

RECEIVED
TOWN CLERK
TOWN OF AYER

2014 NOV 26 PM 12: 22

Susan Copeland

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



Tuesday December 2, 2014
Open Session Meeting Agenda

- 7:00pm **Call to Order**
Review and Approve Agenda; Announcements (Winter Parking Ban 11/15/14 - 4/15/15)
(Cancellation of Rotary Tree Lighting)
- 7:05pm* **Public Input**
- 7:10pm **Common Victualler License**
1. Taco Bell
- 7:15pm **Public Hearing – National Grid**
1. Locating of poles, wires, fixtures (Willow Road)
- 7:30pm **Mr. George Ramirez, MassDevelopment**
1. Update on various projects, programs, and developments at Devens
- 7:45pm **Town Administrator's Report**
1. Administrative Update
2. Appointment(s) of Open Space and Recreation Plan Committee
3. Appointment of Interim Fire Prevention Ticketing Hearing Officer
4. Board/Committee Member Guide (Selectman Livingston)
5. Rotary Tree Lighting Update/Next Steps (Selectman Hillman)
- 8:00pm **New Business/Selectmen's Questions**
1. Town purchase of street lights (Selectman Luca)
2. Town Hall Windows (Selectman Hillman)
- 8:15pm **Approval of Meeting Minutes**
November 5, 2014
- 8:20pm **Adjournment**

**Note: Agenda Times are for planning purposes only and do not necessarily constitute exact times.*



TOWN OF AYER WINTER PARKING BAN

**A Winter Parking Ban will be in effect as of
Saturday November 15, 2014 through Wednesday April 15, 2015.**

The Winter Parking Ban prohibits the parking of any motor vehicle on the street or sidewalk throughout the Town of Ayer overnight (12:01 A.M. to 6:00 A.M.) **AND** during snow storms.

The purpose of the parking ban is to assist the Town of Ayer's Department of Public Works with snow and ice removal operations.

The Ayer Police Department has been charged with the responsibility of enforcing the Winter Parking Ban.

The Ayer Board of Selectmen also reminds residents and businesses of their responsibility to keep walkways/sidewalks safe from the natural and unnatural accumulation of snow and ice. This helps prevent injuries from slips and falls on snow and ice and allows for the safe use of sidewalks.

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NOV 21 2014

TOWN OF AYER
SELECTMEN'S OFFICE

OFFICE OF THE BOARD OF SELECTMEN
TOWN OF AYER, MA



APPLICATION FOR COMMON VICTUALLER'S LICENSE

Application is hereby made for a Common Victualler's License

COPY

NAME OF APPLICANT:

GARY GUERRETTE

COMPANY NAME:

CHARTER FOODS - Taco Bell

COMPANY ADDRESS:

4 SANDY POND RD, AYER, MA

TYPE OF BUSINESS:

FAST FOOD RESTAURANT

NAME OF PARTNERS:

DESCRIPTION OF PREMISE: (Use back side if necessary)

Fast Food Restaurant

APPLICANT'S SIGNATURE:

Gary Guerrette

DATE:

11/21/14

ADDRESS:

4 Sandy Pond Rd

TELEPHONE #:

1-978-772-2376

HOME

BUSINESS

CELL PHONE

Selectmen's Meeting Date:

12/2/14

FEE: \$50.00 Cash, Check or Money Order Payable to the Town of Ayer

11/21/2014
Date Fee Received

Cash
Payment Type

FOOD HANDLER'S LICENSE: Please attach copy

Both approved attached
License Number

11/21/14
Date of Issue

TAX COLLECTOR:

I certify that applicant is current on all local taxes, assessments, betterments or any other municipal charges.

Susan Copeland
Tax Collector

November 21, 2014
Date

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

November 21, 2014

Taco Bell
c/o Bob Rave
Charter Foods, Inc.
4 Sandy Pond Road
Ayer, MA 01432

COPY

Dear Mr. Rave,

This letter serves as temporary authorization for Taco Bell restaurant located at 4 Sandy Pond Road to open on Monday November 24, 2014. As you are aware, the Ayer Board of Selectmen do not meet again until Tuesday December 2, 2014. Your application for a Common Victualler license will be taken up at this meeting.

Because you have received favorable reports from both the Board of Health (attached) and the Building Inspector (attached) you may open as scheduled on Monday November 24, 2014. This temporary authorization is being given in an effort to assist your business in avoiding further delay.

Please be advised that you are to appear before the Ayer Board of Selectmen on Tuesday December 2, 2014 at 7:00 PM for consideration of your Common Victualler license application. Failure to obtain Common Victualler license on December 2, 2014 will result in an immediate closure effective December 3, 2014.

Please contact my office directly should you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Robert A. Pontbriand". The signature is fluid and cursive.

Robert A. Pontbriand
Town Administrator

COPY

Copy: Nashoba Boards of Health
Building Inspector

Carly Antonellis

From: Bridgette Braley [REDACTED]
Sent: Friday, November 21, 2014 10:44 AM
To: Carly Antonellis
Subject: Taco Bell

Hi Carley....

Taco Bell is all set. We will be issuing the Food Service Permit has been issued. The manager is supposed to be going over today to see you.

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

COPY



NASHOBA ASSOCIATED BOARDS OF HEALTH

30 Central Ave. Ayer, MA 01432 1-800-427-9762 (978) 772-3335 Nashoba.org

Name TACO BELL	Date 11/21/14	TYPE OF OPERATION(S) <input type="checkbox"/> Food Service <input type="checkbox"/> Retail <input type="checkbox"/> Residential Kitchen <input type="checkbox"/> Mobile <input type="checkbox"/> Temporary <input type="checkbox"/> Caterer <input type="checkbox"/> Bed & Breakfast	TYPE OF INSPECTION <input type="checkbox"/> Routine <input type="checkbox"/> Re-inspection Previous Inspection Date: <input type="checkbox"/> Pre-operation <input type="checkbox"/> Suspect Illness <input type="checkbox"/> General Complaint <input type="checkbox"/> HACCP <input type="checkbox"/> Other
Address AYER	Risk Level	Permit No.	
Telephone SANDY POND	HACCP Y/N		
Owner	TIME In: 9:35 Out: 11:00		
Person In Charge (PIC)			
Inspector B. Bratley / K. Gardner			

Violations Related to Foodborne Illness Interventions and Risk Factors (Red Items)

Violations marked may pose an imminent health hazard and require immediate corrective action.

