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



Tuesday November 3, 2015
Open Session Meeting Agenda

- 7:00 PM Call to Order
Review and Approve Agenda; Announcements
- Recognition of Eagle Scouts
- 7:05 PM* Public Input
- Superintendent Mark Wetzel, Ayer Department of Public Works
1. Engineering Service Agreement Amendment, East Main Street Water & Sewer Upgrade
 2. Engineering Service Agreement, East Main Street Roadway Improvement Project MassDOT 25% Design Authorization
 3. National Grid Streetlight Purchase
- 7:20 PM Chairman Scott Houde, Ayer Finance Committee
- 7:30 PM M. Stephanie Gintner, Town Treasurer
1. Authorization of BAN's
 2. Authorization of Bonds
- 7:40 PM Town Administrator's Report
1. Administrative Update
 2. St. Mary Parish – Request for 1 Day Beer & Wine Permit (Fall Supper 11/7/15)
- 7:50 PM New Business/Selectmen's Questions
1. Willow Rd/Rt. 2A Intersection Upgrade (Selectman Hillman)
 2. Plans for "O" Park Street Parking Lot (Selectman Hillman)
 3. Tree Warden Operating Budget (Selectman Hillman)
 4. Economic Development Director Status (Selectman Luca)
- 8:00b PM Approval of the Minutes
October 20, 2015
- **Executive Session Pursuant to MGL c.30A, sec.21A, Exemption #2 (Non-Union Personnel) Contract Negotiations: Town Administrator, Police Chief, Fire Chief, Town Accountant/Finance Manager; Exemption #3 (Collective Bargaining) AFSCME 93 Sick Bank MOA
- Adjournment

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

** Note: *The Board of Selectmen will adjourn for the evening at the Conclusion of Executive Session*

Carly Antonellis

From: Jeff Thomas <parks@ayer.ma.us>
Sent: Tuesday, October 27, 2015 5:15 PM
To: Robert Pontbriand
Cc: Carly Antonellis; jmayo@ayer.ma.us
Subject: RE: BOS Agenda Items and Supporting Materials for the Nov. 3rd BOS Meeting are DUE by 12pm Noon this Thursday, October 29th

Hi Robert,

As we discussed a few weeks ago, I would like to add honoring two Eagle Scouts to the BOS agenda. Jason Langlais and Jeffrey Blood achieved this highest honor awarded by the BSA through numerous achievements, including putting together a final project that is designed to benefit the community. Both fulfilled their Eagle Scout project obligation by making enhancements to Pirone Park. Jason built a picnic area in a newly created section of the park near the water, including picnic tables, benches and a fire pit. Jeffery built a fence along the waterway of the newly cleared section, which helped enclose the area and giving it additional aesthetics.

The Parks Department is dependent on volunteerism for much of what we do, and having young citizens like Jason and Jeffrey demonstrate this kind of effort is an inspiration to us all. The Parks Commissioners have already offered their gratitude at one of their meetings, but it would be ideal to recognize their contribution to the town in a more public forum.

Thanks,

Jeff

From: Robert Pontbriand [<mailto:ta@ayer.ma.us>]
Sent: Tuesday, October 27, 2015 9:15 AM
To: 'Stephanie Gintner'; Kevin Johnston; Ayer Assessor's Office; Susan Copeland; 'acct@ayer.ma.us'; Cindy Knox; Alicia Hersey; Jeff Thomas; Mark Wetzel; <WMurray@ayer.ma.us> (wmurray@ayer.ma.us); rpedrazzi@ayer.ma.us; mary anne lucht; Karin Swanfeldt
Cc: Carly Antonellis
Subject: BOS Agenda Items and Supporting Materials for the Nov. 3rd BOS Meeting are DUE by 12pm Noon this Thursday, October 29th

Dear All,

All BOS Agenda Items and Supporting Materials for the November 3rd BOS Meeting are DUE by 12pm (noon) this Thursday, October 29th.

Thank you.

Sincerely,

Robert

Robert A. Pontbriand
Town Administrator

DEPARTMENT OF PUBLIC WORKS

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



25 BROOK STREET
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MEMORANDUM

Date: October 28, 2015
To: Board of Selectmen
From: Mark Wetzel, P.E., Public Works Superintendent
Subject: **November 3 Meeting Agenda Items**

1. Engineering Service Agreement– Weston & Sampson – The East Main Street Water & Sewer Upgrade Project will be funded through a loan /grant from USDA Rural Development. The project has been submitted to USDA for final approval and will then be advertised for bid. The USDA funding requires that the Town engage the services for and engineer to provide engineering services during construction. This includes construction administration and on site resident inspection. This cost is included in the USDA funding. I recommend that the Board execute an agreement for engineering services during construction with Weston & Sampson Engineers not to exceed \$165,000. This is based on \$48,000 for Construction Administration and \$117,000 for Resident Engineering (based on 140 construction days). The required USDA agreement is the standard EJCDC Professional Services Agreement, Which has been modified to meet USDA requirements, reflect the scope of services and protect the Town's interests and liabilities.
2. Engineering Service Agreement – WorldTech Engineering East Main Street Roadway Improvement Project MassDOT 25% Design Authorization. We have completed the conceptual design phase for the East Main Street Roadway construction project. AS this project is being funded under the MassDOT STIP Program, the design process must follow specific requirements, submittals and approvals. This amendment to the existing agreement with WorldTech Engineering authorizes the 25% design phase. I recommend that the Board of Selectmen vote to authorize the engineer to proceed with the Phase 2 -25% Design for \$98,660 as detailed in the Agreement dated March24, 2015.
3. National Grid Streetlight Purchase – See attached memo regarding the purchase of streetlights from National Grid.

