EJP did not meet the minimum criteria for the references provided. The Town's evaluation committee meet on November 12, 2013 to review the proposals. Based on the ratings of the technical proposal's it was agreed to interview Ti-Sales and Itron.

Interviews were held with Itron and Ti-Sales on November 26, 2013. The technical rankings were updated based on information received during the interview process. The vendor's proposals were evaluated based on the following criteria:

- Equipment Software – 25% of score
- Project Management & Implementation Service – 15% of score
- Warranties & Support – 15% of score
- Experience, Financial Strength & Stability of proposer – 10% of score
- Capital & Lifecycle Expenses – 35% of score

A summary of the final rankings is presented below with the detailed information provided in Attachment 1.

Criteria	Ti Sales (Neptune)	Everett J. Prescott (Sensus)	Stiles Company (Badger)	Itron (Badger)
Ranking Criteria				
Criteria #1 - Mobile Collector Hardware and Software	Highly Advantageous	Not Advantageous	Advantageous	Highly Advantageous
Criteria #2 - Handheld Unit Hardware and Software	Highly Advantageous	Advantageous	Advantageous	Highly Advantageous
Criteria #3 - Radio Frequency (Rf) Module	Highly Advantageous	Highly Advantageous	Highly Advantageous	Highly Advantageous
Criteria #4 - AMR System Software for Owner PCs	Highly Advantageous	Not Advantageous	Unacceptable	Highly Advantageous
Criteria #5 - Positive Displacement Meters/Alternative Water	Highly Advantageous	Advantageous	Highly Advantageous	Advantageous
Criteria #6 - Registers	Highly Advantageous	Highly Advantageous	Unacceptable	Highly Advantageous
Criteria #7 - FCC Licensing Requirements	Highly Advantageous	Highly Advantageous	Highly Advantageous	Highly Advantageous
Criteria #8 - Project Management and Implementation Plan	Advantageous	Unacceptable	Unacceptable	Advantageous
Criteria #9 - Meter and AMR System Training	Highly Advantageous	Unacceptable	Highly Advantageous	Highly Advantageous
Criteria #10 - Support Services and Warranty	Highly Advantageous	Highly Advantageous	Unacceptable	Highly Advantageous
Criteria #11 - Experience	Highly Advantageous	Highly Advantageous	Highly Advantageous	Highly Advantageous
Criteria #12 - Capital Cost / Criteria #13 - Lifecycle Cost	Highly Advantageous	Not Advantageous	Highly Advantageous	Not Advantageous
TOTAL POINTS	89.5	61.2	74.9	80.5
RANK	1	4	3	2

The vendor's price proposals and life cycle costs were opened on November 12, 2013, after the initial evaluation was completed. A summary of the pricing is below. The detailed information from the price proposals is contained in Attachment 2 of this letter.

Contractor	Year 1	Year 2	Year 3	Total of Bid
Ti-Sales	\$119,321.19	\$92,747.35	\$118,670.70	\$330,739.24
Itron	\$166,466.50	\$105,224.00	\$133,582.00	\$405,272.50
Stiles	\$114,438.50	\$78,252.00	\$99,730.36	\$292,420.86
EJP (Base Proposal)	\$174,340.00	\$121,675.00	\$138,352.50	\$434,367.50
EJP (Alternative Meters)	\$180,015.00	\$127,350.00	\$158,065.00	\$465,430.00

The three year capital costs and life cycle costs were converted to a net present value. The total systems costs are presented in the table below.

Contractor	PV Capital Cost (Yrs 1-3)	PV Lifecycle (Yrs 4-20)	Net PV (Yrs 1-20)
Ti-Sales	\$ 321,226	\$ 59,428	\$ 380,654
Itron	\$ 394,540	\$ 83,744	\$ 478,284
Stiles	\$ 284,417	\$ 63,553	\$ 347,970
EJP (Base Proposal)	\$ 422,882	\$ 65,402	\$ 488,284
EJP (Alternative Meters)	\$ 452,647	\$ 65,402	\$ 518,049

Based on the technical proposal and pricing Ti-Sales, providing the Neptune water meters and R900 reading system, is the most advantageous system, with a cumulative ranking of 89.5

We recommend that the Town of Ayer issue a letter of intent to award the contract in the amount of \$119,321.19 for Year 1 with the option to award for Year 2 and Year 3 as funds become available.

It is suggested that Ayer work with Ti-Sales to determine if the purchase of the mobile collector, item 2d in the price form, can be deferred to Year 3 when the system is significantly deployed. This will allow for the purchase of additional meters and radio modules in year 1.

Assuming our recommendation is accepted the Town of Ayer should send a "Notice of Intent to Award" to Ti-Sales plus copy this office. Enclosed please find a draft letter to that effect in Attachment 3. Upon receipt of copy of such notice we will assist the Town in contract negotiations with Ti-Sales. Ti-Sales will be directed at that time to obtain the required performance bond and insurance and return all documents to our office to be checked for compliance.

Please call me if you have any questions.

Very truly yours,

WESTON & SAMPSON ENGINEERS, INC.



Margaret A. McCarthy, P.E.
Team Leader

Attachments:

- Attachment 1 – Technical Proposal Evaluation
- Attachment 2 – Proposal Price Summary
- Attachment 3 – Notice of Intent to Award

TOWN OF AYER, MASSACHUSETTS

PURCHASE ORDER AGREEMENT

WATER METERS AND
AUTOMATIC METER READING SYSTEM

THIS PURCHASE ORDER AGREEMENT, made this _____ day of _____, 2013, by and between the party of the first part, the Town of Ayer, hereinafter called "OWNER," acting herein through its Board of Selectmen, and the party of the second part, _____ doing business as a corporation located in the Town/City of _____, and State of _____, hereinafter called "CONTRACTOR."

WITNESSETH: That for and in consideration of the payments and agreements hereinafter mentioned, to be made and performed by the OWNER, the CONTRACTOR hereby agrees with the OWNER to commence and complete the project described as follows:

WATER METERS AND
AUTOMATIC METER READING SYSTEM

hereinafter called the project, for the sum of _____ Dollars and _____ Cents (\$ _____) and all extra work in connection therewith; and at his (its or their) own proper cost and expense to furnish all the materials, supplies, equipment, tools, superintendence, labor, insurance, transportation, and other accessories and services necessary to complete the said project in accordance with the conditions and prices stated in the attached documents listed below therefore as prepared by Weston & Sampson Engineers, Inc.

The following documents shall be considered part of this purchase order agreement and are attached:

1. "Price Proposal for Water Meters and Automatic Meter Reading System" as submitted by _____, and dated _____.
2. "Technical Proposal for Water Meters and Automatic Meter Reading System", as submitted by _____, and dated _____.
3. "Performance Bond for Water Meters and Automatic Meter Reading System", as submitted by _____, and dated _____.
4. "Request for Proposals for Water Meters and Automatic Meter Reading System", as submitted by _____, and dated _____.
5. "Certificate of Insurance for Water Meters and Automatic Meter Reading System", as submitted by _____, and dated _____.

The Proposer hereby agrees to commence work under this contract on or before a date to be fixed in the written "Purchase Order Agreement" given by the OWNER to the CONTRACTOR and to fully complete the contract within the specified dates. The CONTRACTOR further

agrees to pay as liquidated damages the sum of \$400 for each consecutive calendar day thereafter during which the material has not been delivered, as provided in the Liquidated Damages paragraph of the General Conditions for Contract.

The Contract shall effectively start at the date fixed in the "Purchase Order Agreement". The Contract shall start and conclude based on the three milestones described below.

	<u>Start Date</u>	<u>Completion Date</u>
Milestone 1—Year 1	Start Date fixed in "Purchase Order"	June 30, 2014
Milestone 2—Year 2	July 1, 2014	June 30, 2015
Milestone 3—Year 3	July 1, 2015	June 30, 2016

Delivery of positive displacement meters, registers, and RF modules shall be within 60 calendar days from the date of receipt of individual purchase orders. Delivery of products other than positive displacement meters, registers and AMR modules shall be within 90 calendar days from the date of receipt of individual purchase orders.

The CONTRACTOR shall not discriminate against or exclude any person from participation herein on grounds of race, religion, color, sex, age or national origin; and that it shall take affirmative actions to insure that applicants are employed, and that employees are treated during their employment, without regard to race, religion, color, sex, age, handicapped status, or national origin.

The CONTRACTOR shall not participate in or cooperate with an international boycott, as defined in Section 999 (b)(3) and (4) of the Internal Revenue Code of 1986, as amended, or engage in conduct declared to be unlawful by Section 2 of Chapter 151E of the Massachusetts General Laws.

Applicable provisions of Massachusetts General Laws and Regulations and/or the United States Code and Code of Federal Regulations govern this Agreement and any provision in violation of the foregoing shall be deemed null, void and of no effect. Where conflict between Code of Federal Regulations and State laws and Regulations exist, the more stringent requirement shall apply.

IN WITNESS WHEREOF, the parties to these presents have executed this Agreement in six (6) counterparts, each of which shall be deemed an original, in the year and day first above mentioned.

AGREED:

Town of Ayer, Massachusetts
(Owner)

By

Date

By

(Contractor)

Date

(Name)

(Title)

(Address)

(City and State)

Approved as to Form:

By

(Owner's Counsel)

(Name)

In accordance with M.G.L. C.44, Section 31C, this is to certify that an appropriation in the amount of Year 1 of this Contract is available and that the Board of Selectmen has been authorized to execute the Contract and approve all requisitions and change orders.

By _____
(Owner's Accountant)

(Name)

CERTIFICATE OF VOTE
(to be filed if Contractor is a Corporation)

I, _____, hereby certify that I am the duly qualified and acting
(Secretary of Corporation)
Secretary of _____ and I further certify that a meeting of the
(Name of Corporation)
Directors of said company, duly called and held on _____, at which all members
(Date of Meeting)
were present and voting, the following vote was unanimously passed:

VOTED: To authorize and empower

Anyone acting singly, to execute Forms of General Bid, Contracts or Bonds on behalf of the Corporation.

I further certify that the above vote is still in effect and has not been changed or modified in any respect.

By: _____
(Secretary of Corporation)

A True Copy:

Attest: _____
(Notary Public)

My Commission Expires: _____
(Date)

STATEMENT OF COMPLIANCE

I, _____, as _____ of
(Title)

_____, whose principal place business is located

at _____, do hereby certify that the above name

_____ has complied with all laws of the Commonwealth

of Massachusetts relating to taxes, reporting of employees and contractors and withholding and

remitting child support in accordance with the provisions of Massachusetts General Laws, Chapter

62C, S.49A, as amended.

Signed under penalties of perjury this _____ day of _____, 20__.

Signature of Authorized
Representative of Contractor

O:\Ayer\Meter Reading Procurement\RFP\05- Purchase Order Agreement.docx

DEPARTMENT OF PUBLIC WORKS

Mark L. Wetzel, P.E., Superintendent
Pamela J. Martin, Office Manager

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

Memorandum

Date: October 7, 2013
To: Robert Pontbriand, Town Administrator
From: Mark Wetzel P.E., Public Works Superintendent
Re: Old Groton Road

As requested, I have prepared a memo regarding Old Groton Road. This is an unpaved "alley" that runs from Pleasant Street, at Washington Court, to Washington Street. The road characteristics are as follows:

- Unpaved, unmaintained "dirt" road with deep ruts in many areas
- Layout is 15 feet wide and 800 feet long
- No utilities in the layout
- All abutters have addresses on Washington St or Pleasant St
- "Do Not Enter" signs at both ends
- There is no drainage on the road and after large rain events, rocks and gravel are washed onto Pleasant Street
- Based on Town records, there are no underground utilities in the road

Based on my review of the DPW files, in September 2005, a memo from the Assessing Administrator stated that in the opinion of Town Counsel, the abutters own the road.

The DPW had snow plowed the road in the past. I was informed that Mr. Nason determined that the DPW was not going to plow the road as it was a private road and the encroachment by the abutters prevented it from being plowed with our equipment in a safe and efficient manner. However, after the first snow storm in 2012, I was instructed by Mr. Pontbriand to plow the road. It should be pointed out that this road is difficult to plow for the following reasons:

- The road is narrow due to fences, bushes, trees, landscaping and parked cars
- The road surface is uneven and eroded
- The only DPW vehicle that can plow this street is the Town backhoe

The existing conditions are shown in the photos below.

Old Groton Rd
Oct. 7, 2013



I have prepared a summary of the work required to upgrade the road to Town standards. The Town subdivision regulations require a minimum 50 foot right of way (ROW), with a 36 paved road, sidewalks and grass buffers . The recommended design standards for a "single use residential - narrow- two lane" is 33 to 36 ft ROW and a "single use residential - alley " is a single 10 to 12 ft paved lane with a 20 ft ROW. In addition, it is recommended that there be a 4 foot setback from the edge of the ROW for structures.