FOOD PROTECTION MANAGEMENT

1. PIC Assigned / Knowledgeable / Duties

EMPLOYEE HEALTH

- 2. Reporting of Diseases by Food Employee and PIC
- 3. Personnel with Infections Restricted/Excluded

FOOD FROM APPROVED SOURCE

- 4. Food and Water from Approved Source
- 5. Receiving/Condition
- 6. Tags/Records/Accuracy of Ingredient Statements
- 7. Conformance with Approved Procedures/HACCP Plans

PROTECTION FROM CONTAMINATION

- 8. Separation/ Segregation/ Protection
- 9. Food Contact Surfaces Cleaning and Sanitizing
- 10. Proper/Adequate Handwashing
- 11. Good Hygienic Practices
- 12. Prevention of Contamination from Hands
- 13. Handwash Facilities

PROTECTION FROM CHEMICALS

- 14. Approved Food or Color Additives
- 15. Toxic Chemicals

TIME/TEMPERATURE CONTROLS

(Potentially Hazardous Foods)

- 16. Cooking Temperatures
- 17. Reheating
- 18. Cooling
- 19. Hot and Cold Holding
- 20. Time As a Public Health Control

REQUIREMENTS FOR

HIGHLY SUSCEPTIBLE POPULATIONS (HSP)

- 21. Food and Food Preparation for HSP

CONSUMER ADVISORY

- 22. Posting of Consumer Advisories

Violations Related to Good Retail Practices (Blue Items)

Critical (C) violations marked must be corrected immediately or within 10 days as determined by the Board of Health.

FC	IN	

- 23. Management and Personnel (FC-2) (590.003)
- 24. Food and Food Protection (FC-3) (590.004)
- 25. Equipment and Utensils (FC-4) (590.005)
- 26. Water, Plumbing and Waste (FC-5) (590.006)
- 27. Physical Facility (FC) (590.007)
- 28. Poisonous or Toxic Materials (FC-7) (590.008)
- 29. Special Requirements (590.009)
- 30. Other

NON-COMPLIANCE WITH:

- Anti-Choking 590.009 (E)
- Tobacco 590.009 (F)
- Allergy Awareness Training 590.009 (G) (3) (A)

NUMBER OF CRITICAL ITEMS VIOLATED: _____

Jason Bonanick -> Will FAX FOODSAFETYACT / Billery

Item No.	Code Reference	DESCRIPTION OF VIOLATION / PLAN OF CORRECTION PLEASE PRINT CLEARLY
		OK - TO OPERATE ONCE ALL OTHER VIOLATIONS HAVE GIVEN THEIR APPROVAL
		COPY
		* Keep sanitizer log @ 3 bay sink
		* HAND SANITIZER IS <u>NOT</u> NECESSARY @ HAND SINK
Discussion With Person In Charge:		
- Coolers @ proper temps		
- recalc 1x month		
- use gloves when handling ready to eat foods		

OFFICIAL ORDER FOR CORRECTION: Based on an inspection today, the items checked indicate violated provisions of 105 CMR 590.000/1999 Food Code. This report, when signed by a Board of Health member or its agent constitutes an order of the Board of Health to correct violations within the time period designated. Each violation checked requires an explanation on the narrative page(s) and a citation of the provision(s) violated. Failure to correct violations may result in suspension or revocation of the food establishment permit and cessation of food establishment operations. If aggrieved by this directive, you have a right to a hearing. Your request must be in writing and submitted to the Board of Health at the above address within 10 days of receipt of this order.

DATE OF RE-INSPECTION: 2-3 weeks

Inspected By: Bridgette Bratley	Print: B. Bratley	
Received By: Gary Greeneth	Print: Gary Greeneth	Title: 11/21/14

COPY

**Town of Ayer
Notice of Public Hearing
Ayer Board of Selectmen**

The Ayer Board of Selectmen will be conducting a Public Hearing on Tuesday, December 2, 2014 at 7:15pm at the Ayer Town Hall, 1st Floor Meeting Room, 1 Main Street, Ayer, MA 01432 re: National Grid's request for permission to locate poles, wires, and fixtures, including the necessary sustaining and protecting fixtures, along and across the following public way: Willow Road - to install 1 SO Pole beginning at a point approximately 300 feet West of the centerline of the intersection of Longview Circle. National Grid to install 1 SO Pole 19-1 on the side of road for two lots going in on lot line per plan filed with the Town marked "Willow Road, Ayer, MA, No.# 17756500" on Nov. 12, 2014. Also for permission to lay and maintain underground laterals, cables, and wires in the above or intersecting public ways for the purpose of making connections with such poles and building as each of said petitioners may desire for distributing purposes.

Christopher R. Hillman,
Chairman
Jannice L. Livingston,
Vice-Chairman
Gary J. Luca, Clerk

November 19, 26, 2014

Questions contact – Central Design - Valerie Bellrose 781-907-3506

PETITION FOR POLE AND WIRE LOCATIONS

North Andover, Massachusetts

To the Board of Selectmen
Of Ayer, Massachusetts

NATIONAL GRID requests permission to locate poles, wires, and fixtures, including the necessary sustaining and protecting fixtures, along and across the following public way:

Willow Road - National Grid to install 1 SO Pole beginning at a point approximately 300 feet West of the centerline of the intersection of Longview Circle. National Grid to install 1 SO Pole 19-1 on the side of road for two lots going in on lot line.

Location approximately as shown on plan attached

Wherefore it prays that after due notice and hearing as provided by law, it be granted a location for and permission to erect and maintain poles and wires, together with such sustaining and protecting fixtures as it may find necessary, said poles to be erected substantially in accordance with the plan filed herewith marked – Willow Road -Ayer - Massachusetts

No.# 17756599 November 12, 2014

Also for permission to lay and maintain underground laterals, cables, and wires in the above or intersecting public ways for the purpose of making connections with such poles and buildings as each of said petitioners may desire for distributing purposes.