AGREEMENT FOR PROFESSIONAL
ENGINEERING SERVICES
BETWEEN
THE TOWN OF AYER, MASSACHUSETTS
AND
WORLDTECH ENGINEERING, LLC
FOR THE
DESIGN OF
REHABILITATION OF EAST MAIN STREET

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This AGREEMENT, made and entered into the 24th day of March, 2015 by and between the TOWN OF AYER, MASSACHUSETTS (hereinafter referred to as the "TOWN") and WORLDTECH ENGINEERING, LLC, a limited liability company organized and existing under the laws of the Commonwealth of Massachusetts and having a usual place of business at 300 TradeCenter, Suite 5580, Woburn, Massachusetts (hereinafter referred to as "the CONSULTANT").

WHEREAS, the TOWN desires the CONSULTANT to perform professional engineering services associated with providing engineering design for the rehabilitation of East Main Street;

The TOWN and the CONSULTANT, for the consideration hereafter set forth, agree as follows:

I. GENERAL

- A. For the purposes of this Agreement, the CONSULTANT shall provide professional engineering services necessary for the preparation of plans, specifications, and cost estimates for the rehabilitation of East Main Street, beginning at Harvard Road (Route 2A) at the terminus of State Highway and extending northerly to Main Street, a distance of approximately 2,800 linear feet (0.53 miles).
- B. The project shall include operational and safety improvements, multi-modal accommodations (including pedestrians, bicyclists, and transit), roadway rehabilitation, new cement concrete sidewalks with ADA conforming wheelchair ramps, drainage improvements, improvements to traffic operations, new signs and pavement markings, pedestrian and streetscape enhancements, and related work. The project will also include improvements within approximately 50 to 100 feet of the approaches of approximately 10 intersecting side streets and at Harvard Road and Main Street at both ends of the project limits. The TOWN intends to utilize State Transportation Improvement Program (STIP) funding to fund the construction of the project.

C. All work will be performed in conformance with the standards, policies, and procedures of the Massachusetts Department of Transportation (MassDOT) that include but are not necessarily limited to Complete Streets and Healthy Transportation initiatives. All work will be prepared in accordance with MassDOT's latest design requirements, engineering criteria and directives. TOWN design standards and criteria will be utilized where applicable. This Scope of Services does not include the preparation or submission of a Design Exception Report or design waiver to MassDOT. All submittals will be presented to MassDOT for review and comment following approval by the TOWN at the 25%, 75% and the 100% design stages. The Scope of Services shall be apportioned as follows:

- Phase 1 – Conceptual Design / Functional Design Report
- Phase 2 – Preliminary (25%) Design
- Phase 2 – Final Design (75%, 100%, and Final Plans, Specifications and Estimates)
- Phase 3 – Engineering Services During Construction

II. SCOPE OF SERVICES

A. Phase 1 – Conceptual Design / Functional Design Report

1. Project Initiation

- a. The CONSULTANT will attend meetings with the TOWN and MassDOT to determine project parameters finalize schedules, confirm goals and provide for a preliminary exchange of information regarding the project.
- b. The CONSULTANT will meet with representatives of the TOWN and confirm the overall schedule and understanding of the plan components. The CONSULTANT will review in detail the issues which the TOWN wishes to see addressed and confirm the physical boundaries of the study area. The CONSULTANT will schedule a system of periodic project updates in order to report the progress of the work to the TOWN.

2. Field Survey

- a. This Scope of Services assumes that the TOWN will provide the CONSULTANT with topographic survey data and base plans sufficient to complete the design of the project.
- b. The TOWN shall provide base plans delivered in AutoCAD format and include the existing right-of-way and all pertinent physical features and improvements for a minimum of 30 feet outside the right-of-way. Side streets will be shown a minimum of 150 feet beyond the sideline. The survey shall include a detailed and accurate Triangulated Irregular Network (TIN) model, compatible with Civil 3D - including border polyline and fault data for all topographic information, which will be

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reviewed by the CONSULTANT. Elevations will be provided at the centerline, along roadway edge lines, back of sidewalks to a minimum distance of 30 feet. Topographic survey data collection and base plan preparation shall be in conformance with MassDOT survey standards.

- c. Utility information to be provided to the CONSULTANT will be compiled from record plans and included on the base plans. Location of all visible existing utilities within the right of way and invert elevations of all accessible catch basins and drain manholes will be provided. Pipe sizes, outlet pipes and direction of flow will be shown. This Scope of Services assumes that any other utility information to be shown will be based on using available record information. All utility information will be included on the base plans.
- d. Right of way information provided to the CONSULTANT shall include all intersecting streets and ways within the project limits. All right-of-way information shall be labeled, including date, bearings and distances. It is anticipated that right of way information will be researched and compiled from the Assessors' office, Department of Public Works, MassDOT, and Registry of Deeds to obtain available information relative to roadway layout lines, property lines and baseline information. Property lines for individual abutting properties shall be taken from assessor information and need not be surveyed, but shall be verified utilizing any visible property markers, wherever possible. Property information taken from assessor information shall be shown on the base plan including owner name, deed reference, book and page number.