If the Town were to improve the road for maintenance by the Town DPW, I would recommend the following:

- Obtain an additional 5 feet from the abutters to create a 20 foot ROW
- Widen the road to a 12 foot (minimum) pavement width with 4 foot shoulders on each side
- Due to the road profile, it would be necessary to install a piped drainage system
- Due to the road profile, retaining walls will be required to widen the ROW
- Make the road one-way for through traffic in the Pleasant Street to Washington Street direction
- Restrict on-street parking during winter months

Old Groton Rd
Oct. 7, 2013

I have prepared a preliminary cost to construct the improvements and bring the road up to Town standards. This is a very preliminary cost estimate and a more accurate estimate will require survey and engineering to determine the specific design criteria and unit quantities.

The preliminary cost estimate is as follows:

Survey	\$ 13,000
Engineering	\$ 25,000
Construction	\$171,000

If we do not upgrade the existing roadway to acceptable standards and the Board of Selectmen vote to continue plowing Old Groton Road (and other private roads), I recommend that the Town develop a policy that requires the abutters to complete an application / liability waiver.

P. 5
9/20 RA
FYI

**Town Of Ayer
Town Administrator**

Memo

To: Residents of the Old Groton Road Area

From: Anita M. Scheipers, Town Administrator
Date: Sept. 7, 2005
CC: Chairman Faye Morrison

Re: **Update on Status of Road Layout Ownership Research**

Please be advised that The Board of Selectmen have directed this office to determine who holds title to the roadway layout known as Old Groton Road. This information is key in making a decision about what work, if any, the Town is able to do relative to upgrades of the roadway. If ownership is determined to still be the Town's, the Selectmen then have the ability to decide if funds/labor should be expended to perform any upgrades. If ownership is found not to be the Town's, then the Selectmen are not legally able to expend any funds in performing any upgrades. Such upgrades would then be the decision and responsibility of the owner(s).

The Ayer Board of Assessor's Office has been asked to determine the ownership. As of last week, a clear answer had not been obtained. I know that Tom Hogan, Ayer's Assessing Administrator, is actively seeking an answer. He will advise the Selectmen's office as soon as he has viable information. At that point, an update or an options discussion will likely occur at a Selectmen's meeting. Please feel free to check in with the Selectmen's office during the next few weeks to ascertain if such discussion is scheduled to take place.

In the meantime, I have asked the DFW to check the edges of the active roadway downhill from Old Groton Road to ensure that runoff debris is kept clear of that traveled way.

Please feel free to contact me before Sept. 20th if you have any additional questions. I may be reached at 978-772-8210.

Very Truly Yours,

Anita Scheipers

9/13 TOM H verbally
stated Atty det'd
Rd layout ownership
reverted to abutters.
Schedule for 10/4
rd mtg.



Mark Wetzel
1/9/13

I found the files
1/11/13
sent

**Board of Assessors
Town Hall
1 Main Street
Ayer, Massachusetts 01432**

Tel: (978) 772-8211

Fax: (978) 772-8222

Date: September 14, 2005

To: Anita Scheipers, Town Administrator

From: Thomas Hogan, Assessing Administrator

Re: Old Groton Road

Per your request, I spoke with Kathleen O'Donnell at K&P regarding the Old Groton Road ownership issue. Her opinion is that if the road is an unaccepted public way (confirmed with the Town Clerk) and the abutting deeds refer to the property as "by Old Road" (a sampling of the abutting deeds confirm this), the road becomes subject to the derelict fee statute. According to this statute, Ch. 183 sec. 58, each abutter owns the underlying fee up to the road centerline subject to the access rights of each abutter. In short, the Town has been a "good neighbor" by intermittently maintaining the road, but the abutters ultimately own the road.

I have attached a copy of the statute for your review. I am available should you require any further information.

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ALIENATION OF LAND

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Total Client-Service Library® References—

55 Am Jur 2d, Mortgages § 397.

Annotations—.

Construction and effect as to interest due of real estate mortgage clause authorizing mortgagor to prepay principal debt. 86 ALR3d 599.

Excess of payment for one period as applicable to subsequent period under contract or mortgage providing for periodic payments. 89 ALR3d 947.

Texts—

Massachusetts Conveyancers' Handbook § 19:5.04.

§ 58. Construction of Instrument Passing Title to Real Estate Abutting Way, Watercourse, or Monument.

Every instrument passing title to real estate abutting a way, whether public or private, watercourse, wall, fence or other similar linear monument, shall be construed to include any fee interest of the grantor in such way, watercourse or monument, unless (a) the grantor retains other real estate abutting such way, watercourse or monument, in which case, (i) if the retained real estate is on the same side, the division line between the land granted and the land retained shall be continued into such way, watercourse or monument as far as the grantor owns, or (ii) if the retained real estate is on the other side of such way, watercourse or monument between the division lines extended, the title conveyed shall be to the center line of such way, watercourse or monument as far as the grantor owns, or (b) the instrument evidences a different intent by an express exception or reservation and not alone by bounding by a side line.

History—

1971, 684, § 1; 1973, 185, § 1; 1990, 378, § 1.

Editorial Note—

Acts 1971, Ch. 684, § 2, provides as follows:

SECTION 2. Section fifty-eight of chapter one hundred and eighty-three of the General Laws, added by section one of this act, shall take effect on January the first, nineteen hundred and seventy-two and shall apply to instruments executed on and after said effective date and to instruments executed prior thereto, except that as to such prior executed instruments this act shall not apply to land registered and confirmed under the provisions of chapter one hundred and eighty-five before said effective date or to the extent that any person or his predecessor in title has changed his position as a result of a decision of a court of competent jurisdiction.

The 1973 amendment changed "interest" to "fee interest" in provision that every instrument passing title to real estate abutting a way, etc., is to be

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ALIENATION OF LAND

C. 183

with it right to use way along its entire length. *Brennan v De Coata* (1987) 24 Mass App 968, 511 NE2d 1110.

Real estate located at end of way does not abut way for purposes of ALM GL c 183 § 58, and therefore carries no fee ownership of way. *Boudreau v Coleman* (1990) 29 Mass App 621, 564 NE2d 1.

When deed passes title to real estate abutting way, public or private or in existence or contemplated by designation on plan, fee interest of grantor in way is conveyed—to center line if grantor retains property on other side of way or for full width if he does not—unless different intent is evidenced by express exception or reservation in deed. *Tattan v Kurlan* (1992) 32 Mass App 239, 588 NE2d 699, review den (1992) 412 Mass 1105, 595 NE2d 326.

Where deed to two lots of land in subdivision abutting proposed roadways did not contain express exceptions or reservations evidencing intent on part of grantors to retain fee in proposed roadways, grantees of lots were owners in fee

simple to middle of ways designated on plans. *Tattan v Kurlan* (1992) 32 Mass App 239, 588 NE2d 699, review den (1992) 412 Mass 1105, 595 NE2d 326.

In order for grantor to benefit from express reservation of fee interest in way, it must be contained in deed itself, not in some other document. *Tattan v Kurlan* (1992) 32 Mass App 239, 588 NE2d 699, review den (1992) 412 Mass 1105, 595 NE2d 326.

Under ALM GL c 183 § 58, conveyances of land abutting way, whether public or private, and whether in existence or merely contemplated, are construed in accordance with statute's provisions if deemed applicable. *Silva v Planning Bd. of Somerset* (1993) 34 Mass App 339, 611 NE2d 257.

Where grantor of land retained other land both on same side of street and on opposite side of street, ALM GL c 183 § 58(a)(ii) applied to give grantee title to center line of way. *Silva v Planning Bd. of Somerset* (1993) 34 Mass App 339, 611 NE2d 257.

§ 59. Late Charges Regulated.

No mortgagee, assignee or holder of a mortgage note secured by a first or subordinate lien on a dwelling house or four or less separate households or on a residential condominium unit occupied or to be occupied in whole or in part by the mortgagor shall require the mortgagor to pay a penalty or late charge for any payment made within fifteen days from the date such payment is due. In no event, in assessing a penalty because of the delinquency in making all or any part of a periodic payment under a mortgage note, shall the penalty or late charge exceed three per cent of the amount of principal and interest overdue, and in calculating such penalty or late charge, any amount of such periodic payment representing estimated tax payments required by the terms of the mortgage note or deed shall not be included.

History—

1972, 412, § 1; 1978, 78, § 1; 1988, 293.

Editorial Note—

Acts 1972, Ch. 412, § 2, provides as follows:

SECTION 2. The provisions of this section shall apply to contracts entered into on and after the effective date of this act.

C. 183 ANNOTATED LAWS OF MASSACHUSETTS § 58

construed to include any fee interest of the grantor in such way, etc. Section 2 of the amending act provides as follows:

SECTION 2. Section fifty-eight of chapter one hundred and eighty-three of the General Laws, as amended by section one of this act, shall take effect as of January the first, nineteen hundred and seventy-two and shall apply to instruments executed on and after said effective date and to instruments executed prior thereto, except that as to such prior executed instruments this act shall not apply to land registered and confirmed under the provisions of chapter one hundred and eighty-five of the General Laws before said effective date or to the extent that any person or his predecessor in title has changed his position as a result of a decision of a court of competent jurisdiction.

The 1990 amendment, following "fence or other", substituted "similar linear monument" for "monument", and in clause (a), substituted "watercourse or monument" for "watercourse and monument". Section 2 of the amending act provides as follows:

SECTION 2. The provisions of section one shall take effect on January the first, nineteen hundred and ninety-one and shall apply to instruments executed on and after said effective date and to instruments executed prior thereto, except that as to such prior executed instruments this act shall not apply to land registered and confirmed under the provisions of chapter one hundred and eighty-five of the General Laws before said effective date or to the extent that any person or his predecessor in title has changed his position as a result of a decision of a court of competent jurisdiction.

Total Client-Service Library® References—

- 12 Am Jur 2d, Boundaries § 5.
- 2 Am Jur Proof of Facts 649, Boundaries.

Annotations—

Description with reference to highway as carrying title to center or side of highway. 49 ALR2d 982.

Deeds: description of land conveyed by reference to river or stream as carrying to thread or center or only to bank thereof—modern status. 78 ALR3d 604.

Texts—

Massachusetts Conveyancers' Handbook §§ 1:5, 5:12.02, 10:7.

CASE NOTES

Section sets out authoritative rules of construction for instruments passing title to real estate abutting a way. *Emery v Crowley* (1976) 371 Mass 489, 359 NE2d 1256.

Parcel did not constitute "way" in instruments passing title to property abutting its north and south boundaries; consequently, CL c 183 § 58 did not apply to

instruments. *Emery v Crowley* (1976) 371 Mass 489, 359 NE2d 1256.

Land Court Judge was warranted in applying CL c 183 § 58 in ruling that landowner owned particular strip free of rights of others. *Witteveld v Haverhill* (1981) 12 Mass App 876, 421 NE2d 789.

General rule is that title of persons who acquire land bounded by street or way runs to center line of way, and carries

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with it right to length. *Brenna* Mass App 968.

Real estate li not abut way fr 183 § 58, and ownership of w (1990) 29 Mass

When deed abutting way, p fence or conten plan, fee inter conveyed—to c tains property c full width if he intent is eviden or reservation : (1992) 32 Mass review den (19 NE2d 926.

Where deed subdivision abut did not contai reservations evi grantors to rets ways, grantees :

§ 59. La

No mortga a first or sut rate househo be occupied mortgagor t within fifteen in assessing : part of a per or late charg interest over amount of s ments requir be included.

History—

1972, 412, §

Editorial Note

Acts 1972, (

SECTION 2. 7

into on and af

DEPARTMENT OF PUBLIC WORKS

Mark L. Wetzel, P.E., Superintendent
Pamela J. Martin, Office Manager

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

Memorandum

Date: December 9, 2013

To: Robert Pontbriand, Town Administrator

From: Mark Wetzel P.E., Public Works Superintendent

Re: Willow Road Development - Water Storage Tank Mitigation Fee

The Town of Ayer and Willow Road Development LLC, entered into an agreement dated June 21, 2005 relating to water and sewer connection fees and participation in the construction of the Ridgeview Heights Water Storage Tank. In addition, the Comprehensive Permit, executed by the Zoning Board of Appeals dated, October 19, 2005, , Condition 38 states "If the water tower is not constructed within 5 years of commencement of the construction of the Willows development, these funds shall be transferred to the Town for whatever purpose the Town deems appropriate."

I spoke with Mr. Mark O'Hagan of Willows Development and he proposes to pay the Town the fee based on \$10,000 for each real estate closing for the remaining 25 units.

In order to implement this process, I believe the following is needed. However, this should be reviewed by Town Counsel.

1. Amendment to the Comprehensive Permit or . This should include specific information on how the money is deposited, where and when. I recommend that Town Counsel develop this document.
2. Execute the amendment/ agreement.
3. Town Accountant should determine if a separate account is needed to deposit and track the money, and if so, set up an account.
4. The DPW will need an article at Annual Town Meeting, authorizing spending of the money for the tank project.