Your petitioner agrees to reserve space for one cross-arm at a suitable point on each of said poles for the fire, police, telephone, and telegraph signal wires belonging to the municipality and used by it exclusively for municipal purposes.

NATIONAL GRID
BY _____
Engineering Department

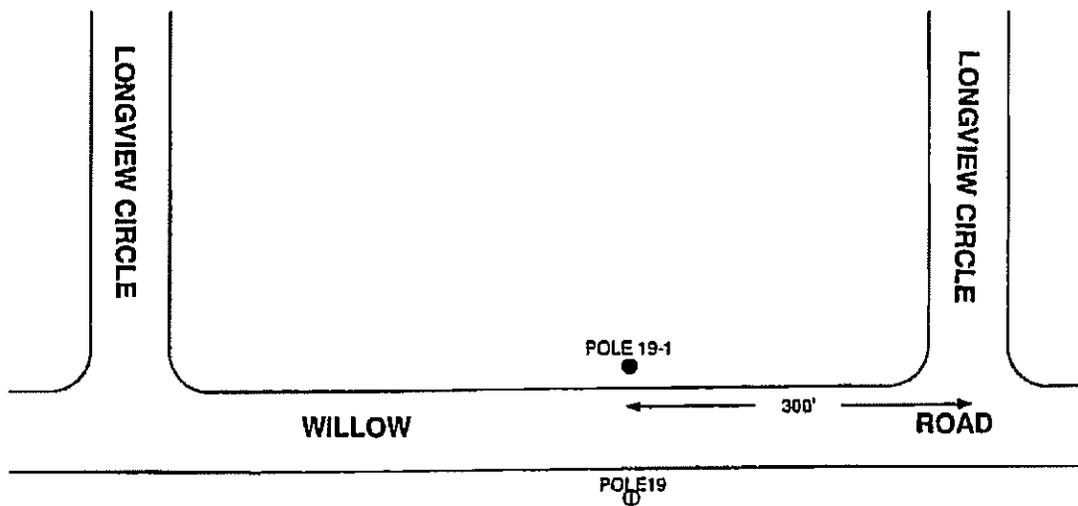
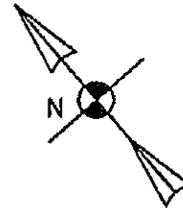
Pat Cody

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TOWN OF AYER
SELECTMEN'S OFFICE

Install S.O. National Grid pole on side of road. Pole will feed to lot 1 & 2 for the Willow Development LLC p 19-1



POLE PETITION		nationalgrid
<input checked="" type="checkbox"/> Proposed NGRID Pole Locations		
<input type="checkbox"/> Existing NGRID Pole Locations		Plan Number: 17756599
<input checked="" type="checkbox"/> Proposed J.O. Pole Locations		To Accompany Petition Dated:
<input type="checkbox"/> Existing J.O. Pole Locations		To The: TOWN OF AYER
<input checked="" type="checkbox"/> Existing Telephone Co. Pole Locations		For Proposed: S.O. Pole: 19-1 Location: WILLOW ROAD
<input checked="" type="checkbox"/> Existing NGRID Pole Location To Be Made J.O.		Date Of Original Grant:
<input checked="" type="checkbox"/> Existing Pole Locations To Be Removed		
DISTANCES ARE APPROXIMATE		

Town

Questions contact – Valerie Bellrose 781-907-3506

ORDER FOR POLE AND WIRE LOCATIONS

In the City of Ayer, Massachusetts

Notice having been given and public hearing held, as provided by law,
IT IS HEREBY ORDERED:

that NATIONAL GRID and be and it is hereby granted a location for and permission to erect and maintain poles and wires to be placed thereon, together with such sustaining and protecting fixtures as said Company may deem necessary, in the public way or ways hereinafter referred to, as requested in petition of said Company dated the 12th day of November, 2014.

All construction under this order shall be in accordance with the following conditions:

Poles shall be of sound timber, and reasonable straight, and shall be set substantially at the points indicated upon the plan marked – Willow Road - Ayer - Massachusetts.

No.#17756599 Dated: November 12, 2014. Filed with this order

There may be attached to said poles such wires, cables, and fixtures as needed in their business and all of said wires and cables shall be placed at a height of not less than twenty (20) feet from the ground.

The following are the public ways or part of ways along which the poles above referred to may be erected, and the number of poles which may be erected thereon under this order:

Willow Road - National Grid to install 1 SO Pole beginning at a point approximately 300 feet West of the centerline of the intersection of Longview Circle. National Grid to install 1 SO Pole 19-1 on the side of road for two lots going in on lot line.

I hereby certify that the foregoing order was adopted at a meeting of the City Council of the City/Town of _____, Massachusetts held on the _____ day of _____ 20 _____.

Massachusetts

City/Town Clerk.
20 _____

Received and entered in the records of location orders of the City/Town of
Book _____ Page _____

Attest:
City/Town Clerk

I hereby certify that on
at

20 , at o'clock, M
a public hearing was held on the petition of

NATIONAL GRID

for permission to erect the poles, wires, and fixtures described in the order herewith recorded, and that we mailed at least seven days before said hearing a written notice of the time and place of said hearing to each of the owners of real estate (as determined by the last preceding assessment for taxation) along the ways or parts of ways upon which the Company is permitted to erect poles, wires, and fixtures under said order. And that thereupon said order was duly adopted.

City/Town Clerk.

.....
.....
.....
.....