3. *Traffic Engineering*

- a. In accordance with MassDOT submission requirements a Functional Design Report (Safety and Design Report) will be required with the Preliminary Design Phase submission. This Scope of Services assumes that the CONSULTANT will prepare a Functional Design Report which shall include traffic data related to traffic volumes, crash occurrence, turning movements, existing alignment and roadway geometry and other pertinent information in order to comply with the latest MassDOT 25 Percent Submission requirements and to arrive at appropriate design recommendations based on a design year of 2035.
- b. Automatic Traffic Recorder (ATR) count data shall be obtained for a minimum of 48 hours at the following two (2) locations:
 - East Main Street west of Groton-Harvard Road
 - Groton-Harvard Road north of East Main Street

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- c. Manual turning movement counts (TMC) will be taken in 15 minute intervals during a typical weekday from 7:00 a.m. to 9:00 a.m. and from 4:00 p.m. to 6:00 p.m. at the following two (2) locations:
 - East Main Street at Main Street
 - East Main Street at Groton-Harvard Road
- d. Crash data shall be obtained and analyzed within the project area for the most recent five years available. The data analysis will be used to determine the roadway and intersection design deficiencies. The analysis shall be performed using the latest available data furnished at no cost to the CONSULTANT by the TOWN.
- e. The traffic data will be adjusted to reflect seasonal adjustment, summarized and projected to reflect anticipated future growth to a design year of 2035 based on available data. The peak hour traffic volumes will be used to update traffic analyses, verify lane requirements, level of service operation, and other design criteria. The analysis, results and recommendations will be summarized in the Functional Design Report which shall include updating all of the tabulation data.
- f. Traffic signal warrant analysis and/or the planning and design of traffic signals is not anticipated as part of this project.

4. *Review of Existing Conditions*

- a. The CONSULTANT will work with the TOWN to identify all current and future private or public improvement initiatives relevant to the planning and design process for the project area in order to coordinate all revitalization efforts. A list of the streetscape features, including sidewalks, street seating, pedestrian amenities, bicycle amenities and landscape plantings including street trees, will be developed for the project area. This list will highlight critical areas where improvement is needed and provide the basis of needs to be addressed by the concept plan alternatives.
- b. The CONSULTANT will review the conditions of pavement surfaces and curbs in the project area and provide recommendations for levels of reconstruction or rehabilitation. Review of relevant ADA requirements will be completed and the findings will be presented to the TOWN for review.
- c. Locations of existing directional signage will be noted on a base plan for reference. This material will be prepared in a manner that will be useful for project meetings and ongoing design efforts.

5. Conceptual Design Alternatives

- a. Based on the results of analysis and input by TOWN officials, the CONSULTANT will develop conceptual design alternative to include potential options for accommodating multi-modal modes of transportation and safety improvements with a focus on Federal and State Complete Streets and Healthy Transportation initiatives.
- b. Proceeding from Conceptual to the Preliminary Design will be a phased planning and design process. The alternatives will be explored during public workshops with a number of interested parties including businesses, property owners and citizens as well as public officials and agency representatives to examine a range of ideas for achieving the objectives that may include conventional as well as non-conventional approaches. The steps in reviewing the Conceptual Designs and the Preliminary Design will include:
 - i. Assembly and confirmation of base information
 - ii. Identify specific objectives
 - iii. Review of concept design alternatives
 - iv. Refinement of the concept design
 - v. Community participation
 - vi. Preparation of Final Preliminary Design Plan
- c. The CONSULTANT will prepare an illustration of up to two different alternatives. The plans will be conceptual in nature to illustrate potential alterations in the roadway cross section and improvements in roadway, traffic safety, and capacity deficiencies. The alternatives will consider a limited range of ideas for improving the roadway, safety and traffic operations that may include conventional as well as non-conventional traffic control devices.
- d. The conceptual designs will include a preliminary layout of improvements, general roadway improvements, potential changes to the roadway cross-section, potential impacts on abutting properties, or other pertinent design features. For this phase of the work CONSULTANT will utilize the Town's existing GIS base mapping, aerial photographs and/or record plans and/or existing topographic surveys provided by the TOWN, as the base plans used for the development of the conceptual designs. Accordingly, conducting a topographic survey for this phase of the work is not anticipated and not included in the lump sum fee.
- e. The conceptual design phase will also include an "order of magnitude" cost estimate of major work items.
- f. The CONSULTANT will attend up to two (2) public information meetings/workshops with key boards, groups, committees, and others to assure a thorough discussion

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and review of the alternative approaches, review specific conditions, and assure an understanding of the project process, scope and schedule. Interviews with key agencies including utility companies may be required as well. During the series of meetings, the CONSULTANT will present conceptual alternatives for discussion and review in a public forum. Adjustments will be made based on reasonable input provided, ultimately leading to an established preferred alternative by the final workshop meeting to be advanced into Preliminary Design.

- g. A preferred Conceptual Design Alternative will be identified by the TOWN and will be advanced to the Preliminary Design phase.