APPROVAL OF ALL 2014 LICENSE RENEWALS

- The Board of Selectmen is respectfully requested to approve all of the 2014 License Renewals (See Attached List). Upon approval, the Board will be asked to sign all licenses at the Meeting.
- All license renewals and bills were sent out on December 11, 2013.
- The DPW provided the list of Licensees owing water/sewer on December 12, 2013 (See Attached)
- The Tax Collector provided the list of Licensees owing taxes on December 13, 2013 (See Attached)
- Per BOS Policy, **NO** license will be issued until all taxes, water/sewer, and/or other liens/fees owed the Town of Ayer are paid in full. Licensee's have until Tuesday, December 31, 2013 at 12:00pm NOON to received their licenses. All licenses will be kept in the BOS Vault and will only be released by the Town Administrator if all payments are current. Any Licensee that does not have a current license as of 12:01pm on Wednesday, January 1, 2014 will be reported to the Ayer Police Department and/or appropriate authority for enforcement.

MEMO

To: John Canney, Town Collector
Stephanie Gintner-Town Treasurer
Pam Martin-office Manager DPW

From: Janet Lewis

Re: Town of Ayer 2014 License Renewals

Date: 10-23-13

Please review the following licensees for outstanding bills, taxes, liens and advise the Selectmen's Office of those licensees who have unpaid status by November 8, 2013. The Board of Selectmen will be taking up License renewals at their 12-3-13 Meeting.

2014 ALL ALCOHOL: Package Stores

Ayer Package Store	48 Main St., Ayer, MA
Traffic Circle Liquors-d/b/a Jack-O-Lantern	2 Littleton Rd., Ayer, MA
Barnum Road Liquors Inc-Prit Patel	1 Barnum Road, Ayer, MA

Restaurants

Carlin's Restaurant	7 Depot Sq., Ayer, MA
Tiny's Restaurant	Groton School Rd., Ayer, MA
Nashoba Club	14 Central av., Ayer, MA
Mango Grille Restaurant	38 Littleton Rd, Ayer, MA
Lucia's Restaurant	31 Main St., Ayer, MA
Page Moore -Billiard Café	31-47 Main St., Ayer, MA
Markoh's on Main Restaurant	37 Main Street, Ayer, MA
Shaker Hills Golf Club	Shaker Road, Ayer, MA

2014 BEER & WINE PACKAGE STORE RENEWAL

Chung Gee Market	210-D W. Main St. Ayer, Ma
Vineyard	63 Park St., Ayer, MA
Archer's	70 Main St., Ayer, MA

2014 COMMON VICTUALLER LICENSE RENEWALS

Tiny's

Nashoba Club

Parthenon Pizza

W.Main St., Ayer, MA

Carlin's

Deven's Pizza & Deli

210 W.Main St., Ayer,MA

McDonalds

2 Sandy Pond Rd., Ayer, MA

Wendy's

1 Barnum Rd., Ayer, MA

Pauline's Variety

67 1/2 E. Main St., Ayer,MA

Woo Jung Restaurant

174 W. Main St., Ayer, MA

Wok n Roll-new owner

49 Park St, Ayer, MA

Verona

18 Park St., Ayer, MA

Dunkin Donuts

18 Park St., Ayer, MA

Lucia's

Ayer Gun & Sportsmen's Club

Dan's Place

200 W. Main St., Ayer, MA

Mango Grille

38 Littleton Rd., Ayer, MA

AM/PM Gas (dba Ayer Gulf Mart)

20-30 Park St., Ayer, MA

Page Moore d/b/a Billiard Café

Archer's Mobil

Chung Gee

Ah Gin Wong -new ower

210 W. Main St., Ayer, MA

Vineyard

63 Park St., Ayer, MA

Cottage

18 Main St., Ayer, MA

Natural Mkt.

25 Main Street, Ayer, MA

Lazy Mary's

30 Littleton Rd., Ayer, MA

Markoh's

37 Main Street, Ayer, MA

Shaker Hills Golf Club

Shaker Road, Ayer, MA

2014 AMUSEMENT LICENSE RENEWALS

Parthenon Pizza

W. Main St., Ayer, MA

Carlin's

Tiny's

Page Moore-d/b/a Billiard Café

Nashoba Club

Mango Grill

2014 SUNDAY ENTERTAINMENT LICENSE RENEWALS

Carlin's

Com. of MA

Page Moore d/b/a/Billiard Café

Com. of MA

2014 CLASS I RENEWALS

Gervais Ford

Trailer Home Sales

Toreku Tractor

L-3

-1 Littleton Rd., Ayer, MA

Fitchburg Rd. Ayer, MA

4 Littleton Rd., Ayer, MA

1 Nemco Way, Ayer, MA

1

2014 CLASS II RENEWALS

J.C. Madigan

Vehicles Unlimited

Nu-Kar Auto Sales

Rt. 2A Auto Sales

Alpha-Westford Rd.

Scott Terranova

Donald Buchikos-Don's Auto Sales

Ayer Rd. Used Cars LLC

Partridge Auto Sales

8 Shaker Rd., Ayer, MA

121 Central Ave., Ayer, MA

9-11 Park St., Ayer, MA

77 Fitchburg Rd. Ayer, MA

Littleton Rd., Ayer, MA

Bishop Rd., Ayer, MA

6 Groton St., Ayer, MA not

2014 CLASS III RENEWALS

Harry Schwartz

20 Sandy Pond Rd., Ayer, MA

Robert Pontbriand

From: Janet Lewis [bos@ayer.ma.us]
Sent: Thursday, December 12, 2013 9:43 AM
To: 'Robert Pontbriand'
Subject: FW: 2014 licenses

From: Pam Martin [mailto:dpw@ayer.ma.us]
Sent: Thursday, December 12, 2013 8:24 AM
To: 'Janet Lewis'
Subject: RE: 2014 licenses

Hi Janet,

Sorry about the delay. Only two have outstanding, past due balances. They are: Rt 2A Auto Sales (196.31) and Partridge Auto (69.02).

Pam

From: Janet Lewis [mailto:bos@ayer.ma.us]
Sent: Wednesday, December 11, 2013 2:45 PM
To: pmartin@ayer.ma.us
Subject: 2014 licenses

Pam thank you for your update on the outstanding licensees. Are the following licensees still outstanding as of today?

Traffic Circle Liquors-d/b/a Jack-O-Lantern

Barnum Rd. Liquors-Prit Patel

Tiny's Restaurant

Nashoba Club

Parthenon Pizza

Pauline's Variety

Lazy Mary's

Toreku Tractor

Rt 2A Auto Sales

Scott Terranova

Partridge Auto

No virus found in this message.

Checked by AVG - www.avg.com

Version: 2014.0.4259 / Virus Database: 3658/6911 - Release Date: 12/11/13

Ayer Town Clerk and Tax Collector

1 Main St

Ayer, MA 01432

(978) 772-8209

Ayer Board of Selectmen

1 Main St

Ayer, MA 01432

(978) 772-8220



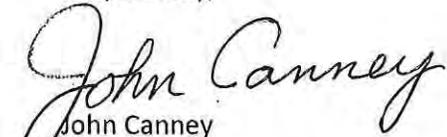
December 13, 2013

Dear Robert:

Regarding the Ayer BOS annual license renewal tax list, I am providing the information you requested in a conversation earlier today in your office. Enclosed is the list of taxpayers who have outstanding amounts owed to the Town of Ayer by name, tax category and amount. This list excludes tax title and deputy collector balances. It also excludes *per diem* interest after the date of Bill Inquiry.

Name	Tax Category	Amount
Ayer Package Store	PP	\$13.07
Carlin's Restaurant Inc	PP	\$78.93
Mango Grill Inc	PP	\$164.61
Kyung Enterprises (Chung-Ge Oriental Market)	PP	\$37.01
Ay Lit LLC (Dunkin Donuts)	PP	\$1,699.12
Daniel Civitarese (Dan's Place)	MV	Deputy Collector
Morris Babcock (Cottage House Restaurant)	PP	\$531.65
Donald K Partridge (Partridges Auto Work)	PP	\$9,117.05
Donald K Partridge (Partridges Auto Work)	RE 2012	Tax Title
Donald K Partridge (Partridges Auto Work)	RE	\$3,263.39
Harry Schwartz & Sons Inc	MV	\$455.64
Harry Schwartz & Sons Inc	PP	\$194.56
Harry Schwartz & Sons Inc	RE	\$46,421.13

Respectfully,


John Canney
Ayer Town Clerk and Tax Collector

TOWN ADMINISTRATOR'S REPORT

DRAFT RFP for the Disposition of 76 Central Ave (See Attached)

- The Town Administrator is seeking official Board approval to issue an RFP for the disposition of 76 Central Avenue. This is part of legal and procurement process for the Town to dispose of the real property for the purposes of the construction of a Habitat for Humanity Home. Upon approval, the RFP will be issued with a deadline of January 17, 2014 at 4pm.

Proposal for the Disposition Process of the Old Central Fire Station (See Attached)

- Originally prepared for the Board's consideration on November 8, 2013, the attached memo was never discussed by the Board (See Attached). The Town Administrator is respectfully requesting approval from the Board to proceed with the plan outlined in the attached memo. The development of the RFP for Disposition of the Former Fire Station is underway. The only change to the memo would be a change in the timeline for all materials to be provided to the Board of Selectmen for review and consideration on January 21, 2014.

Town-Wide Life Insurance Policy Proposal Discussion (See Attached)

- As the Board is aware the discussion regarding changes to the Town's Life Insurance Policy as well as making it a Town-Wide Policy date back to November of 2012. The current Life Insurance Coverage is \$2,000 with a 75%-25% (Town-Employee Split).
- In February 2013, the IAC recommended increases the Life Insurance Coverage to \$10,000 with the 75%-25% split. On March 5, 2013 the Ayer Board of Selectmen were presented with three Life Insurance Coverage Proposals (See Attached) for consideration. The Ayer Board of Selectmen took no formal vote or action.
- Additionally, it was discovered that with respect to the Collective Bargaining Agreements, only some of the Agreements had the 75%-25% split in them with some Agreements completely silent on the issue. No documentation has been located indicated when and how the current Life Insurance of \$2,000 at 75%-25% was established.
- As a result of this most recent round of Contract Negotiations as the Board is aware, the various CBU's have asked about the status of the IAC recommended Life Insurance Proposal. Additionally, the Town has informed the CBU's that the Board will be making a standard Town-Wide policy with respect to Life Insurance.
- I am respectfully seeking direction from the Board as to how to proceed with this issue in terms of adopting any proposed changes as well as the process of making it a Town-Wide policy and bring it to conclusion.

Town of Ayer

Office of Community & Economic Development

Town Hall ♦ One Main Street ♦ Ayer, MA 01432 ♦ 978-772-8206 ♦ Fax: 978-772-8208



DRAFT

76 CENTRAL AVENUE RFP TIME LINE PROPOSAL

December 17 – Draft proposal presented to Ayer Board of Selectmen for approval

December 25 – listing begins in the State's Central Registry for the next three weeks

December 26 – RFP Packets are available at Ayer's Board of Selectmen office. RFP is listed on the Town's web site and the Office of Community Development is prepared to answer any questions

December 27, 2013/ January 3, 2014/ January 10, 2014 – One day advertisements in the Lowell Sun

January 17, 2014 – all bids must be received by 4:00 pm

January 21, 2014 – all bids will be opened

January 27, 2014 – winning bid will be decided and all bidders will be notified of the outcome

The Office of Community Development will proceed with the signing of the contract at the Town's and client's earliest opportunity, not to go beyond two weeks from notification.

DRAFT

REQUEST FOR PROPOSALS

December 17, 2013

DISPOSITION OF PROPERTY ON 76 CENTRAL AVE, AYER, MA

The Ayer Board of Selectmen, through the Office of the Town Administrator, seeks proposals for the disposition of a 42014 square foot parcel of land on 76 Central Ave, Ayer, MA, identified as Parcel 019/027.0-0000-0058.0 on Assessor's Map 027.0.

The intended purpose of said disposition is to facilitate the creation of an affordable single-family home on the site by a non-profit housing developer to qualify for listing on the Town's inventory of affordable housing under M.G.L. Chapter 40B.

Proposals must be received at the Office of Town Administrator, Town Hall, Ayer, Massachusetts 01432, on or before **January 17, 2014 at 4:00 p.m.** Postmarks are not acceptable.

Proposals will be opened on Tuesday January 21, 2014 and the winning bid will be announced and all bidders will be notified of the outcome by Monday January 27, 2014

Six (6) copies of the proposal shall be submitted to the above location in a sealed envelope clearly marked with the name and address of the proposer and the words "76 Central Ave. Property Proposal: January 17, 2014."

Property Description and Terms of Sale

The parcel to be conveyed is a 42014 square foot parcel of land on 76 Central Ave, Ayer, MA, identified as Parcel 019/027.0-0000-0058.0 on Map 027.0 of the Town of Ayer Assessor's Maps.