Board or Council of Town or City, Massachusetts

CERTIFICATE

I hereby certify that the foregoing is a true copy of the location order and certificate of hearing with notice adopted by the of the City of Massachusetts, on the day of 20 , and recorded with the records of location orders of the said City, Book , Page . This certified copy is made under the provisions of Chapter 166 of General Laws and any additions thereto or amendments thereof

Attest:
City/Town Clerk

Electric

Questions contact – Valerie Bellrose 781-907-3506

ORDER FOR POLE AND WIRE LOCATIONS

In the City of Ayer, Massachusetts

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Massachusetts City/Town Clerk.
20 _____

Received and entered in the records of location orders of the City/Town of _____
Book _____ Page _____

Attest:
City/Town Clerk

I hereby certify that on
at

20 , at o'clock, M
a public hearing was held on the petition of

NATIONAL GRID

for permission to erect the poles, wires, and fixtures described in the order herewith recorded, and that we mailed at least seven days before said hearing a written notice of the time and place of said hearing to each of the owners of real estate (as determined by the last preceding assessment for taxation) along the ways or parts of ways upon which the Company is permitted to erect poles, wires, and fixtures under said order. And that thereupon said order was duly adopted.

City/Town Clerk.

.....
.....
.....
.....

Board or Council of Town or City, Massachusetts

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Attest:
City/Town Clerk

Verizon

Questions contact – Valerie Bellrose 781-907-3506

ORDER FOR POLE AND WIRE LOCATIONS

In the City of Ayer, Massachusetts

Notice having been given and public hearing held, as provided by law,
IT IS HEREBY ORDERED:

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Massachusetts

City/Town Clerk.

20 _____

Received and entered in the records of location orders of the City/Town of

Book

Page

Attest:
City/Town Clerk

I hereby certify that on
at

20 , at o'clock, M
a public hearing was held on the petition of

NATIONAL GRID

for permission to erect the poles, wires, and fixtures described in the order herewith recorded, and that we mailed at least seven days before said hearing a written notice of the time and place of said hearing to each of the owners of real estate (as determined by the last preceding assessment for taxation) along the ways or parts of ways upon which the Company is permitted to erect poles, wires, and fixtures under said order. And that thereupon said order was duly adopted.

City/Town Clerk.

.....
.....
.....
.....

Board or Council of Town or City, Massachusetts

CERTIFICATE

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Attest:
City/Town Clerk

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 26, 2014

TO: Ayer Board of Selectmen

FROM: Robert A. Pontbriand
Town Administrator

A handwritten signature in blue ink that reads "R.A.P." with a horizontal line underneath.

SUBJECT: Recommendation for Appointments to the Ayer Open Space and Recreation Plan Committee

Dear Honorable Selectmen,

I respectfully recommend the following individuals for appointment to the Ayer Open Space and Recreation Plan Committee for a term effective upon appointment and ending at the completion of the update to the Town's Open Space and Recreation Plan:

- Mr. Jeff Thomas – Parks Commission Representative
- Ms. Jessica Gugino – Conservation Commission Representative
- Ms. Beth Suedmeyer – Resident Representative
- Ms. Carolyn McCreary – Resident Representative
- Ms. Faith Salter – Resident Representative
- Ms. Kristi Paradis – Resident Representative
- (One Resident Representative Vacancy Remains)

Thank you for your consideration.

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 5, 2014

TO: Ayer Board of Selectmen

FROM: Robert A. Pontbriand
Town Administrator

A handwritten signature in blue ink, reading 'R.A.P.', is written over the printed name of the sender.

SUBJECT: Recommendation for Creation of an Ayer Open Space and Recreation Plan Committee

Dear Honorable Selectmen,

I am respectfully recommending that the Ayer Board of Selectmen authorize the creation of an Open Space and Recreation Plan Committee for the purposes of reviewing and updating the Town of Ayer's Open Space and Recreation Plan.

The Committee would consist of seven (7) members as follows:

- 1 Representative from the Parks Commission
- 1 Representative from the Conservation Commission
- 5 Citizen Representatives

7 Members Total

Upon authorization by the BOS to create the Committee, the Town will advertise the five (5) citizen representative appointments and the Town Administrator will bring forth candidates for approval by the Ayer Board of Selectmen at the December 2, 2014 BOS Meeting.

Thank you for your consideration.

Cc: Parks Commission
Conservation Commission

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 26, 2014

TO: Ayer Board of Selectmen

FROM: Robert A. Pontbriand
Town Administrator

SUBJECT: Recommendation of Appointment of Interim Non-Criminal Fire Prevention Ticketing Hearing Officer

Dear Honorable Selectmen,

On the recommendation of Chief Pedrazzi and Lt. John Bresnahan (Fire Prevention Officer), the Town of Ayer will be implementing a non-criminal fire prevention ticketing program (see attached). One of the requirements of this program is that the Town has a designated Hearing Officer who has completed the training class by the State Fire Marshall.

Since the 2014 class has already been offered, the Board may appoint an interim Hearing Officer until the 2015 class is offered at which time it is recommended that the Assistant to the Town Administrator take the course and be appointed the Hearing Officer (just as she serves as the Parking Hearing Officer).

Mr. Timothy Bragan, the Harvard Town Administrator has agreed to serve as the Town of Ayer's Interim Hearing Officer until the 2015 class is conducted. This is in compliance and permissible by the State Fire Marshall's Office.

Therefore, I am respectfully recommending that the Board of Selectmen appoint Mr. Timothy Bragan, Harvard Town Administrator as the Interim Non-Criminal Fire Prevention Ticketing Hearing Officer effective immediately with a term to expire upon the training and appointment of the Assistant to the Town Administrator in 2015.

(Note: The next class is anticipated to be offered during the first half of 2015).

Thank you for your consideration.

Attachment: E-mail from Lt. John Bresnahan

Cc: Fire Chief Robert Pedrazzi
Mr. Timothy Bragan, Harvard Town Administrator

Robert Pontbriand

From: Lt. John Bresnahan <jbresnahan@ayer.ma.us>
Sent: Wednesday, October 15, 2014 3:00 PM
To: Robert Pontbriand
Cc: Chief Pedrazzi; Carly Antonellis
Subject: Fire Prevention Tickets

Robert,

In regards to the non-criminal fire prevention ticketing program that we had previously discussed with you here are some of the details:

1. In order to receive the ticket books from the Commonwealth there must be a designated hearing officer. It is our recommendation, after talking with you, that Carly be appointed as the hearing officer. There is a one day training class that is offered by the Marshal for this and it is offered once a year at this time. The class has been held for 2014 and there is not one scheduled for 2015 as of yet. To meet this requirement the sharing of hearing officers is allowed and the Town Administrator in Harvard is a trained hearing officer. It would be possible to use him in the interim until the training is held for our hearing officer with permission from the Board of Selectmen.
2. There must be a written plan for when and how hearings will be held.
3. The fines are required, by statute, to be designated toward training, education, and enforcement for fire prevention or building code enforcement.
4. The application to the Commonwealth along with a hearing officer letter of appointment and training certificate must be submitted together to receive the ticket book.