6. *Funding Assistance*

- a. The CONSULTANT shall assist the TOWN in securing placement on the State Transportation Improvement Program (STIP). The CONSULTANT will assist the TOWN in notifying the Montachusett Regional Planning Commission (MRPC) of the TOWN's project and provide project updates to ensure priority consideration on the State Transportation Improvement Program (STIP). In addition, this work may include, but is not necessarily limited to, preparing STIP update forms and follow-up correspondence.
- b. The CONSULTANT will attend follow-up meetings, as necessary, with representatives from the MassDOT Boston and District 3 offices and MRPC to ensure the project receives priority funding consideration.

B. Phase 2 – Preliminary (25%) Design Submission

1. *Preliminary Design*

- a. Following the Conceptual Design and authorization by the TOWN the CONSULTANT shall prepare preliminary (25%) design plans in accordance with MassDOT design submission guidelines. The Preliminary Design shall be based on the Functional Design Report, recommendations and discussions with MassDOT and the TOWN regarding project criteria. The Preliminary Design phase submission shall include plans showing the proposed improvements, typical roadway cross sections, critical cross sections, lane configurations and pavement markings, and a preliminary construction cost estimate. Preliminary Design plans shall be prepared in accordance with MassDOT design submission guidelines. Structures such as bridges and culverts are not anticipated to be encountered. This Scope of Services assumes that the project will not require a design waiver from the MassDOT.
- b. Preliminary design plans shall include a Cover Sheet, Legend Sheet, Key Plan, Details, General Traffic Operations Plans, General Construction Plans, Profiles, Traffic Management Plans, and Cross Sections.

- c. The General Traffic Operations Plans will include lane configurations, pavement markings, and signs. Traffic signal plans are not anticipated as part of this project.
- d. The General Construction Plans will show areas of roadway rehabilitation, narrowing and/or widening including areas of milling and resurfacing. In addition, the plans will include horizontal alignment, reorganization of affected driveways and the installation or resetting of curb and/or roadway edging. The General Construction Plans will also identify any land acquisitions necessary to accommodate the proposed improvements.
- e. A preliminary construction cost estimate will be prepared in conformance with MassDOT requirements for 25% Submission. The estimate will be based on prevailing prices established by the MassDOT and recently advertised and awarded projects completed by the CONSULTANT.
- f. The submission will include the MassDOT 25% Submission Checklist, 25% Traffic Engineering Review Checklist, Pavement Checklist, a Utility Submission and Calculations, an AutoCAD Standard Submission, Preliminary Duration Checklist and Incentives/disincentive Provisions Checklist. Early Environmental Coordination and submission of Categorical Exclusion (CE) Checklist shall also be submitted by the CONSULTANT.
- g. Following review and approval by the TOWN, the preliminary 25% design will be submitted to MassDOT for state approvals.
- h. The MassDOT 25% review comments will be reviewed by the CONSULTANT and those comments that are relevant to the presentation at the 25% Design Public Hearing will be addressed. Those comments not addressed for the Public Hearing will be addressed and responded to in preparation of the 75% submission during the Final Design Phase. This Scope of Services assumes the 25% Submission is approved by MassDOT and that resubmission is not required.

2. Road Safety Audit (RSA)

- a. Based on a review of the MassDOT High Crash Location database, the project corridor does not encompass any HSIP-eligible locations and does not require a Road Safety Audit. Performance of a Road Safety Audit is therefore not anticipated and is not included in this Scope of Services.

3. Meetings and Public Hearings

- a. The CONSULTANT will meet with with representatives of the TOWN and confirm the

overall schedule and understanding of the plan components. The CONSULTANT will review in detail the issues which the TOWN wishes to see addressed and confirm the physical boundaries of the study area. The CONSULTANT will schedule a system of periodic project updates in order to report the progress of the work to the TOWN.

- b. Project coordination meetings will be held with TOWN officials, MassDOT, local businesses and residents and other interested parties at various stages of the Preliminary Design. This Scope of Services assumes two (2) project coordination meetings.
- c. Following Preliminary Design, and review and approval of the Preliminary Submission by the TOWN and MassDOT, the CONSULTANT will attend one design public hearing conducted by MassDOT. The Preliminary Design will be presented in an appropriate format that may include Microsoft Power Point, presentation boards or other presentation materials. The presentation will describe the project area, present the issues being addressed, outline the TOWN's goals and objectives for the improvement plan, and illustrate the intent and methodology of the design. It is anticipated that the public hearing will provide the public with an opportunity to discuss and review the design of the public's preferred alternative, review specific conditions, and assure an understanding of the project process, scope and schedule.

4. *Drainage System Improvements*

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- a. Drainage system improvements are limited to upgrades to the existing drainage system utilizing existing outfall and discharge points located within the roadway layout or on existing TOWN owned easements. This work will include replacing existing drain lines and structures or adding new drain lines and structures as may be required by the alteration of roadway alignment (i.e. removing, adjusting, rebuilding, change in type, remodeling, and/or replacing or adding structures and/or drain lines). Drainage system improvements will also be based on recommendations from the TOWN including findings from inspection and videoing of the existing drainage system provided by the TOWN, or as may be included in existing reports or studies. Drainage system improvements are limited to the project area.
- b. This Scope of Services assumes that since this project is a "reconstruction/ redevelopment" project current MA DEP Storm Water Regulations do not require that the project include new storm water treatment devices. This Scope of Services assumes that the design of new storm water treatment devices or a redesign of the existing storm water collection and treatment system will not be required for this project.
- c. This Scope of Services assumes that the drainage system improvements shall be limited to installing deep sump catch basins where new drainage structures are

required and reusing existing structures that are to be retained within the right-of-way. This work will include reusing or replacing existing drain lines and structures or adding new catch basins, or drop inlets (with sumps) utilizing existing discharge points.