The Town's consideration for disposition of the subject property is the construction and occupancy of a code-compliant single-family or duplex home affordable to households earning up to 80% of the area's median household income as established by the Massachusetts Department of Housing and Community Development (DHCD) and grant to the Town an affordable housing restriction in a form acceptable to the Massachusetts DHCD so that the dwelling is listed upon the Commonwealth's affordable housing inventory for a minimum period of 30 years.

The selected developer shall covenant with the Town of Ayer to build one single-family or one duplex home on the parcel at no cost or charge to the Town. The developer shall sell the property and home to a qualified household earning no more than 80% of said median income and shall provide to the buyer an interest free mortgage loan for a term not to exceed 30 years. No origination costs shall be charged.

All sale and closing documents are subject to review and approval by the Ayer Board of Selectmen and Ayer Town Counsel prior to the conveyance from developer to household. The proposed development of a single-family home shall remain subject to compliance with requirements of all Town boards and commissions with jurisdiction over land use.

The selected developer shall have twenty four months from the date of the signed contract to start the project or the property reverts back to the Town.

Site Walk-Through: Monday December 30, 2013 1:00 pm or January 6, 2014 1:00 pm call 978-772-8221 book a showing at either of those times

Proposers shall visit the subject property to acquaint themselves with existing conditions so that they fully understand the facilities, difficulties and restrictions attending to the execution of the work under this contract. The failure or omission of any proposer to receive or examine any form, instrument, or document, or to visit the site and acquaint themselves with conditions thereon shall in no way relieve any proposer from any obligations herein.

Submittal Requirements

All proposals shall include the following:

1. A cover letter signed by an authorized principal of the non-profit entity indicating the proposer's interest in the project and identifying any sub-consultants or contractors to be engaged in completion of the work.
2. A description of the proposer's background, experience and references for similar projects including names and telephone numbers of at least two public agency references.
3. An organizational chart for the project listing roles and responsibilities of principals and key staff from the non-profit and any sub-consultants.
4. A written proposal for the development of the parcel which includes:
 - narrative description of the proposed project
 - preliminary cost analysis of the proposed project
 - preliminary site plan illustrating the development of the site
 - project schedule including the proposed start and completion dates of construction
 - letter of commitment from the developer assuring the Town of the developer's ability to secure financing.
5. A financial statement illustrating the capacity of the proposer to complete the work.
6. A detailed description of the proposed buyer selection process including the following:
 - how the Town of Ayer will be involved in the process
 - outreach efforts to inform eligible families of the housing opportunity
 - written criteria for the selection process

7. All respondents to the RFP must comply with M.G.L. Chapter 7, Section 40J and file a notice of beneficial interest (form provided) with the Board of Selectmen as part of the proposal. No award shall be made to any proposer that fails to submit this information.
8. In addition, qualified consultants must submit the following with their proposals:
 - Completed Non-Collusion Certificate (form provided).
 - Completed Arson / Tax Compliance Certification (form provided).

General Provisions

- The Town reserves the right to reject any and all proposals, or parts of proposals, waive informalities, and to award contracts which are in the best interest of the Town. The Town shall take action upon the RFP within sixty (60) business days after the opening of proposals.
- Pre-award negotiations may be conducted with the selected proposer.
- All proposals become the sole property of the Town of Ayer.
- The selected developer shall be required to comply with all applicable federal, state and local laws in the performance of the services.
- The selected non-profit developer shall provide a certificate of insurance evidencing a minimum of \$1,000,000 in professional liability insurance, and naming the Town of Ayer as an additional insured.
- No contract shall be created merely by the selection of the developer's proposal.

The selection of the successful proposal shall be made without regard to race, color, sex, age, religion, political affiliation and/or national origin. Proposals from qualified minority and women-owned non-profits are encouraged.

Qualifications

The selected developer or development team shall meet the following minimum qualifications:

- Non-profit corporation registered with the Commonwealth of Massachusetts.
- Minimum of five years successful experience with affordable housing projects.
- Minimum of five years successful experience supervising volunteer labor.

Comparative Evaluation Criteria

The following ratings will be used to measure the relative merits of proposals that have met the above-described minimum threshold against each of the criteria listed below. Proposals that fail to meet the minimum threshold shall be judged *Unacceptable* and awarded zero (0) points for each criterion.

Highly Advantageous (5 points) - Proposal excels on the specific criterion.

Advantageous (3 points) - Proposal fully meets the evaluation standard of the specific criterion.

Not Advantageous (1 point) - Proposal does not fully meet the evaluation standard of the specific criterion.

The criteria that shall be used for comparative purposes are the following:

1. Quality of references. Reference checks will be done to evaluate the special skills and abilities needed by the development team for this activity including timeliness of performance.
2. Type and length of similar experience. Demonstrated successful field experience developing low- to moderate-income housing, rather than theoretical and/or academic experience, shall be considered standard. Five years experience with similar projects shall be considered standard.
3. Experience Supervising Volunteer Labor. Demonstrated successful field experience developing low- to moderate-income housing through coordinated volunteer labor. Five years experience supervising volunteer labor shall be considered standard.
4. Work plan and capacity to complete activity. The Town will review the quality and practicality of the submitted work plan and schedule. Capacity of the non-profit developer to complete the project within two years of contract award shall be considered standard.
5. Cost Proposal. Not rated. The Town's consideration for disposition of the subject property is the construction and occupancy of a code-compliant single-family or duplex home affordable to households earning up to 80% of the median household income as established by the state DHCD.
6. RFP packets will be available as of December 26th at Ayer's Board of Selectmen Office, 1 Main Street, Ayer, MA 01432. All questions should be directed to David Maher or Alicia Hersey, Ayer's Office of Community Development, at 978-772-8221 or ahersey@ayer.ma.us or www.ayer.ma.us

The Town of Ayer is an EEO/AA employer.

AYER BOARD OF SELECTMEN

By: Office of Community & Economic Development

Board of Selectmen

MEETING TUESDAYS AT 7:00 P.M. • UPPER TOWN HALL • 1 MAIN STREET • AYER, MASSACHUSETTS 01432



Tel. (978) 772-8220
Fax. (978) 772-3017

Town Administrator
(978) 772-8210

MEMORANDUM

DATE: November 8, 2013

TO: Ayer Board of Selectmen

FROM: Robert A. Pontbriand
Town Administrator

SUBJECT: Request for Authorization to Commence with Disposition of the Former Central Fire Station

Dear Selectmen,

With the passage of Article 1: Former Central Fire Station by the Special Fall Town Meeting on Monday, October 28, 2013, Town Meeting has authorized the Ayer Board of Selectmen to dispose of the Former Central Fire Station.

As the Board is aware, the disposition of the Former Central Fire Station is a process governed by MGL Chapter 30B which will require the Town to obtain an appraisal of the value of the property; establish an asking price for the property; establish any terms/conditions of the sale (if applicable); advertise and procure the sale of the property under the provisions of MGL Chapter 30B; negotiate the purchase and sale of the property between the Board and buyer; and execute any closing costs/procedures.

Additionally, there are some other considerations which must be planned for, most notable a storage location for various Town equipment and property currently stored in the Former Central Fire Station. A plan for relocating that storage and any associated costs must be developed.

Therefore, I am respectfully requesting that the Board authorize the Town Administrator to commence with the disposition of the Former Central Fire Station. Specifically as follows:

1. Prepare the plan and required documents for sale of the property for review by the Board on December 17, 2013.
2. Prepare the plan for the relocation and storage of any Town equipment/property currently stored in the building for review by the Board on December 17, 2013.
3. Prepare a proposed budget for any and all costs potentially associated with the disposition of the Former Central Fire Station as well the storage relocation plan (if applicable).

Thank you for your consideration. If you have any questions, please do not hesitate to contact me directly.

LIFE 2,000 BREAKDOWN-CURRENT

$\$1.52 \times 2,000 \times 69$ (active) = $\$209.76$ (monthly)

$\$1.52 \times 2,000 \times 144$ (retired) = $\$437.76$ (monthly)

TOTAL MONTHLY: $\$647.52$

EMPLOYEE/RETIREE PORTION

$\$209.76 \times 25\% = \52.44

$\$437.76 \times 50\% = \218.88

TOTAL MONTHLY: $\$271.32$

TOWN PORTION

$\$209.76 \times 75\% = \157.32

$\$437.76 \times 50\% = \218.88

TOTAL MONTHLY: $\$376.20$

ANNUAL AMOUNT

$\$271.32 \times 12 = \$3,255.84$

ANNUAL AMOUNT

$\$376.20 \times 12 = \$4,514.40$

LIFE 5,000 BREAKDOWN

$\$1.72 \times 5,000 \times 69$ (active) = \$593.40 (monthly)

$\$1.72 \times 5,000 \times 144$ (retired) = \$1,238.40 (monthly)

TOTAL MONTHLY: \$1,831.80

EMPLOYEE/RETIREE PORTION

$\$593.40 \times 25\% = \148.35

$\$1,238.40 \times 50\% = \619.20

TOTAL MONTHLY: \$767.55

ANNUAL AMOUNT

$\$767.55 \times 12 = \$9,210.60$

TOWN PORTION

$\$593.40 \times 75\% = \445.05

$\$1,238.40 \times 50\% = \619.20

TOTAL MONTHLY: \$1,064.25

ANNUAL AMOUNT

$\$1,064.25 \times 12 = \$12,771.00$

LIFE 10,000 BREAKDOWN

$\$1.92 \times 10,000 \times 69$ (active) = $\$1,324.80$ (monthly)

$\$1.92 \times 10,000 \times 144$ (retired) = $\$2,764.80$ (monthly)

TOTAL MONTHLY: $\$4,089.60$

EMPLOYEE/RETIREE PORTION

$\$1,324.80 \times 25\% = \331.20

$\$2,764.80 \times 50\% = \$1,382.40$

TOTAL MONTHLY: $\$1,713.60$

ANNUAL AMOUNT

$\$1,713.60 \times 12 = \$20,563.20$

TOWN PORTION

$\$1,324.80 \times 75\% = \993.60

$\$2,764.80 \times 50\% = \$1,382.40$

TOTAL MONTHLY: $\$2,376.00$

ANNUAL AMOUNT

$\$2,376.00 \times 12 = \$28,512.00$

NEW BUSINESS / SELECTMEN'S QUESTIONS

- Economic Analysis of Ayer Update (Selectman Hillman)
- Memorial Garden Vegetation Plan Update (Selectman Hillman)

APPROVAL OF MINUTES (See Attached)

October 15, 2013
November 12, 2013
November 19, 2013
December 3, 2013

ADJOURNMENT

TOWN OF AYER SELECTMEN MEETING MINUTES
Tuesday, October 15, 2013
1st Floor Meeting Room, Town Hall, Main Street, Ayer, MA

The Board of Selectmen's Open Session Meeting is video recorded by APAC.

The Selectmen's Meeting can be viewed in its entirety on the Town's Website at: www.ayer.ma.us

Chairman Conley called the meeting to order at 7:06p.m. Present: Chairman-Pauline Conley, Gary J. Luca-Vice Chairman, James Fay- Jannice Livingston Members, Town Administrator Robert A. Pontbriand and Janet Lewis Secretary. Selectman Hillman running late.

Ms. Conley requesting if there were any amendments to the Agenda.

Mr. Pontbriand requested to make brief announcement, Mr. Pontbriand announced per the Secretary of State's Office no meetings can be held at Town Hall on 11-5-13 the Town Election (Home Rule Election-reducing the number of Selectmen to three (3) and announced the Selectmen's Meeting dates in November 2013 as follows: 11-12-13 and 11-26-13. The Selectmen's Nov. 5, 2013 Meeting to be held on the 12th. Mr. Pontbriand also called the Board's attention to the new Town Hall Granite sign installed earlier and thanking Dan Sherman, Facilities Director for all his work with design/purchase and installation.

Ms. Conley took this opportunity to remind residents to the Special Fall Town Meeting on Monday, October 28, 2013 at the Ayer Town Hall, 2nd Floor Great Hall.

Ms. Conley called for a motion to accept the Agenda. Mr. Luca moved the Board vote to approve the Agenda as presented, 2nd by Ms. Livingston, VOTE: so moved.

EAGLE Scout-Joshua Richard-Ms. Conley welcomed Eagle Scout Joshua Richard to the meeting and requested he step forward along with family members in attendance. Ms. Conley read in to the record a Certificate of Recognition presented to Joshua for performing his Eagle Project for the betterment of his community; marking & re-stripping parking lot spaces at the Ayer Sportsmen's Club. The Board congratulated Joshua and paused for a picture.

Minutes-deferred to 11-12-13 Selectmen's Meeting. Motion made by Selectman Luca 2nd by Selectman Fay VOTE: unanimous, so moved.