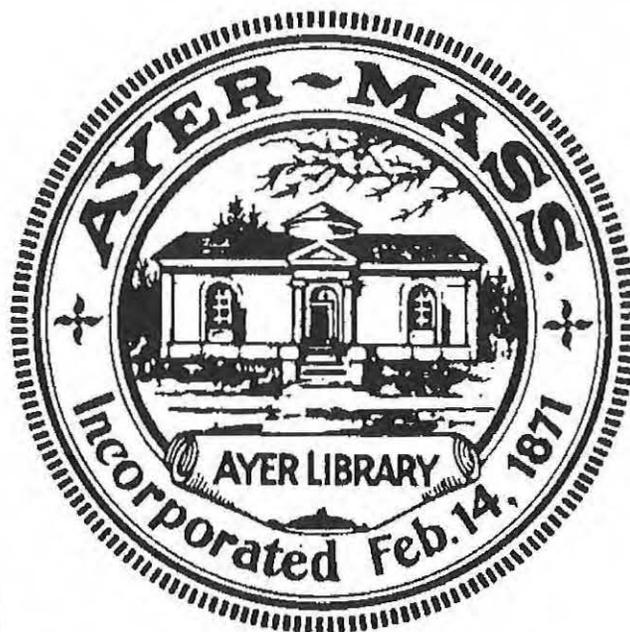
This non-criminal ticketing program does give the option for writing both warnings and tickets for fire code violations. There are approximately 150 different areas that can be a cause to issue a citation and the fines increase from a warning to \$100 for a 1st offense, \$500 for a 2nd offense and \$1,000 for third or subsequent offenses.

The ticketing has been in the Massachusetts General Laws since 2005 but due to staffing and manpower it was not feasible to take advantage of the program. Now, with the increased staffing and dedicated fire prevention officer, it make sense to use this program for tracking and enforcement of fire and building code violations that can place the citizens at risk.

John

Lt. John W. Bresnahan
Fire Prevention Officer
Ayer Fire Department
1 West Main Street
Ayer MA 01440
(978)772-8231

TOWN OF AYER



BOARD/COMMITTEE MEMBER GUIDE

Approved **XXXXXXXX**

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HELPFUL RESOURCES

Town Clerk's Office	978-772-8215
Town Administrator's Office	978-772-8220
Town of Ayer I.T. Department	978-772-8252
Town of Ayer	www.ayer.ma.us
Commonwealth of Massachusetts	www.mass.gov
Secretary of State's Office	www.sec.state.ma.us
Massachusetts Legislature	www.malegislature.gov
Attorney General's Office	www.mass.gov/ago
Open Meeting Law	www.mass.gov/ago/openmeetinglaw
Public Records Law	www.sec.state.ma.us/pre/prepdf/guide.pdf
Conflict of Interest Law	www.mass.gov/ethics
Freedom of Information Act	http://www.foia.gov
Town of Ayer's Electronic Communication Policy	www.ayer.ma.us/Pages/AyerMA_BOS/ecp.pdf

WELCOME!

Thank you for your interest and community involvement which lead you to take this municipal position. Finding individuals willing to take the time and effort to participate in local government is becoming difficult, and we greatly appreciate the commitment you are making to the Town of Ayer! We hope that this brief guide will help you during your time in office.

ASSUMING THE OFFICE

The first order of business is to make arrangements with the Town Clerk's Office to be sworn in. (The Town Moderator may swear you in, in the Town Clerk's absence). You are not technically a member of your new Board/Committee until this has occurred. You will receive a card from the Town Clerk's office verifying you have been sworn in.

Become familiar with the roles and responsibilities of your Board/Committee. Resource materials should be gathered. Take time to discuss this with your fellow members, being mindful of the Open Meeting Law. Please ask your Chairman for copies of any policies, workbooks or reference materials that you will need as a member. These may include (depending on what Board/Committee you belong to) a copy of the open meeting law, copies of any state laws that pertain to your Board/Committee, a table of organization of the town, a list of key town officials, contact information for each of your fellow Board/Committee members, Town Bylaws, written procedures or policies adopted by your Board/Committee, the current year's budget, etc...The Town of Ayer's website is also an excellent resource for these materials www.ayer.ma.us

PUBLIC MEETINGS

The purpose of the Open Meeting Law is to ensure transparency in the deliberations on which public policy is based. Because the democratic process depends on the public having knowledge about the considerations underlying governmental action, the Open Meeting Law requires, with some exceptions, that meetings of public bodies be open to the public. It also seeks to balance the public's interest in witnessing the deliberations of public officials with the government's need to manage its operations efficiently.¹

Municipal meetings operate in the public spotlight due to the fact that most meetings are open to the public as required by law (M.G.L. c. 30A, §§18-25), covered by the press, and often televised and/or recorded by our local cable channel. Boards and Committees conduct meetings in many different styles depending on the preference of the Chairman. Some meetings may be closed to the public if it can be determined to be a legitimate reason to have a private or "Executive Session" (M.G.L. c.30A, §21) meeting to which only involved parties may attend. The Town Clerk shall provide you with a copy of the Open Meeting Law which explains these points; the website is also listed under the "Helpful Resources" section of this guide.