- d. Detailed drainage system analysis, drainage or hydraulic studies to evaluate the existing watershed contributing flow into the project area, analysis of pre- and post-development conditions, increasing capacity of drainage system to the outfall, separation of combined sanitary sewer/storm drains or other additional services associated with the roadway drainage system improvements, shall be considered beyond this Scope of Services and not included in the lump sum fee. The design of additional storm water treatment devices including, but not limited to, retention/detention ponds or water quality tanks are not included in the lump sum fee.

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5. *Early Environmental Coordination / Permitting*

- a. The CONSULTANT shall gather initial environmental information from the project site and provide input to the design team relative to the alternatives under consideration for advancement into the environmental review process. The general location of environmental resources, cultural and historic resources, major topographic features, and utilities that the proposed project may affect shall be graphically depicted.
- b. The CONSULTANT shall prepare the Early Environmental Coordination Checklist to document potential environmental impacts. Environmental constraints shall be shown on the design plans, as applicable. Coordination and response letters to Town, State and Federal agencies, with information on the project corridor, shall be included with the checklist.
- c. As may be required, the CONSULTANT will prepare the Notice of Intent (NOI) permit application in accordance with the MassDOT design submission guidelines including supporting documentation as necessary for review by MassDOT and appropriate agencies. The work will include wetlands delineation, wetlands impact assessment, habitat and soils assessment, alternatives analysis, or other related work, as may be required. Additional work beyond the preparation of the identified NOI permit application as described herein shall be considered outside of the Scope of Services and is not included in the lump sum fee.

6. *Borings and Soils Analysis for Pavement Design*

- a. THE CONSULTANT will make provisions for and oversee the execution of borings and soils analysis to be performed by others for use in establishing the pavement design. Borings will be conducted at various locations to be determined during the preliminary design stage and following discussions with MassDOT's Pavement Design

Section. Samples and analyses shall be limited to the materials analysis required for the pavement design only.

- b. The fee for borings and material testing will be billed to the TOWN as a reimbursable expense and is not included in the lump sum fee. Associated costs will be based on quotes received and the actual cost to complete the work by others

7. Preliminary Right of Way

- a. In accordance with the design submission requirements, the CONSULTANT will prepare and submit Preliminary Right of Way plans showing areas of right of way impacts due to the proposed construction including anticipated Right of Entries, Temporary Easements, Permanent Easements and Land Acquisitions, if required. Preliminary Right of Way plans shall contain sufficient dimensional and angular data to identify fee parcels and easement areas required for the project. The Preliminary Right of Way submission shall include a parcel summary of affected properties.

C. Phase 2 – Final Design (75%, 100% and Final Plans, Specifications and Estimate [PS&E])

1. Final Design

- a. Following approval of the preliminary design, the CONSULTANT will respond in writing to the State's Preliminary Design Phase comments and implement corrections. Contract documents will be developed suitable for bidding in accordance with the MassDOT's design submission requirements for the 75%, 100% and PS&E submission phases. Final plans will include construction plans, profiles, typical cross sections, and details for sidewalks and curb installation, drainage improvements and other details necessary to complete the work. In addition, this phase of the work shall include, as may be applicable, estimates for major work items, pavement markings, signs, and traffic management plans for safety during construction. This Scope of Services assumes that retaining walls, as may be required, will utilize MassDOT standard details. The custom design of retaining walls, steps, or other structural design elements shall be considered outside of the Scope of Services as described herein. Supplementary specifications to the MassDOT "Standard Specifications for Highways and Bridges" (latest edition) in the form of Special Provisions will be prepared which may incorporate relevant sections of the TOWN standard specification with approval by the MassDOT.
- b. The CONSULTANT shall prepare plans and documents, in accordance with MassDOT guidelines as required for any necessary right of way alterations, easements or rights of entry particularly for corner roundings, blending of driveways or other minor geometric improvements.
- c. In accordance with the MassDOT design submission guidelines, plans will be

submitted to the TOWN and the MassDOT for review and comment at the completion of the 75% and 100% design phase. A response to all comments will be provided and corrections implemented into the final design submission.

D. Engineering Services during Construction

1. General

- a. It is anticipated that the MassDOT will advertise, administer and control the construction phase of this project. The CONSULTANT will provide construction administration services including pre-construction conferences, review and approval of shop drawings, site visits, inspections, meetings, consultation, signal timing adjustments, assistance in the final inspection, or other related work, as requested by the TOWN and/or the MassDOT in connection with the improvement project.