Public Input-no one

Department of Planning & Economic Development-The Board met with Alicia Hersey, Financial Manager-re Lien subordination Case # 09-328-14 Grove Street, Ayer, MA Ms. Hersey recommended the Board approve Home Owner's lien request to consolidate loans to seek new mortgage interest rate not to exceed \$132K. Mr. Fay moved to approve the lien subordination conditioned upon new mortgage not to exceed \$132K, 2nd by Mr. Luca, VOTE: unanimous, so moved.

Fy-11 CDBG -Housing Rehabilitation Program Final Report- The Board approved the Fy-11 CDBG Final Report as submitted. Motion to approve made by Mr. Luca, and authorize the Chairman's signature, 2nd by Mr. Fay, VOTE: unanimous, so moved.

I.T. Systems Administrator-The Board met with Cindy Knox- Information Technology Acquisition Policy. Ms. Knox advised to policy updated from 10-1-13 incorporating the Board's recommendations into Policy. Mr. Fay stating inventory tags for all Town equipment not included in policy and Ms. Conley requesting I-Phones also are included in inventory. Mr. Luca moved to approve the IT Hardware/Software Acquisition Policy with amendments above, 2nd by Mr. Fay, VOTE: unanimous, so moved. Ms. Spinner questioned why allowing/approving I-Phones for employees/how authorized. Mr. Luca stating that is why he brought up who has and why. Ms. Knox advising to phones charged flat rate re voice/data. Matrix to be submitted to Mr. Luca listing employees, bills, etc.

Gabe Vellante-Building Commissioner--present for the discussion Alan Parker, Alternate Wiring Insp.

Resignation of Wiring Inspector-Mr. Vellante updated the Board to receiving Philip Horgan's resignation on 9-19-13 and his willingness to stay on until a new inspector is appointed and advising to the Alternate Wiring Inspector-Alan Parker requesting the Board's consideration of him for the Wiring Inspector's position. Ms. Conley disclosing that Mr. Parker has/does work for her at her home. Mr. Luca moved the

Board accept the resignation of Philip Horgan with regrets, 2nd by Mr. Fay, VOTE: unanimous, so moved. Mr. Luca moved to appoint Alan Parker as Wiring Inspector effective immediately, 2nd by Mr. Fay, VOTE: unanimous, so moved. The Board requested a letter of appreciation be sent to Mr. Horgan for his longtime service and welcomed Alan Parker to the position and looked forward to working with him. Ms. Conley requesting Mr. Horgan give notice to the Town Clerk of his resignation.

Supt. Wetzel's Report- The Board met with Mark Wetzel

1. Main Street Light Improvements Contract-Blais Electric- Mr. Wetzel updated the Board to Bond/Insurance Certificates complete and in place. Mr. Fay moved the Board approve the Contract with Blais Electric for the Main Street Light Improvements in the amount not to exceed \$44,440.00 as stated in contract and authorize the Chairman's signature, 2nd by Mr. Luca, VOTE: unanimous, so moved. Mr. Wetzel to fill in contract date.

2. Epic Enterprises-Sewer Abatement-The Board approved a Sewer Abatement for Epic Enterprises Account #02338 for the bill period 3-1 to 6-12-13 in the amount of \$16,451.86 (July bill-2nd Quarter) false high reading per Supt. Wetzel, meter was malfunctioning-serviced and is now operating to their normal levels. Motion to approve Supt. Wetzel's recommendation made by Mr. Fay, 2nd by Mr. Luca, VOTE: unanimous, so moved.

3. Upper Blackstone Valley Wastewater Bio-solids Disposal Agreement-Mr. Wetzel advising to Town having Agreement presently for one year with Upper Blackstone as primary disposal site for Ayer's WWTP sludge with one year extension. Rate \$319.00 per dry ton mixed primary & secondary greater than 4.2 \$70.00 per thousand gallons. The Board held off on the award pending clarification re rate comparison. Mr. Fay stating he is not comfortable approving rate without seeing comparison from last year. Mr. Wetzel having data at DPW and to return to meeting later with rate comparison.

4. Crabtree-Willows Order of Conditions-Supt Wetzel gave the Board a brief update re looking into bonding (\$250K) re "Willows Road Development" and advised to speaking with Planning Board and their having no knowledge re on-site improvement to provide the construction of a one and a half million gallon capacity water tower. Supt. Wetzel also sent off email to Mark O'Hagan (developer) to which he has no heard back from. Supt. Wetzel stating it is not his job to track money.

7:45p.m. Selectman Hillman entered meeting

The Board went off the posted Agenda due to not all of Planning Board Members and Mr. Canney being present.

The Board took up the Town Administrator's Report-

1. Proposed Policy for the Acquisition of Furniture, Equipment and Alternations for the Town Hall

Mr. Pontbriand reviewed his draft policy with the Board to ensure acquisitions to the Town Hall are done professionally, cost effective, efficient and in compliance with ADA, Building Codes, Public Health, and safety to ensure a pleasant environment for Town Hall employees and the public. Mr. Pontbriand reviewed items with the Board that were removed i.e. floor heaters, refrigerators etc. that were considered posing a threat to safety or unnecessary from the Building. Mr. Fay moved to approved the policy as presented requesting Department Head are copied and sign off, 2nd by Mr. Luca, VOTE: unanimous, so moved.

2. Draft Cell Phone Use Policy -Mr. Pontbriand reviewed his draft policy with the Board re employees who have Town-owned cell phones, I-Phones, Tablets, etc. being responsible for the proper care of their equipment and held responsible for the loss, damage, failure to return such equipment. Use re transmittal of inappropriate communication strictly prohibited and may be withdrawn for violation of policy and/or discretion of Department Head. The Board having the right to amend, suspend or revoke this policy. The Board continued this discussion to their 11-12-13 meeting re sign off/hand receipts to be incorporated, requesting inventory of employees who have cell phones, equipment, etc. Use of cell phones i.e. internet, social media, where phones have visited, bills, etc. to be compiled and transmitted to Board for their review.

Mr. Wetzel returned to meeting with WW Bio-Solids Disposal Agreement Rates-Supt. Wetzel advising to the rates being the same as last year no increase and under 4.2%. Mr. Luca moved the Board approve

one (1) year extension Agreement with Upper Blackstone Valley for the disposal of bio-solids/sludge, 2nd by Mr. Fay, VOTE: unanimous, so moved.

Town Administrator's Report (Cont.) -Electronic Posting of Town Meeting Minutes-

Mr. Pontbriand reviewed M.G.L. c.4, S7 (26) (Public Records Law) with the Board advising to all Town of Ayer Public bodies i.e. Boards, Committees Commissions etc. must keep official meeting minutes both in draft form and final form with exception of exemptions from Open Meeting Law (OML) and must comply with Public Records Requests. Mr. Pontbriand advising to the Town Clerk being the official repository and custodian of meeting minutes (Keeper of Records) Mr. Pontbriand advising to the legal responsibility of each public body to ensure their meeting minutes are filed with the Town Clerk with the exception of the Board of Selectmen's minutes to which the Town Administrator is charged as the official keeper of Selectmen's records. Official notices of meetings must be posted in accordance with the OML at least 48 hours in advance of meeting, stamped by the Town Clerk and placed on Town's Official Posting Board. Mr. Pontbriand advising to the posting of minutes, agendas & public documents on the Town's Web-site and/or Facebook Page is **not** a legal requirement or responsibility in terms of the Public records Law and OML it is a local service and a courtesy in the interests of transparency and open government. The Town Administrator is responsible for all official postings to the Town's Web-site/Facebook. The I.T. Director does the official scanning and posting of approved materials. Mr. Hillman stating the Web-site saves people from needless trips to Town Hall. Ms. Livingston stating technology is ahead laws. Ms. Conley stating Town Clerk is official repository, Keeper of Records has shifted to Chairman to ensure recording of minutes. Mr. Luca stating elected officials do not have to comply. Ms. Conley stating Town Administrator has created policy and Board may consider issuing policy to all public bodies to comply with the posting of minutes by a certain time frame before the minutes are officially finalized and accepted. the Board requested this policy be placed on Town Website and made available.

John Canney, II Town Clerk & Town Collector re Business Certificates-Mr. Pontbriand updated the Board to carrying over discussion from 10-1-13 meeting with Director of Community & Economic Development-Mr. Maher re responsibility of Business Certificates being maintained/updated. The Board agreed that Mr. Maher is to keep and update list of businesses in town, letters to be sent out by Mr. Maher re renewal/s and to be shared with Town Clerk. Mr. Luca expressed concern if businesses are complying with Liability/Enforcement -complying with law/s as well as safety/zoning; no requirements that business is compliant and Town Clerk has no authority re enforcement. Ms Conley read statute Title XV Chapter 110 Section 5 into the record prepared by the Town Administrator advising to the Town Clerk issues Business Certificate naming owner, address & tel. #, pays fee (\$25.00), violations up to \$300.00 fine. Town Clerk issues Business Certificates under oath does not expose Town to liability, if violations Town collects \$300.00 fine. Ms Livingston questioned why there is no packet of information prepared for new businesses coming into Town explaining how & what to do, no one wants to do. Mr. Canney stating there is no central office assistant. Mr. Canney to prepare draft procedures for Board's review. Mr. Fay stating this is revenue source Town has avenue for fines collection by Town Clerk per oath. Ms. Conley advising to system should be shared every month re business certificates about to expire. Ms. Livingston advising to data base should be developed and maintained on a weekly/monthly basis. Ms Knox suggesting to put into electronic format to turn over to Town Clerk to maintain and enforce responsibility is Town's Clerk per oath. Mr. Maher to send out documents with understanding that it is a joint endeavor with Town Clerk collecting documents and fees. This matter to be continued.

Ms. Conley on another matter requested if Mr. Canney received correspondence from AG Office re By-laws approved at the May 2013 Town Meeting. Mr. Hillman questioned and if they were posted Mr. Canney advised he had received and posted copies as required.

Planning Board/Board of Selectmen Joint Appointment-Planning Board Member-The Board met with Mark Fermanian-Chairman, James Luchessi and Rick Ropers, of the Planning Board. Mr. Fermanian

advised the Board to Planning Board meeting with Mr. Kyle Gordon and recommending Mr. Gordon a twelve year resident of Ayer, MA to the vacant Planning Board position. The Board interviewed Mr. Gordon and requested he give the Board a brief personal back-ground why he would like to serve on the Planning Board, acknowledging having received a letter of recommendation from Atty. Tom Gibbons in support of Mr. Gordon's appointment. Following a brief discussion Mr. Luca moved to appoint Mr. Kyle Gordon to the vacant Planning Board position, 2nd by Ms. Livingston, VOTE: Unanimous, so moved. Mr. Fermanian moved the Planning Board vote to appoint Mr. Gordon to the vacant Planning Board position until the next Town Election in April 2014, 2nd by Mr. Roper, VOTE: unanimous, so moved. The Board welcomed and thanked Mr. Gordon for volunteering his services.

Crabtree/Willows Development-The Board questioned the Planning Board re Willows Road Development and advised to this being a Zoning Board of Appeals Decision (Order of Conditions) not Planning Board matter. Mr. Roper feeling \$250K release expired two (2) years ago and to check bond release, the Board to look at agreement. Mr. Hillman suggesting Town hold up sewer permits & water/Sewer releases until matter is investigated.

Town Clerk/Tax Collector -John Canney returned to the meeting to present and advise to letter received on 9-18-13 from Atty. General Coakley re May 2013 Warrant Articles 36, 37 & 38 posted in five places on the 18th of September, 2013, and in effect on 9-18-13 re Anti-Littering, Unregistered Vehicles, & Enforcement Bylaws.

Town Administrator's Report (Cont)

Remote Participation-Mr. Pontbriand reviewed his proposed policy for the Board's consideration advising to an adopting authority such as the Board of Selectmen may establish restrictions on the use of remote participation i.e. how many times a public body can use a year, cannot violate State or Federal Law, stating there are ten (10) general points for consideration i.e. the adopting authority may adopt a policy due to geographic distance must be a certain distance. The Board questioned how to enforce, potential for more litigation, Mr. Fay feeling he doesn't see need. Mr. Luca stating remote participation is vetted by A.G. Office- another tool. Committee, Commission, Dept. should have ability to communicate how member of Board, committee etc. feels. Ms. Livingston advising to participant must be alone i.e. if in Executive Session how do you police. Mr. Hillman agreeing valid point being alone. Ms. Livingston suggesting each member list their pros and cons and Board go through each and establish policy going forward. Ms. Conley expressing her concern re electronic equipment used during public meeting questioning ability to communicate. The Board set this matter back for another meeting.

BOS Policies & Procedures Review

The Board decided to Keep Selectmen's Policy 99-27 as is.

The Board reviewed and agreed Policy 01-01 Department Head Reports are important/informative and to be enforced on Monthly basis. Mr. Pontbriand to bring forward at next Department Head meeting. On another matter Mr. Pontbriand reminded all to Annual 2013 Town Reports due on 2-1-14.