¹ <http://www.mass.gov/ago/government-resources/open-meeting-law/attorney-generals-open-meeting-law-guide.html#Overview-Purpose>

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A meeting is defined as a gathering of your Board/Committee any time there is a quorum (simple majority) of your members. It is against the law for a quorum to meet in private for the purpose of deciding or deliberating toward a decision on public business. All meetings must be posted with the Town Clerk at least 48 hours in advance of the meeting unless an emergency (a sudden, generally unexpected occurrence or set of circumstances demanding immediate action) can be determined to justify a meeting held without the 48 hour notice - at which case a meeting posting must still be done as quickly as possible.

Minutes must be taken of all meetings held. These minutes must include a brief summary of what occurred and a precise record of all votes taken. The federal Freedom of Information Act and the Massachusetts Public Records Law require that all minutes be available to the public on request. Minutes are kept in offices/designated spaces of individual boards.

IMPORTANT ADMINISTRATIVE DUTIES OF BOARDS

Reserving a Room

Rooms must be reserved in the Town Administrator's prior to posting. You may email your reservation request to the Assistant to the Town Administrator at cantonellis@ayer.ma.us.

If your Board has regularly scheduled meetings (i.e.:1st and 3rd Wednesdays; 2nd Thursday) a room will be automatically reserved for you. However, if you are not meeting on your regularly scheduled meeting night, as listed in the Annual Town Report, you must check with the Town Administrator's Office for room availability and to ensure that the building will be open after hours.

Posting Meetings

In the interest of providing a more efficient posting process – an email distribution list has been created for postings of meetings, agendas, and minutes.

agenda@ayer.ma.us

This email will reach the Town Clerk, Assistant Town Clerk and I.T. Director. These are the three individuals responsible for postings on the official board at Town Hall as well as online. Sending the postings to this distribution email it ensures that all bases are covered in the event of a schedule change.

The Town's Official Meeting Posting Board is located outside of Town Hall on the Columbia Street side. Once a meeting agenda is received and stamped by the Town Clerk's Office, they will place it on the Town's Official Meeting Posting Board.

The posting of agendas on the Town's website, other media, and/or other locations is done as a convenience and service to the public but is not a legal requirement. The only legal requirement is that the agenda be placed on the Town's Official Meeting Posting Board after it has been stamped by the Clerk's Office at least 48 hours in advance of the meeting.

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You are responsible for copying any other persons (other board members, press, etc.) in regards to your posting.

For individuals that prefer going to the Town Clerk's Office to post meetings, you MUST request that your stamped meeting agenda be scanned to the I.T. Director.

The posting deadline for business with the Town Clerk's office is as follows:

Any documents being submitted to the Town Clerk's office is to be received 15 minutes before closing to accommodate staff processing in a timely manner.

Monday, Wednesday, and Thursday

Posting Deadline is 3:45pm and the office closes at 4:00pm

Tuesday

Posting Deadline is 6:45pm and the office closes at 7:00pm

Friday

Posting Deadline is 12:45pm and the office closes at 1:00pm

Securing the Building

The front door (Main Street Entrance) will be locked at the close of business every day. There is a sign indicating that for after-hours meetings to use the Columbia Street Entrance. The side entrance on Columbia Street will remain open if there is a meeting scheduled. The last user group in Town Hall in the evening is responsible for ensuring that the Columbia Street side entrance of Town Hall is secured. The larger of the two yellow Allen wrenches in the 1st Floor Meeting room is used to secure the Columbia Street entrance. If you are not familiar with using the Allen wrenches to secure the Columbia Street entrance, please make an appointment with the Town Administrator's office and you will be given instructions on how to do so.

CORRESPONDENCE

All Town Employees and Special Town Employees (i.e. appointed and elected board/commission/committee members; volunteers; etc.) are required to use an official Town issued E-mail (in the form @ayer.ma.us) for all Town-related business. Using your personal E-Mail to conduct Town business puts your personal systems at risk for subpoena or discovery. The Town Administrator's Office will notify the I.T. Department of your appointment and an email account will be set up for you.

Emails are considered a public document and subject to the Freedom of Information Act and/or the Public Records Law unless it can be declared a confidential document exempted from release per state law. Additionally, emails may not be used as a substitute for open meetings for the purpose of deciding or deliberating toward a decision on public business. Extreme care and caution should be used regarding emails to communicate with your Board/Committee. If you are in doubt, the best

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policy is to avoid use of email and to have all Board/Committee discussions and sharing of information take place as a posted Open Meeting.

The Town of Ayer's Information Technology Department mandates you sign the Electronic Communications Policy. The policy can be found here:

http://www.ayer.ma.us/Pages/AyerMA_BOS/ecp.pdf

It is not required that every piece of correspondence that comes to your Board/Committee must be addressed at a public meeting. Typically the Chairman or some other authorized member is allowed to review incoming correspondence to determine necessary actions, or to create outgoing correspondence without prior board review.

Electronic mail is made available as a business communication tool and Town employees and Special Town Employees are obliged to use this tool in a responsible, effective and lawful manner. Although email might appear to be less formal than other written communication, it is subject to the same laws that apply to other forms of communication, such as those against defamation or those protecting intellectual or personal property rights. The Town's existing policies prohibiting sexual and other forms of harassment apply equally to the use of Town and other system components

PUBLIC HEARINGS

In many cases, your Board/Committee may be required to hold a public hearing to take action on a certain matter. These hearings typically require very specific public notice (newspaper notification, abutter notification) be given above and beyond the simple posting of the meeting. Please check with the Town Clerk if you have questions relative to this notification process.

Hearings are intended to provide a public information process and a time for receiving public input. Your Chairman is responsible for guiding the process of the hearing.

COMMUNICATING WITH THE NEWS MEDIA

It is important to inquire of your Board/Committee as to what policy exists for responding to inquiries from the media. Typically one member of the Board/Committee is assigned to be the spokesperson for the group, and all other members should refer any questions to that member. When speaking to the media, it is important to choose your words carefully as a reporter may publish any and all of your conversation. It is not uncommon to have statements used out of context. If Town Counsel has advised against making public statements, reporters should be told "no comment". You should avoid asking that your discussion be "off the record" as this means different things to different reporters. It is entirely appropriate to ask reporters to read back what they have noted, and you may ask for a copy of the story as well. If you feel any publication contains incorrect information, it is appropriate to have the authorized board member contact the reporter to request a correction of the facts.