III. FEES

- A. The TOWN will pay the CONSULTANT full compensation for the work as described in Section II, Part A, *Phase 1 - "Conceptual Design / Functional Design Report"*, the lump sum fee of **\$24,100.00** (see attached fee schedule).
- B. The TOWN will pay the CONSULTANT full compensation for the work as described in Section II, Part B, *Phase 2 - "Preliminary (25%)"*, the lump sum fee of **\$98,660.00** (see attached fee schedule). *Phase 2 - "Preliminary (25%)"* shall not proceed until authorized by the TOWN in the form of an Amendment to this Agreement.
- C. The fee for the work as described in Section II, Part B, *Phase 2 - "Final Design (75%, 100%, and Final Plans, Specifications and Estimate)"* shall be mutually agreed upon in the form of an Amendment to this Agreement.
- D. The fee for the work as described in Section II, Part C, *"Engineering Services during Construction"* shall be billed to the TOWN on a time and materials basis at the CONSULTANT's Standard Billing Rates in effect at the time that the services are performed. Limits on work hours and an identified upset limit will be determined following submission of the final design.
- E. Direct expenses incurred in conjunction with the performance of the work shall include, but are not necessarily limited to, travel, reproductions, telephone, materials and supplies, shipping, delivery, and postage. Direct expenses are included in the lump sum fee.
- F. Reimbursable expenses, as may be required, shall be billed to the TOWN on a direct expense basis at 1.10 times cost. Reimbursable expenses incurred in conjunction with the performance of the work shall include, but are not necessarily limited to police details,

additional printing costs unless otherwise provided for herein, or other additional outside services as may be required and/or requested by the TOWN. Reimbursable expenses are not included in the lump sum fee. Reimbursable expenses are presently estimated at \$0.00.

IV. MISCELLANEOUS

- A. It is understood that all information that the TOWN has available relative to the project (i.e., existing plans, traffic study information, crash reports, drainage reports, TOWN design standards, economic and demographic information, etc.) will be made available to the CONSULTANT at no cost so that we may properly review the project area.
- B. Unless otherwise provided for hereinbefore, the attached "Standard Terms and Conditions" are incorporated herein by reference, and shall be considered a part of this Agreement.
- C. Fees for services as described herein will be paid to the CONSULTANT by the TOWN as the work progresses, based upon the presentation of a monthly statement for services by the CONSULTANT. (See attached "Standard Terms and Conditions.").
- D. Nothing contained herein shall obligate the CONSULTANT to prepare for, or appear in arbitration or litigation on behalf of the TOWN or to undertake additional work on matters not included herein, except in consideration of additional compensation mutually agreed upon.

V. ENTIRE AGREEMENT

- A. This Agreement constitutes the entire understanding between the parties with respect to the subject matter hereof, and shall supersede all understandings and agreements between the parties prior to the date hereof.

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IN WITNESS WHEREOF, the parties have set their hands and seals this day and year first above written.

WORLDTECH ENGINEERING, LLC

ACCEPTED: TOWN OF AYER, MA

BY: *Richard J. Benevento*
Richard J. Benevento

BY: *Robert N. Pontbriand* *For Conceptual Design Phase Only \$24,100 R.N.P.*
Robert Pontbriand

TITLE: President TITLE: Town Administrator

Date: 3-10-15 Date: 3/24/2015

CERTIFICATION AS TO THE AVAILABILITY OF FUNDS BY PRIOR APPROPRIATION OR OTHERWISE FOR SERVICES RENDERED PURSUANT TO THIS AGREEMENT

BY: _____ Date _____
Town Accountant

\$ _____ PO# _____ Account # _____
Amount Certified

APPROVED AS TO FORM

Town Council Date

DEPARTMENT OF PUBLIC WORKS

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

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

Memorandum

Date: October 28, 2015

To: Board of Selectmen

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

Re: **NGrid Streetlight Purchase**

In May 2015, the Town requested an inventory and price for streetlights in Ayer, currently owned and maintained by National Grid. In my memo to the Energy Committee dated April 15, 2015 (attached) I evaluated the streetlight purchase process, issues, costs and potential savings. Based on this evaluation, we requested a formal cost and inventory from National Grid.

We received the purchase price and inventory on October 14. The purchase price for all municipal streetlights is \$7,738.71.

It is important that we begin the implementation process soon as there are a number of steps that need to be completed.

1. Formally notify the National Grid of intent to purchase
2. Review Agreement of Sale with Town Counsel
3. Procure maintenance contract services
4. Design LED lighting upgrade
5. Apply for Green Communities Grant
6. Prepare Town Meeting Article to purchase and / or upgrade streetlights
7. Implement Streetlight LED upgrade program

Some things to consider:

- I will be preparing capital and operating budgets this month and need to have an idea of implementation and costs
- We have sufficient funds in the Streetlight budget to pay for the purchase
- It could take several months to execute the sale
- The Green Community Grant Application is due in April 2016
- We need to evaluate the process for designing and procuring the LED upgrade (design consultant or turn-key installation)
- It may be more cost effective to procure an LED install and maintenance contract

I recommend that the Board of Selectmen vote to purchase the streetlights from National Grid, based on the price quoted (\$7,738.71) in the email from Scott Farrar of National Grid dated October 14, 2015.

DEPARTMENT OF PUBLIC WORKS

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

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

Technical Memorandum

Date: April 15, 2015

To: Energy Committee

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

Re: NGrid Streetlight Purchase and LED Retrofit

The Town of Ayer is interested in evaluating the potential energy and cost savings associated with purchasing the Town streetlights and converting them to LED fixtures. This Technical Memorandum will present the process, issues, costs and potential savings related to this undertaking.