BOS Open Discussion-

Electronic Devices-Mr. Luca requesting Board look at IT Budget for ATM Meeting to purchase either, tablet, Nook, Lap Top for Selectmen and speak with Ms. Knox re same. Ms. Conley reminding Mr. Luca to write on pad being considered Public Record. Ms. Livingston suggesting Kindle to down-load packet gets rid of paper. Ms. Conley stating cost vs. need discussion needs to be held stating Mondopad was suppose to eliminate Board having electronic devices.

Street Lights -Mr. Luca urged the Board consider contacting MRCP re the Town's plan to purchase their own street lights and reminded Board to discussion held back in June and DPW going to look into possibly doing something regionally along with curbside. Mr. Luca requesting to get all the information see if it works.

HRA/FSA-Mr. Luca questioning remaining funds disbursement to employees/retirees. Town Counsel to look into, remaining balance has not been disbursed Board needs to make decision. Mr. Pontbriand advising to Town Counsel here on 22nd will request financial update re IRS ruling status. Ms. Conley reminding all to Joint Bos & BOH Meeting on November 18, 2013 @ 7p.m.

Ms. Livingston took this opportunity to advise all to this being Selectman Luca's Birthday and sang a moving rendition of 'Happy Birthday' to him, much to his delight.
10:10p.m. Ms. Livingston moved to adjourn the meeting, 2nd by Mr. Luca, VOTE: Unanimous, so moved.

Date: _____

Christopher R. Hillman, Clerk
AYER BOARD OF SELECTMEN

TOWN OF AYER SELECTMEN MEETING MINUTES
Tuesday, November 12, 2013
1st Floor Meeting Room, Town Hall, Main Street, Ayer, MA

The Board of Selectmen's Open Session Meeting is video recorded by APAC.

The Selectmen's Meeting can be viewed in its entirety on the Town's Website at: www.ayer.ma.us

Chairman Conley called the meeting to order at 7:06p.m. Present: Chairman-Pauline Conley, Gary J. Luca-Vice Chairman, Members James Fay-Member, Jannice Livingston, Town Administrator Robert A. Pontbriand and Janet Lewis Secretary. Selectman Hillman running late.

7:05 Chairman Conley called the meeting to order.

Ms. Conley requesting if there were any amendments to the Agenda. Mr. Pontbriand requested the Board continue the Minutes of 10-8-13 and 10-15-13 to the Board's 11-19-13 meeting.

Mr. Pontbriand advising to the Minutes of 9-17-13 and 10-1-13 are ready for the Board's review.

Ms. Livingston requested the Board remove Bullet #6 under the Town Administrator's Report samples from other municipalities re Agenda formats. Mr. Livingston stating they serve no purpose and does nothing to enhance the Town of Ayer but take up time. Mr. Pontbriand clarifying stating due to issues concerning time allocation/formatting of the Agenda i.e. having Selectmen's name assigned re their advocating for various Town projects, etc. he placed this item on the Agenda to resolve matter. Ms. Conley stating it has always been the Policy of the Board that the Town Administrator and Chairman meet and put the Agenda together. Mr. Fay allocating for time allotments re agenda items for time management, current form fine just encouraging everyone to stick to topic. Ms. Conley defending removal of time from agenda stating to give participants the necessary time they needed. Ms. Livingston requesting to remove sample agendas from Town Administrator's Report placed in the form of a motion 2nd by Mr. Luca, VOTE: unanimous, so moved.

7:15p m. Mr. Hillman entered the meeting.

Mr. Fay requested clarification re Town Counsel RFP on Agenda and Mr. Hillman responding not RFP only discussion if time allows.

Mr. Luca moved to approve the Agenda as amended, 2nd by Ms. Livingston, VOTE: unanimous, so moved.

Announcements-

1. JBoS Meeting-Thursday, November 14, 2013 @7.p. at the Ayer Town Hall-2nd floor.
2. Winter Parking Ban-Begins 11-15-13 at 12:01a.m. through 4-14-14.
3. Selectmen's Meeting - November 19, 2013 re Medical Marijuana Facilities wishing to locate in Ayer.
4. Christmas Tree Lighting at the Rotary 6:00p. m. on Sunday, December 1, 2013
5. Tax Classification Public Hearing-Tuesday. December 3, 2013 @7:15p.m.

Mr. Fay took this opportunity to publicly thank and share poem from anonymous person who left Armistice Day Poem on Monday -November 11, 2013-Veterans Day, at the American Legion Ceremony in the Memorial Garden of Town Hall.

Public Input-Chairman Conley requested if there was anyone wishing to meet with the Board under Public Input-no one stepped forward.

Minutes-

9-17-13 Mr. Fay moved the Board vote to approve with Amendment (to include omission of Ms. Livingston not being present) 2nd by Mr. Luca, VOTE: unanimous so moved.

10-1-13 Mr. Fay moved the Board vote to approve with amendment spelling (perview/preview), 2nd by Mr. Luca, VOTE: unanimous, so moved.

Appointments-

1. **Council on Aging**-Mr. Pontbriand shared with the Board a letter dated 10-28-13 from Chairperson Sister Paula McCrea from the Council on Aging requesting to appoint Ms. Sally Balcom to fill the unexpired term of Catherine Lawson who passed away on Oct. 19, 2013. Ms. Balcom to serve Ms.

Lawson's remaining three (3) year term 6-30-13 to 7-1-16. Motion to approve made by Mr. Luca, 2nd by Mr. Hillman, VOTE: unanimous.

2. Part-time Building Inspector-Mr. Pontbriand updated the Board to position advertised locally and to date only receiving two applicants neither of which meets the minimum requirements. Mr. Pontbriand advising to position being posted on the MA Statewide list commencing 11-12-13 and suggesting the Board revisit the parameters of the position i.e. wage which requires collective bargaining with the Union. Mr. Pontbriand advising to salary currently posted at \$17/hr. Salary must increase to find qualified candidate. The Board also requested Job posting be corrected to reflect eighteen (18) Hours a week three (3) days a week six (6) hours per day on second page.

Public Hearing-Lorden Oil-Amendment to Flammable and Combustible Liquid, Gases and Solids Permit

The Board met with Chief Pedrazzi and Ted Lorden. Mr. Hillman read the Legal Notice into the record advertised in the Public Spirit the weeks of November 1, & 8, 2013. The Board reviewed with the Chief Mr. Lorden's request to modify his current propane capacity to 200,000 gallons a 72K increase, to accommodate residential small tanks/propane tanks. Mr. Luca asked if the Chief had any problem with this increase and advised to Mr. Lorden running a state of the art facility and having no problems. Mr. Luca moved the Board vote to approve Lorden Oil's Flammable and Combustible Liquid, Gases and Solids Permit as presented by Fire Chief Robert Pedrazzi, 2nd by Ms. Livingston, VOTE: unanimous, so moved. Mr. Luca moved to close the Public Hearing, 2nd by Mr. Hillman VOTE: unanimous, so moved.

Partridge Auto Sales-Class II Amendment to Licenses- Public Hearing continuation of 6-18-12-The Board met with Sean Partridge. Mr. Partridge updated the Board to his request to amend his current Class II License from six (6) car limit to fifty (50) cars, advising to having 44K sq. ft. of land with 31,500 feet that is ready for used car sales. Mr. Partridge advised to Building Commissioner approving his request which is located in a General Business Zone. Mr. Partridge also updated the Board to meeting with the Planning Board as requested on October 3, 2013, and approved his engineered drawings re the rear gravel parking area being in conformance and supported by the Fire Chief. Mr. Partridge presented Plan #6290P110 dated 9-30-13 prepared by Acton Survey & Engineering consisting of 67 parking spaces (7'x17'). Chairman Conley requested if there were any abutters present, no one stepped forward. Ms. Livingston moved to approve the Class II License amendment for Partridge Auto Sales not to exceed fifty (50) cars per approval/s of Planning Board, Building Commissioner and Fire Chief, 2nd by Mr. Hillman, VOTE: unanimous, so moved. Ms. Lewis reminded the Board to 2014 license renewals in progress and requested the Board's permission to prorate Mr. Partridge's License for 2014. The Board approved this request. Mr. Luca moved to close the Public Hearing, 2nd by Mr. Hillman VOTE: unanimous, so moved.

Police Chief- William Murray-Middlesex County Interagency Mutual Aid Agreement-The Board met with Chief Murray who reviewed with the Board the Agreement which would give Ayer's Police Officers the authority to take action outside the territorial boundaries of Ayer into communities that have also adopted this Agreement. Mr. Luca moved the Board vote to approve the Middlesex County MOU as presented by Chief Murray and authorize the Chairman's signature, 2nd by Ms. Livingston, VOTE: unanimous, so moved. (See attached Agreement)

Mondopad-Mr. Pontbriand announced to the Board that Ms. Knox will have the new Mondopad up and running for the next Selectmen's Meeting on 11-19-13.

David Maher-Economic and Community Development-The Board met with David Maher and Alicia Hersey. Mr. Hillman took this opportunity to publicly thank Mr. Maher for sending out letters re the Holiday Lights Fund for the Rotary to town businesses.

1. Drug Court Grant-Ms. Hersey advised to the Town awarded funds from the Department of Health & Human Services in support of the SAMHSA Program to engage Advocates to operate/oversee the program to assist the courts with the administration of the program in the amount of \$318,460.00 to run from 9-30-13 to 9-29-14. The Board voted to approve Advocates contract renewal. Motion to approve made by Mr. Fay, 2nd by Mr. Luca, VOTE: unanimous, so moved.

2. Habitat-Mr. Maher gave the Board a brief update re 76 Central Ave. property transferred to habitat on 7-2-13. Mr. Maher stating property is a LIP Unit/Lottery System- per MGL30b-\$25K procurement.

Public & Central Register process to begin through RFP process. Mr. Maher advised to UDAG Funds used for cleanup of property. Mr. Luca questioning if UDAG payback could be waived? Mr. Pontbriand to check with DOR and Town Accountant. Ms. Spinner questioning UDAG funds being used re clean-up of site feeling Town used Program Income. The Board to revisit vote of habitat. Mr. Maher advised to spring/early summer build for Central Ave. property. Mr. Luca questioning if Habitat approached CPC re funding?

The Board reviewed with Mr. Maher status of TIFS from September 2019*3.3 meeting re Agility TIF 2009 -Plexis-being in name of same owner?

Process of other Town re TIFS-application process

List of other Municipalities who were also de-certified.

L-3/Nashoba Valley Hospital-DOR detrimental to how Town proceeds re amended or new TIF/s.

Mr. Pontbriand updating Board to Town Counsel advising Board to take no action until DOR looks into.

Mr. Fay suggesting the Board filters through TIF Committee, Town Administrator to spearhead/update.

Supt. Wetzel's Report-The Board met with Mark Wetzel

1. MassDEP Technical Services Assistance-Evaluation of Curbside Trash/Recycling- Present for the discussion Irene Congdon-Central MA Region Municipal Assistant Coordinator. Ms. Congdon reviewed with the Board technical assistance offered to the town for sixty (60) hours to evaluate the alternatives, costs, benefits and implementation. Ms. Congdon urged the Board form a working group to provide input, review the scope and data and assist with the public information phase. Working group suggested to be made up of: 2 members of the Selectmen, Board of Health member, 2 residents and DPW Supt. Mr. Luca moved the Board accept MassDEP Sixty (60) Hours Technical Services Assistance Award, and authorize the Chairman's signature 2nd by Mr. Fay, VOTE: unanimous, so moved. Mr. Luca moved to appoint a working group to collect information, Mr. Luca and Ms. Livingston to be appointed Selectmen's representatives, 2nd by Mr. Hillman VOTE: unanimous, so moved. Mr. Barry Schwarzel requesting and approved to be appointed to one of the citizen's appointments on working group. The Board requested this Program be communicated electronically and placed on Town's Website.

2. Crabtree Wastewater Pumping Station Upgrade-Mr. Wentzel presented four (4) copies of Weston & Sampson's Contract for the Board's review and signatures. Mr. Fay moved the Board vote to approve the Crabtree WW Pumping Station Upgrade Contract in the amount not to exceed \$64,538.00 and authorize the Chairman's signature, 2nd by Ms. Livingston, VOTE: unanimous, so moved.

3. Street Signs-Supt. Wetzel advised to 312 signs installed, 169 posts and 41 brackets, 12 signs re-ordered i.e. misspelled, new traffic signs/speeding and 16 stop signs utilizing two (2) contractors: Highway Safety Installations & MA Corp. Town appropriated \$65k with \$48K spent to date total cost estimated to be around \$53K. Mr. Hillman requested if "No Littering" signs were ordered and advised to yes and locations given.

4. Main Street Lighting-Mr. Wetzel updated the Board to contractor prepping bases and waiting on lights to come in, delivery date 12-2-13 and installed as soon as possible, ten (10) ordered with completion date of 12-14-13. Ms. Conley expressing her disappointment that lights were not in before day light saving time being that the contract was signed in October: Board approved on 8-17, Advertised for bids on 9-18, opened bids on 9-3; requesting all departments include synopsis in contracts to keep the Board apprised of startup dates, etc. Mr. Fay not in favor of synopsis prefers contract being made available. Ms. Conley stating Board needs to be made aware of changes to start/end dates.