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Often a local reporter will be willing to work with your board to print press releases or public information articles that help provide announcements to the public. Having a good relationship with the press will be beneficial in these instances.

FINANCIAL MATTERS

Each Board/Committee has a budget to cover the expenses of operating throughout the year. You should familiarize yourself with your annual budget and ask how expenditures are authorized and processed. As you do with your home finances, your board is expected to live within the allotted funds for the years. Expenditures must be made wisely. If it appears that unforeseen expenses will cause your Board/Committee to deficit spend, you must seek and obtain reserve fund transfer from the Finance Committee before authorizing any additional expenditures. Please see the Town Administrator if you have questions relative to this issue.

ETHICS/CONFLICT OF INTEREST

Governor Patrick signed into law Chapter 28 of the Acts of 2009 that made changes to the State's Conflict of Interest Law and the State Ethics Commission's Enabling Act. This law went into effect September 29, 2009. All municipal employees and Board/Committee Members are required to complete the online training program provided on the Commission's website then and every two years thereafter.

You are responsible to keep track of when your Ethics/Conflict of Interest requirements need renewing. Please also look for reminder correspondence from the Town Clerk's office.

Instructions to complete Ethics/Conflict of Interest Requirements

Make sure you turn off all pop-up blockers on your computer before you begin!

STEP ONE: www.mass.gov/ethics,

Each "Municipal Employee", which includes unpaid elected and appointed town officials, is required to sign a written acknowledgement that he/she has been provided with a summary of the Bill. If you do not have the summary of this bill, go to www.mass.gov/ethics, under "Key Resources" click on "Summaries of the Conflict of Interest Law", then click on the summary of the law for "Municipal Employees". Fill out the receipt at the end of the summary and return to the Town Clerk's office

STEP TWO: www.muniprogram.eth.state.ma.us.

The Bill also requires that every "Municipal Employee" shall complete the online training program within 30 days after becoming such an employee and every other year thereafter. The online training program is on the state website www.muniprogram.eth.state.ma.us. All "Municipal Employees" must complete the online training program.

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STEP THREE:

Upon completion of the online training program, you must print out two copies of the certificate, keep a copy for yourself and provide a copy to the Town Clerk.

Both of these requirements must be completed within thirty days upon receipt of this letter.

If you have any questions, please call the Town Clerk's office.

OTHER QUESTIONS

If you have any other additional concerns or questions about your role as a New Board/Committee Member, please seek the advice of your Chairman or of the Town Administrator. They will be more than happy to help you settle in to your new position.

If you can think of any other information that can be added to this guide to assist the process of new town officials taking office, please provide your comments to the Town Administrator's Office.

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CHECKLIST

A helpful list of “to-do’s” once you are elected/appointed

- _____ Get Sworn-In
Town Clerk's Office
- _____ Get @ayer.ma.us email credentials from I.T. Department
I.T. Department 978-772- 8252
- _____ Review and Sign Electronic Communications Policy
http://www.ayer.ma.us/Pages/AyerMA_BOS/ecp.pdf
Return to I.T. Department
- _____ Complete Ethics/Conflict of Interest Requirements
Return proof of completion to the Town Clerk's Office
- _____ Sign acknowledgment of this handbook (located on next page)
Return to Town Administrator's Office

Approved **XXXXXXXX**

BOARD/COMMITTEE MEMBER ACKNOWLEDGEMENT

I acknowledge that I have received a copy of the Town of Ayer's Board/Committee Member Handbook. I further acknowledge that it is my responsibility to become familiar with and abide by them.

Signature

Printed Name

Board/Commission Name

Date

Approved **XXXXXXXX**

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 26, 2014

TO: Ayer Board of Selectmen

FROM: Robert A. Pontbriand
Town Administrator

R.A.P. / amae

SUBJECT: Rotary Tree Lighting Update and Proposed Next Steps

Dear Honorable Selectmen,

Started in 2012 by Selectman Hillman, the Rotary Tree Lighting Event has been a great success over the last two years for the Town of Ayer. Over the last two years under the leadership of Selectman Hillman, the event has grown to a level that moving forward it should not only be funded in part by the Town but should become an official Town event with the implementation of the installation (and take down) of the lights; installation logistics; and coordination of the event being the responsibility of the Town and/or professional firm.

During the preparation process for this year's celebration, several issues presented themselves that necessitated the cancellation of this year's event. Most notably; recent technical difficulties with the lights and lighting equipment; lack of available, capable manpower; and the impending storm and holiday schedule created a situation making the December 7th event not possible.

In consultation with Selectman Hillman, the following are proposed next steps recommended to ensure that this event is an even greater success for December 2015:

1. Creation of a Rotary Tree Lighting Event Committee charged with the event planning to include the coordination of fundraising, publicity, and program details.
2. A commitment by the Town to provide partial funding (similar to the 4th of July Celebration) with a Warrant Article for Town Meeting consideration at the May 2015 Annual Town Meeting.
3. Competitive bid process to obtain a professional lighting installation firm for the installation, maintenance, and take down of the lights at the Rotary. These efforts to be overseen by the Committee.

With these measures put in place, this great event will become even greater for 2015.

Thank you for your consideration.

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



Broadcast and Recorded by APAC

Wednesday November 5, 2014
Meeting Minutes

Present: Christopher R. Hillman, Chair; Jannice L. Livingston, Vice-Chair; Gary J. Luca, Clerk

Robert A. Pontbriand, Town Administrator

Carly M. Antonellis, Assistant to the Town Administrator

Call to Order: C. Hillman called the meeting to order at 7:01 PM

Review and Approve Agenda: R. Pontbriand asked to amend the agenda by adding the Sludge Hauling Agreement as #4 under the Superintendent's report. He also asked to add the creation of an Ayer Open Space and Recreation Plan Committee as #7 under the Town Administrator's Report and to place for consideration a request from Barnum Road Liquors to begin sales at 10 AM on Sundays as #8.