Overview

In order to save energy and electricity costs by retrofitting streetlights with LEDs, Ayer must own the streetlights. M.G.L. Chapter 164 Section 34A allows municipalities to purchase streetlights from the utility. Metropolitan Area Planning Commission (MAPC) estimates that a municipality that purchases the street lights and completes an LED retrofit can see savings up to 70-80%. It is estimated that 30-60% of street lighting costs can be saved just by purchasing streetlights from the utility.

Process to Purchase Streetlights

1. **Request preliminary cost estimate from NGrid** - This is not a formal notification of intent to purchase, but simply a request for an estimate. The purchase price for streetlights is calculated based on the system's net book value, which is depreciated value of the streetlights minus any salvage value the utility can obtain.
2. **Calculate the economics of the project** - Based on the estimate provided by NGrid, determine the cost savings, payback and costs to upgrade and maintain the streetlight system. This evaluation should be conservative and there are unknowns related to costs of LED lights, NGrid costs, final maintenance costs and grant availability.
3. **Notify NGrid of decision to purchase.** When Ayer determines that it wants to buy streetlights, this triggers a 60-day window in which the utility must submit a definite purchase price and inventory. The purchase price is set on the date of notice.
4. **Review purchase price and inventory provided by the NGrid.** The price sheet will include price by fixture and pole type, wattages, and quantities, and it will differentiate between overhead and underground lights. To ensure accuracy, compare the utility inventory with an inventory completed by the Town. There are two main types of audits:

- a. **Basic wattage check** – This is a walk-by audit to check if poles and fixtures exist, count, and confirm their wattage. In general, a 25% audit should be sufficient to determine whether there are any major issues with the inventory provided by the NGrid.
5. **GIS survey** – The most accurate inventory is a submeter-level GIS survey. It is also the most labor-intensive and expensive. If lights are discovered that were not included in the inventory, NGrid can bill the municipality for unpaid back charges. On the other hand, if it is discovered that NGrid is billing the Town for lights that don't exist, we are entitled to ask for a refund.
6. **Determine financing options**- There are a number of options related to the purchase of the streetlights and financing the LED upgrade. These include Green Community grants, lease-purchase, MassSave rebates, UDAG and general fund financing.
7. **Procure a maintenance contract** - After Ayer purchases the streetlights, maintenance is the Town's responsibility. Most towns competitively bid out maintenance services to an outside contractor, although a few have chosen to do the work in-house. According to M.G.L. Chapter 141 Section 7, streetlight replacement does not require the supervision of a licensed contractor; only a bucket truck license is needed. The cost of maintenance typically runs \$0.50 (LED) to \$1.50 (HPS) per fixture per month.

Existing Conditions

Based on the June, 2013 inventory provided by NGrid, there are 511 streetlights in Ayer, ranging in size from 50 watts to 400 watts. The fixtures consist of high pressure sodium lamps or mercury vapor lamps. There are no LED lights in the system. A summary of the inventory is shown in Table 1. In addition to the NGrid lights, the Town owns and maintains approximately 52 metered decorative street lamps on Main Street and West Main Street. These lamps were upgraded to LED fixtures in 2012.

Summary for Town of Ayer Lighting Inventory as of June 28, 2013

Count of Bill Print and Tariff Description			Component Type	
Customer Name	Account No	Bill Print and Tariff Description	Luminaire	Pole
TOWN OF AYER	28065-42005	LUM HPS FLD 250W POLE - WOOD	2	1
TOWN OF AYER Total			2	1
TOWN OF AYER DPW	65431-97008	LUM MV FLD 400W POLE - WOOD	3	3
TOWN OF AYER DPW Total			3	3
TOWN OF AYER PARKS	28054-57007	LUM HPS FLD 250W	1	
TOWN OF AYER PARKS Total			1	
TOWN OF AYER-LIGHTING	90360-89003	LUM HPS FLD 250W	3	
		LUM HPS FLD 400W	1	
		LUM HPS RWY 100W	11	
		LUM HPS RWY 150W	10	
		LUM HPS RWY 250W	27	
		LUM HPS RWY 400W	1	
		LUM HPS RWY 50W	446	
		LUM HPS RWY 70W	3	
		LUM INC RWY 105W	1	
		LUM MV RWY 100W	5	
LUM MV RWY 250W	3			
TOWN OF AYER-LIGHTING Total			511	4

Bill Print and Tariff Description Key
FLD = Flood light or Area light
HPS = High Pressure Sodium
INC = Incandescent
LUM = Luminaire (the light fixture)
METAL = Brushed Aluminum Standard
MV = Mercury Vapor
RWY = Roadway, or Street light

The Town Streetlight budget for FY2015 is \$76,400. The Town has several streetlight accounts included in the budget (Parks, DPW, Main Street, West Main Street, and the NGrid streetlights), which is managed by the DPW. The budget also includes \$5,400 for maintenance of the town owned streetlights. This analysis will use only the costs associated with the NGrid Streetlights (account 90360-89003).