5. East Main Street Improvement Program-Mr. Wetzel conducted an overhead presentation re the Town's Water Distribution System Infrastructure Improvement Program.-Overview outlines age of system construction dating back to 1895, servicing 3K customers, services: domestic, commercial & fire, 47 miles of pipe, ranging in size from 4" to 16". Mr. Wetzel advising to ratings of pipe from 2 (good) to 80 (poor) with 65K feet with rating over 60. Mr. Wetzel reviewed with the Board Water Main Improvement Priorities and Water Main Improvement Program recommendations i.e. water main replacements, cost to replace mains with rating over 60, long dead end main eliminations, suggesting to budget \$250K per year to begin replacing pipes (2000ft) Mr. Wetzel reviewed with the Board priority

water main projects: E. Man St., Pleasant St & Taft , Wright Rd., Groton Shirley Rd., Jackson, Pearl, shirley, Nashua, Lincoln, Williams Holms streets,-Priority projects. Mr. Wetzel advising to Memo submitted to Capital Planning Committee on 10-8-13 and 10-30-13. Mr. Pontbriand suggesting Capital Planning Committee make recommendation to Fin-Com advising do to Funding challenges, planning & delegation concerns.

10:00 Mr. Luca requested the Board extend the meeting for 15 minutes, 2nd by Mr. Hillman, VOTE: unanimous, moved.

2014 All Alcohol Renewals-The Board voted to approve the 2014 All Alcohol Renewals contingent upon **no licenses being released** until Building Commissioner & Fire Chief have signed off and proof of Insurance Liability coverage is on file. Motion made by Ms. Livingston, 2nd by Mr. Hillman, VOTE: unanimous, so moved.

Town Administrator's Report-

1. St. Mary's Parish One Day Beer & Wine License-Parish Dinner Saturday, November 16, 2013 from 5:30p.m. to 9:00p.m. Mr. Fay moved to approve One Day Beer & Wine License for St. Mary's parish for 11-16-13 from 5:30p.m. to 9:00p.m., 2nd by Mr. Luca, VOTE: unanimous, so moved.

2. APPOA Dispatchers Fy-2014 Wage Reopener MOA-Mr. Pontbriand announced the successful Memorandum of Agreement (MOA) between the Town and APPOA for Fy-2014 be finalized. Mr. Pontbriand disclosed a 2% salary increase negotiated retro to 7-1-13.

Old Business/Selectmen's Questions-

1. Town Counsel discussion deferred to 11-19-13 Selectmen's Meeting

2. Ms. Conley to work with Mr. Pontbriand to update old business items to be distributed to Board.

Mr. Luca took this opportunity to congratulate Barry Swartzel for the Camp Stevens re-Dedication Ceremony on Saturday, November 2, 2013 at 11:00a.m. and all the work that went into restoring the grounds and memorial.

10:00p.m. Mr. Luca moved to adjourn the meeting, 2nd by Ms. Livingston, VOTE: unanimous, so moved.

DATE:

Christopher R. Hillman, Clerk
Ayer Board of Selectmen

TOWN OF AYER, MA
AYER BOARD OF SELECTMEN MINUTES
Tuesday, November 19, 2013
1st Floor Meeting Room, Main Street, Ayer, MA

The Board of Selectmen's Open Session Meeting is Video Recorded by APAC

The Selectmen's Meeting can be viewed in its entirety on the Town's Website at: www.ayer.ma.us

7:00p.m. Chairman Conley called the meeting to order in Open Session.

Present: Chairman-Pauline Conley, Vice-Chairman-Gary J. Luca, Christopher R. Hillman-Clerk, Members James M. Fay and Jannice L. Livingston. Robert Pontbriand-Town Administrator and Janet Lewis-Secretary.

Ms. Conley opened the meeting by stating that the Board met in Executive Session earlier this evening and took a vote at the end of the Executive Session for the sole purpose of amending the Open Session Agenda of 11-19-13 with an Agenda amendment to reorganize the Board of Selectmen. This motion was made by Selectman Fay and Seconded by Selectman Livingston with a unanimous roll call vote in Executive Session to approve the amendment for the Open Session Agenda to include Reorganization of the Ayer Board of Selectmen.

Mr. Fay read into the record a brief statement pursuant to the Board of Selectmen's Policy 99-13-Removal of Chair by Majority Vote-(see attached) for violation of Board policies 99-10 on Rules and Ethics (see attached) for the unauthorized removal of an Executive Session document from the Selectmen's Office. Mr. Fay advising to a formal inquiry has been requested by him to the State Ethics Commission and that Town Counsel has been advised of the matter. Mr. Fay stated that it is in the best interest of the Board of Selectmen and Town of Ayer that Chairman Conley be removed from the Chairman's position. Mr. Fay stating it is a matter of trust and as a result of Chairman Conley's actions trust has been severely damaged. Mr. Fay updated all to situation involving the removal of an Executive Session document the Board had unanimously voted on November 14, 2013 to be transferred to another entity being removed not once but twice from the Selectmen's Office by Ms. Conley without Board authorization before all members could sign them and on two separate instances slipping the document under the door of the Town Administrator's Office. Mr. Fay stated that he had called Ms. Conley and e-mailed Ms. Conley with no response prior to the meeting regarding the status of the document.

Ms. Conley attempted to explain her position on the matter of why she removed the document from the Selectmen's Office. Stating that she had concerns about the procedure being used in the document as it related to which version of the Personnel Policies.

Mr. Fay interjected a point of order stating that he did not want Executive Session material revealed publically.

Ms. Conley continued to explain that she had communicated her concerns about the document to the Town Administrator and had made arrangements to return the document on November 18, 2013 at 5pm and explained that when she came to the Office at 5pm, Ms. Lewis informed her that the Town Administrator had to leave at 3pm.

Mr. Fay interjected that these "explanations" do not explain why Ms. Conley removed an official, signed, document from the Board of Selectmen's Office. When he asked Ms. Conley about it she offered no explanation.

Ms. Conley continued to explain that she had previously informed the Town Administrator that she no longer checks e-mail on a regular basis because her Employer does not permit non-work related e-mail on their Server.

Mr. Fay interjected that again, this was not true, and her "explanations" do not justify the fact that she removed the document. Mr. Fay indicated that he received an email from Ms. Conley which she denied sending to which he held up a copy of her email.

Motion: Ms. Livingston moved the Board remove Pauline Conley as Chairman of Board of Selectmen, 2nd by Mr. Hillman for discussion, requesting to hear Ms. Conley side of story.

Ms. Livingston listed the chronology of events leading up to action closing with for whatever reason Ms. Conley "played a game" she lost her confidence in her. Ms. Conley denied events as outlined by Ms. Livingston and urged the Board wait until they hear back from the Ethics Commission before doing anything and if her actions were erroneous then deal with the matter from that point.

Mr. Fay requested Ms. Conley call for a vote repeatedly during Ms. Conley's attempts to explain her actions re Personnel Policy concerns she had regarding which version was correct. Ms. Conley called the vote: Mr. Fay aye, Ms. Livingston aye, Mr. Luca aye, Mr. Hillman no, Ms. Conley no **3-2 motion passes.**

This vote set off a heated exchange between Mr. Fay and Mr. Hillman re Mr. Hillman agreeing earlier with Mr. Fay re Ms. Conley's behavior and that she should be removed as Chairman.

After order was restored Ms. Conley called for a vote for Chairman. Ms. Conley nominated Mr. Fay, who declined and nominated Mr. Luca, 2nd by Ms. Livingston, VOTE: Mr. Fay aye, Ms. Livingston aye, Mr. Luca aye, Mr. Hillman aye, Ms. Conley no, 4-1 motion passes. Mr. Luca now Chairman. Ms. Conley called for nominations for Vice-Chair. Ms. Conley nominated Mr. Hillman as Vice-Chair, 2nd by Mr. Luca,

VOTE: Mr. Luca aye, Ms. Conley aye, Ms. Livingston aye, Mr. Hillman aye, Mr. Fay no, **VOTE: 4-1** motion passes. Mr. Hillman now Vice-Chair.

At the conclusion of this Vote, there was another round of heated discussion between Mr. Fay & Mr. Hillman.

Mr. Luca assumed Chairmanship of the Meeting and proceeded with the Business of the Agenda. Ms. Conley requested there be no stifling of discussion. Mr. Luca advising/reminding Ms. Conley that he will run meeting as he sees fit.

Marijuana Facilities looking to locate in Ayer, MA-Mr. Pontbriand updated all to Three (3) presentations scheduled for this evening with one (1) withdrawal Middlesex Medicine (MIM) a non-descript facility requesting a growing portion and retail portion located in separate locations on Groton St. former Horn Building.

Massachusetts Military Veterans Assistance- Botanica Dispensary-Marijuana Cultivation and Dispensing Facility- The Board met with Duncan Rose, Chief Operating Officer (COO) and Peter Weil(CEO). Mr. Rose opened the discussion by advising to organizational plan to benefit/support veterans, the Ayer community and greater patient community at 11 Willows Rd, a 27K foot facility- former Air Power of N.E. Mr. Rose reviewed with the Board the two components of organization: **Non-Profit** for the research, development, growth and distribution of medical horticulture products with the primary benefit to help support Veterans & Patients with support and medical needs to maximize the benefits. Minimize the risks to the host community as well as to develop new methodologies, working with WPI technology re growing/vertically to save space for the hydroponic growth of medicinal plants. **For Profit** for the commercialization of vertical horticulture with primary objective to grow hydroponic food to supply the wholesale and vegetable market in eastern MA. Mr. Rose reviewed with the Board the organizational plan and supporting veterans by providing jobs-up to 40 positions, providing training and funding veterans programs i.e. NEADS (service dogs for deaf and disabled veterans). Mr. Rose advising the Board to no traffic, marketing, advertising, problems anticipated. Safety & security primary to venture and will work together with the community. Projecting maximum of 100/people a day and minimum of 10/people a day. Town of Ayer will receive \$120K when up and running. Ms. Heather Hasz, Chairman of the Board of Health advising to site being in aquifer zone requiring a Public Hearing. Mr.

Fay reviewing Town's earlier application re Public process included Public Hearing, site visits, Open House, Town Meeting Vote of support, 3-4 month process. Chairman Luca stating his concern re Letter of Support (L-O-S) Request and need to know more; requesting Board takes no action. Ms. Coney requesting if they plan to proceed without letter of support to purchase property and advised to L-O-S Military Veterans Asst. Group defining tool to move forward.

8:15p.m. Meeting ended with Botanica Dispensary for MA Military Veterans Asst. Group

8:15p.m. Selectman Livingston left meeting.

MCPCC-MA Compassionate Patient Care Corporation-Marijuana Cultivation and Dispensing Facility

The Board met with Gordon Kaminer who advised to his company planned to locate its cultivation operations at the same address as Botanica-11 Willows Rd., Ayer, and MA with an additional site at 1 Bishop Rd., Ayer, and MA for the dispensing of the medical marijuana to patients. Where it will offer marijuana in all forms to alleviate pain, mixed with different types of foods also for nausea, dizziness and other ailments. Mr. Kaminer also advising to security measures to be tight, facility totally videotaped/camera-motion detectors 24/hours a day. Mr. Kaminer offering to partner with local law enforcement, with Police access and addressed other areas of concern brought up earlier with the Board i.e. traffic, job creation and benefits to the community. Mr. Kaminer advising to operating three other medical marijuana facilities in Colorado as Botanica with the hopes of expanding and intends to be a good corporate neighbor. Mr. Kaminer also advising to providing free or reduced medicine to patients with verified financial hardships as well as offering discounts to veterans, SSI recipients and MA Healthcare individuals along with a percentage of their monthly sales for free distribution to qualifying patients. Frank Maxant stating Ayer cannot be home to all five dispensaries and cannot endorse any without public opinion. Mr. Fay again stating he wants to go through public process, and doesn't have time for, he cannot give letter of support or non-opposition based upon prior criteria. Mr. Fay moved the board take no action on both applications before the Board this evening, 2nd by Mr. Luca, VOTE - unanimous, so moved.

9:00p.m. Mr. Fay moved to adjourn the meeting, 2nd by Mr. Hillman, VOTE: unanimous, so moved.

9:00p.m. Meeting adjourned

TOWN OF AYER SELECTMEN MEETING MINUTES
Tuesday, December 3, 2013
1st Floor Meeting Room, Town Hall, Main Street, Ayer, MA

The Board of Selectmen's Open Session Meeting is video recorded by APAC.

The Selectmen's Meeting can be viewed in its entirety on the Town's Website at: www.ayer.ma.us

Chairman Luca called the meeting to order at 7:00p.m. Present: Chairman-Gary J. Luca, Vice-Chairman- Christopher R. Hillman, Members James Fay, Pauline Conley and Jannice Livingston, Town Administrator Robert A. Pontbriand and Janet Lewis Secretary.