Motion: A motion was made by G. Luca and seconded J. Livingston to approve the agenda as amended. **Motion passed 3-0.**

Announcements: C. Hillman made the following announcements: the 3rd Annual Rotary Tree Lighting will take place on 12/7/14; and the Winter Parking Ban will be in effect from 11/15/14 - 4/15/15.

Public Input: Mr. and Mrs. Marcy and George Logan of 31 Sculley Road Ayer, MA conveyed their disappointment at how a situation involving their son was handled by the Ayer Police Department at the Halloween Festivities in Downtown Ayer on October 25, 2014.

Chief Murray stated that the incident is currently under investigation and that he will be reporting those findings to the Town Administrator and the Selectmen once finalized.

Chief Robert Pedrazzi, Ayer Fire Department: R. Pedrazzi was accompanied by several member of the Ayer Fire Department (John Whalen, Steve Slarsky, and Tim Johnston) and went over the process of bidding the Rescue #1 fire truck. Three bids were received from Greenwood Emergency Vehicles (\$465,400), Rosenbauer Firefighting Technology (\$499,762) and Five Star Fire (\$489,422).

Motion: A motion was made by G. Luca and seconded J. Livingston to award the Rescue #1 truck bid in the amount of \$455,400 (inclusive of trade in) to Greenwood Emergency Vehicles per Chief Pedrazzi's recommendation. **Motion passed 3-0.**

Public Hearing – National Grid: The public hearing was opened at 7:45 PM for the petition submitted by National Grid for the installation of underground conduits on Bligh Street. (Plan #17470930)

No one spoke for or against the proposal.

Motion: A motion was made by G. Luca and seconded J. Livingston to approve request from National Grid (Plan #17470930) for underground conduits on Bligh Street. **Motion passed 3-0.**

Motion: A motion was made by G. Luca and seconded J. Livingston to close the public hearing at 7:48 PM.
Motion passed 3-0.

JBOS Presentation: Mr. Ed Starzek from the Mass Development presented an overview of proposed zoning changes in Devens called the "Shirley Village Growth District". This presentation is meant to be informal and to solicit input from all three member towns. The housing cap at Devens would not be affected. Mass Development is still in the process of soliciting input before a formal vote on the measure is taken at a later date.

Superintendent Mark Wetzel, Ayer Department of Public Works: M. Wetzel went over the hiring process for the position of Assistant Highway Foreman.

Motion: A motion was made by G. Luca and seconded J. Livingston to appoint Walter Wood as the Assistant Highway Foreman as recommended by the DPW Superintendent. **Motion passed 3-0.**

M. Wetzel explained the Administrative Order issued to Vitasoy issued 10/24/14 due to a violation in their limits under their Industrial Pretreatment Permit.

Motion: A motion was made by G. Luca and seconded J. Livingston to support the DPW's Administrative Order #016-014-01 issued to Vitasoy. **Motion passed 3-0.**

M. Wetzel explained Change Order #4 for the Grove Pond Water Treatment Plant that was necessary due to a change in location of a fire alarm.

Motion: A motion was made by G. Luca and seconded by J. Livingston to approve Change Order #4 as recommended by the DPW Superintendent. **Motion passed 3-0.**

M. Wetzel went over his recommendation for contracting the sludge hauling services for the remainder of Fiscal Year 2015.

Motion: A motion was made by G. Luca and seconded by J. Livingston to approve the recommendation of M. Wetzel as it relates to the sludge hauling services for the remainder of FY' 15 with the amount of the contract not to exceed \$150,000. **Motion passed 3-0.**

M. Wetzel then gave an update of the paving and other upgrades made at the Transfer Station.

Town Administrator's Report: R. Pontbriand gave an update on the MBTA/Rail Trail Surface Lot issue, specifically the timeline of the land transfer and interim measures to be taken until construction commences in the spring of 2015.

R. Pontbriand had received correspondence from resident James Pinard who is interested in filling a vacancy on the Devens Enterprise Committee.

Motion: A motion was made by J. Livingston and seconded by G. Luca to appoint Mr. James Pinard to the three year term running from July 1, 2014 – June 30, 2017 on the Devens Enterprise Commission. **Motion passed 3-0.**

R. Pontbriand explained his recommendation for a one year energy contract with Constellation Energy which will lock in the rate of .11 cents per kilowatt hour.

Motion: A motion was made by G. Luca and seconded by J. Livingston to approve contract for one year with Constellation Energy as outlined in the Town Administrator's memo dated October 31, 2014. **Motion passed 3-0.**

R. Pontbriand requested that Board approve the recommendation for bonding authorization for the position of Benefits & Payroll Manager in the event the Treasurer's absence.

Motion: A motion was made by G. Luca and seconded by J. Livingston to approve the request for bonding authorization for the Payroll & Benefits Manager through Western Surety Company. **Motion passed 3-0.**

R. Pontbriand then presented two (2) requests for change in Sunday hours for off-premise alcoholic beverage establishments pursuant to M.G.L. c. 138 §15.

Motion: A motion was made by G. Luca and seconded by J. Livingston to approve the request for change in Sunday hours for the Ayer Package Store. **Motion passed 3-0.**

Motion: A motion was made by G. Luca and seconded by J. Livingston to approve the request for change in Sunday hours for Barnum Road Liquors. **Motion passed 3-0.**

R. Pontbriand outlined his memo dated November 5, 2014 expressing the need for the creation of an Open Space and Recreation Plan Committee.

Motion: A motion was made by J. Livingston and seconded by G. Luca to authorize the creation of the Open Space and Recreation Plan Committee. **Motion passed 3-0.**

Approval of Meeting Minutes

Motion: A motion was made by J. Livingston and seconded by G. Luca to approve the minutes of October 7, 2014. **Motion passed 3-0.**

C. Hillman brought up the traffic mitigation at the corner of Columbia Street and Central Avenue in the interest of better aligning the intersection for people making left hand turns onto Central Avenue.

Minutes Recorded and Submitted by Carly M. Antonellis

Minutes Approved by BOS: _____

Gary J. Luca, Clerk: _____

DRAFT

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