Mr. Luca requested if there were amendments to the Agenda. Selectman Conley requesting to add under New Business/Selectmen's Questions:

1. Insurance info update re street light/s damaged by motorist requested six months ago, new Street lights/Street Signs update/status and Information re monetary donation (from whom) re repair of planter in front of Town Hall.

Chairman Luca called for a motion to approve the Agenda. Mr. Hillman moved to approve the Agenda, 2nd by Ms. Livingston, VOTE: unanimous, so moved.

Announcements:

Holiday Toy Drive-Chairman Luca advised to Chief Murray not present this evening due to another commitment and in his absence reminded all to the Ayer Police Department's Annual Toy Drive start-up. Collection boxes are displayed in the Ayer Town Hall, Post Office, NMSB, Ayer/Shirley HS, Carlin's and the Ayer Police Station for drop-off. All contributions to be delivered to Loaves & Fishes for distribution. Monetary donations are also being accepted payable to the Ayer Police Dept. "Toy Drive Fund" for further information please contact Chief Murray or Sgt. McDonald at the APD. Chairman Luca stating over 516 children and 217 families were assisted last year and need is greater with new each year. Toy Drive ending date 12-23-13 for collections.

Holiday Lights Ceremony December 1, 2013-Rotary-Mr. Hillman took this opportunity to thank everyone who contributed either financially or with services to the Holiday Lights. Mr. Hillman advised to turnout great, paying special recognition to Pepsi, Selectman Luca for their generous contributions as well as those who also contributed with the event, David Maher-music/cocoa, Senator Eldridge for stopping by, Chief Pedrazzi who helped Santa pay a visit in an Ayer fire truck, much to the delight of the children. A special thank you was extended to John Clapton for all his assistance assisting Mr. Hillman with decorating the trees.

Public Input-

Arleen Martino-MA LaRouche PAC Activist-re Glass-Steagall Bill. Ms Martino gave the Board a brief summary re her pursuit of urgent action to reinstate Glass-Steagall for financial reform amending the Federal Deposit Insurance Act to repeal provisions of the Gramm-Leach-Bliley Act that permits a financial holding company to engage in activities either financial or constitute expanded financial activities. Ms. Martino specifically seeking to prescribe corrective actions for financial holding companies that fail to meet certain requirements and authorize certain financial holding companies to retain limited nonfinancial activities and affiliations and authorize certain financial holding companies to own or control shares of a company engaged in activities related to the trading, sale or investment in commodities and underlying physical properties that were not previously permissible for bank holding companies. Ms. Martino requested the Board submit a letter to Congresswoman Niki Tsongas urging her to co-sign House Bill HR129 to reenact Glass Steagall banking standard. Ms. Martino distributed copies of her material to the Board for the Board's review. The Board took this under advisement.

Paul Magno-5 Rose Lane, Ayer, MA-Mr. Mango opened his remarks by first thanking the Board for their pursuit/clean-up of multiple properties in town. Mr. Magno stated his concern re one property in town that seems to have fallen off the radar, specifically McNiff Farm, advising to some progress made but questioning status of buildings structure/s. The Board advising to progress ongoing with property

enforcement, i.e. new nuisance by-law giving teeth re enforcement. Town has taken one property owner to court and legal action taken against another. Board has held joint Executive Sessions with Town Boards, Committees, Departments re enforcement/actions but cannot divulge nature of discussion. Mr. Fay reiterating Government's slow process the Board has to follow per Town Counsel's advice. Mr. Hillman echoing Mr. Fay and advising to Board working well on this issue, some real progress being made on some properties. Mr. Magno requesting more timely updates as to what's going on to keep the public informed.

7:15p.m. Public Hearing -Fy2014 Tax Classification-The Board met with Edward Cornelier and Paul Bresnahan from the Board of Assessors along with Assessing Administrator-Thomas Hogan. Chairman Luca opened the Public Hearing by reading the legal notice into the record which ran in the Nashoba Publications the weeks of 11-22-13 & 11-29-13. Mr. Cornelier opened the discussion by advising to the Board of Assessors preparing tonight's documentation in order to assist the Selectmen with their vote. Mr. Cornelier turned the discussion over to Mr. Hogan who ran through the four classifications before the Board this evening.

1. Open Space Discount-Selectman may discount up to 25% for Open Space-land maintained in an open or natural condition with contributes significantly to the benefit and enjoyment of the public. Mr. Hogan advising to Board not endorsing an Open Space Discount in previous year/s. Mr. Fay moved the Board vote to not adopt an Open Space Discount, 2nd by Ms. Conley, VOTE: unanimous, so moved.

2 Residential Exemption-Selectman may adopt an exemption up to 20% to every residential property which is the principal residence of a taxpayer; the exemption is subtracted from the assessed value of all eligible parcels. Mr. Hogan advising to Selectmen not endorsing a Residential Exemption in previous year/s. Mr. Fay moved the Board vote not to adopt a Residential Exemption, 2nd by Ms. Conley, VOTE: unanimous, so moved.

3. Small Commercial Exemption-Selectman may adopt an exemption of up to 10%of the value of eligible parcels. Mr. Hogan advising to exemption designed to provide tax relief for small businesses in which the tax burden is then shifted within the C&I class. Mr. Hogan advising to Board not endorsing a Small Commercial Exemption in previous year/s. Mr. Fay moved the Board not adopt a Small Commercial Exemption, 2nd by Ms. Conley, VOTE: unanimous, so moved.

4. Fy-14 Classification-2014 Tax Rate-Mr. Hogan reviewed with the Board the 2009 through 2014 values re the Residential and CIP percentage and levy shift/s, valuation changes from 2013-2014, 2014 Tax Levy and estimated tax rates for the board's review and consideration. The Board took comments from the businesses and residents present for the Hearing. After a lengthy exchange of views from all the board voted to adopt CIP Shift Factor of 1.48 and residential Factor of 0.729957 for a Residential Tax Rate for Fy-2014 of \$14.08 and a CIP Fy2-14 Tax Rate of \$28.55 for a residential rate change of \$101.00 and CIP rate change of \$187.00 or 2.8% average residential tax bill change and a median C&I tax bill change of 2.8%. Motion made by Mr. Fay, 2nd by Mr. Hillman, VOTE: unanimous, so moved.

8:20p.m. Mr. Fay moved to close the Public Hearing, 2nd by Mr. Hillman, VOTE: unanimous, so moved.

Nomination of Board of Selectmen's Clerk position-Chairman Luca opened the nominations for Clerk. Mr. Fay opting to take Clerk's position placed in the form of a motion, 2nd by Ms. Livingston, VOTE: Mr. Fay aye, Ms. Livingston aye, Ms. Conley aye, Chairman Luca aye, Mr. Hillman no, 4-1 motion passes.

Town Administrator's Report-The Board met with Robert Pontbriand

2014 License Renewals-Mr. Pontbriand presented the 2014 License renewals for: Common Victualler's License, Amusement License, Sunday Entertainment License, Class 1, 11, & 111 Licenses, reminding the Board to 2014 Alcohol License Renewals approved on 11-12-13. Mr. Pontbriand recommending Board vote to approve the 2014 renewals with the assurance that any License having outstanding taxes, water/sewer bills after 12-31-13 will not be released and the chief of Police to be notified of businesses not being renewed for 2014. The Board stated their concern and displeasure not having the Tax Collector's delinquent tax list re outstanding bills and elected to wait until 12-17-13 before approving the 2014 renewals.

Change of Manager-Shaker Hills Country Club-All Alcohol License -Mr. Pontbriand reviewed Shaker Hills

Country Club's request for a Change of Manager submitted on 11-22-12 changing the Manager from Timothy Valis to JoAnn Upham advising to the application complete and not requiring a Public Hearing and recommending the Board's approval. Ms. Conley moved the Board vote to approve the Change of Manager for Shaker Hills Country Club as presented, 2nd by Ms. Livingston, VOTE: unanimous, so moved.

37 Willard Street Notice of Hearing pursuant to MGL 139-Mr. Pontbriand recommended the Board approve and authorize Step 1. Notice to Owner re Notice of Hearing on Tuesday 12-17-13 at 7:15p.m. by the Board of Selectmen at the Ayer Town Hall pursuant to MGL Chapter 139 S1 for determination as to whether or not 37 Willard St. is a nuisance as defined by statute. Mr. Hillman moved the Board vote to approve the Notice of Hearing for 12-17-13 re 37 Willard St. pursuant to MGL Chapter 139 S1, 2nd by Ms. Conley, VOTE: unanimous, so moved.

New Business/Selectmen's Questions-

Ms. Conley-Insurance recovery-Ms. Conley requested information from MIIA be made available to her to recover money owed the town re damaged street lights by motorist.

Water Main-East Main St-Mr. Pontbriand advised to letter/s to State Representatives to be on counter in Selectmen's Office re Town of Ayer support for passage of House Bill #690 to provide for capital outlay program of maintenance and improvements to municipal drinking, waste and storm water infrastructure assets of the Commonwealth; seeking support to upgrade Ayer's water distribution systems 47 miles of pipe constructed in 1895.

Street Lights/Signs-Ms. Conley requesting update from Supt. Wetzel re West Main Street lights moved or relocated. Mr. Pontbriand to request update from Supt. Wetzel for 12-17-13 Agenda

Town Hall Historic Planter-Ms. Conley requested information re donation made to restore planter who made, funding involved, etc. Mr. Pontbriand advised to cost to repair Historic water fountain estimated at \$3K. Women's Temperance donated the 1st thousand, asking town to commit to 2nd thousand funded to come from Town Hall Facilities budget or Fy-14 Electric metering credits and Historical Commission to fund raise/Corporate Sponsor for remaining thousand. Ms. Conley stating DPW offered to repair/fix. Mr. Hillman explaining project being a very expensive fix.

Mr. Hillman-Town Counsel RFP-Mr. Hillman questioning how long has it been since the Town has gone out to bid Town Counsel services, could drive down cost, wouldn't hurt to get comparison. Mr. Pontbriand to research & provide sample for Board's review.

Mary Spinner-advised the Board to mailings going out to residents telling them they are liable for repairs and urging them to ensure their water/sewer pipes on their property. The Police chief to be advised of activity.

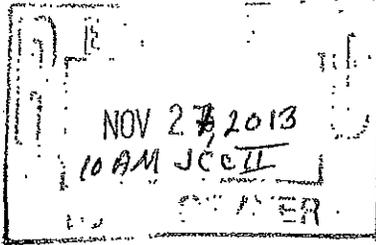
Minutes: The Board approved the Minutes of 10-8-13 with amendment to correct Ms. Livingston being present. Motion to approve made by Mr. Hillman 2nd by Ms. Livingston, VOTE: unanimous, so moved. Minutes of 10-15-13 and 11-12-13 set back.

9:15p.m. Ms. Livingston moved to adjourn the meeting, 2nd by Mr. Fay, VOTE: unanimous, so moved.

9:15p.m. Meeting adjourned.

Date: _____

James M. Fay, Clerk
AYER BOARD OF SELECTMEN



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

Tuesday, December 3, 2013, 7:00pm

Executive Session Meeting Agenda (6:00pm)

- 6:00pm **Call to Order in Open Session**
- 6:05pm **Executive Session** pursuant to MGL Chapter 30A, Section 21A
- Exemption #3 (Collective Bargaining) DPW Union Transfer Station Hours
 - Exemption #3 (Collective Bargaining Strategy) Fire Contract Update
 - Exemption #3 (Collective Bargaining Strategy) Superiors Contract Update

***Open Session Meeting Agenda (7:00pm)**

- **7:00pm **Reconvene/Call to Order in Open Session** – Review and Approve the Agenda
- 7:05pm **Police Chief William Murray**
- Ayer Police Holiday Toy Drive
- 7:10pm **PUBLIC INPUT**
- 7:15pm **PUBLIC HEARING: FY 2014 Tax Rate Classification Public Hearing**
- 8:00pm **Board of Selectmen Nomination of Clerk of the Board of Selectmen**
- 8:05pm **Town Administrator’s Report**
- Board of Selectmen’s Approval of 2014 Licenses
 - Authorization to give Notice of Hearing on Tuesday, December 17, 2013 at 7:15pm at the Ayer Town Hall for determination under MGL Chapter 139 as to whether or not 37 Willard Street, Ayer, MA is a nuisance as defined by Statute (MGL Chapter 139).
- 8:15pm **New Business / Selectmen’s Questions**
- 8:25pm **Approval of Meeting Minutes: Oct. 8, 2013; Oct. 15, 2013; Nov. 12, 2013**
- 8:30pm **Adjournment**

**Note: All Ayer Board of Selectmen Open Session Meetings are recorded and broadcast by Ayer Public Access Cable Television (APAC) and are posted at a later date on the Town of Ayer’s Website at www.ayer.ma.us*

***Note: Times assigned to Agenda Items are for planning purposes only and do not necessarily constitute the exact time for any Agenda Item.*