The Town has a net metering agreement with Washington Gas and Electric (WGE) to purchase net metering credits from a solar farm. Approximately 14% percent of the total credits go towards the streetlights. In FY14, the net metering credits totaled \$15,600 for the streetlight account. The cost savings from the net metering credits have not been included in the cost analysis as these credits will continue to be applied to the streetlight electricity bill, regardless of the ownership and charges.

LED Conversion

The advantages of LED streetlights over the existing high pressure sodium lights are:

- Improved safety through enhanced visibility
- Decreased energy consumption
- Visible commitment to efficiency
- Reduced maintenance costs due to longer life
- Decreased light trespass and pollution
- Instant-on
- Opportunity for programmable controls

Under the current condition, the Town pays three categories for the streetlights:

- Facility Charge (based on the type of light fixture)
- Electricity Supply Charge - KWH used (based on Tariff S-1)
- Delivery Service Charge - KWH used (based on Tariff S-1)

Ayer currently pays NGrid for streetlights based on established "tariffs". Local streetlights which are owned by NGrid cannot currently be converted to LEDs as there is no tariff structure for utility owned LEDs. There is a tariff for municipally owned, unmetered LED streetlights. This difference in the tariffs and costs for a 50w HPS light (majority of Ayer streetlights are 50w HPS), based on information provided by MAPC is as follows:

Purchase Savings With and Without Conversion to LED - 50w HPS Example

NGrid Rate Tariff	Annual kWh	Annual Facility Charge	Electricity Cost	Delivery Cost	Maintenance Cost	Total Annual Charges
S-1 (HPS)	255	\$60.71	\$30.39	\$11.19	-	\$102.29
S-5 (HPS)	255	-	\$30.39	\$15.83	\$18.00	\$64.22
S-5 (LED)	104	-	\$12.39	\$6.46	\$9.00	\$27.85

As the table shows, there is significant saving in the Town owning and maintaining the lights and an even greater savings if the lights are upgraded to LED technology.

There are a number of issues related to the conversion of the HPS lights to LED lights. The typical unit cost to replace with an LED "cobra head" streetlight range from \$250-\$400. In addition, there are control options which can increase the purchase cost but save on the operation costs. The cost of controls varies, but can add \$100 to \$200 per streetlight.

Cost Savings Analysis

The cost savings analysis on the purchase of the NGrid streetlights is based on various assumptions developed from available literature, information from MAPC and projects from similar communities. Costs data is for comparison purposes and actual data and costs will vary based on the specific conditions, costs, procurement etc. The assumptions included in the analysis are:

Purchase price (estimated)	\$7,800
Annual O&M cost- Existing (Contract)	\$1.50 per fixture per month
Annual O&M cost - LED (Contract)	\$0.75 per fixture per month
Retrofit cost	\$175,000
Annual kWh under current Tariff (S-1)	177,817 kWh
Annual kWh Tariff with LED Fixture (S-5)	72,327 kWh

The following table summarizes the existing costs and three alternatives.

	Current Costs	Town Purchase No Upgrade	Town Purchase LED Upgrade No Grant	Town Purchase LED Upgrade with Grant(1)
Unit Facility Charge per Year (S-1)	\$32,355	\$0	\$0	\$0
Total Annual KWH	177,817	177,817	72,372	72,372
Total Annual Elec. Cost	\$21,190	\$21,190	\$8,625	\$8,625
Delivery Charge	\$7,804	\$11,037	\$4,492	\$4,492
System Purchase(2)		\$1,000	\$1,000	\$1,000
Maintenance Costs	\$0	\$10,000	\$5,000	\$5,000
LED Conversion Cost	\$0	\$0	\$21,600	\$9,300
Total Annual Cost	\$61,350	\$43,228	\$40,717	\$28,417
Annual Savings	\$0	\$18,122	\$20,633	\$32,933

1) Assumes \$100,000 Green Communities Grant
 2) Assumes \$7,800 purchase price financed over 10 years.

Financing Options

The purchase of the streetlights will result in considerable cost savings to the Town. In addition, the conversion off the streetlight fixtures to LED lights will save a significant amount of energy. There are various options for funding the project which should be evaluated by the Town Accountant and other related committees.

Based on the preliminary purchase cost provided by NGrid of \$7,800, it does not appear that a capital budget item is required for this and could be paid from free cash, UDAG funds or included in the DPW Streetlight budget.

The conversion of the lights to LED technology is estimated to be approximately \$175,000. The funding for this project could be from a number of sources:

- Capital Budget Item
- Tax-exempt municipal lease financing
- Performance contract under Chapter 25A
- General obligation bonds and Qualified Energy Conservation Bonds (QECBs)
- Green Community Grant

In addition, there are other cost incentives including MassSave which can be a onetime rebate of up to \$0.25 per kWh saved.

Recommended Action Plan for Ayer

1. Energy Committee to review this Technical Memorandum and determine tasks, schedule, approvals and responsibilities (project plan)
2. Determine financing options.
3. Develop implementation schedule
4. Present the proposal to Board of Selectmen and Finance Committee
5. Formally notify the National Grid of intent to purchase
6. Review the purchase price information and inventory that the utility provides. Perform detailed inventory review
7. Apply for Green Communities Grant
8. Solicit maintenance contract services
9. Prepare Town Meeting Article to purchase and / or upgrade streetlights
10. Implement Streetlight LED upgrade program

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

May 18, 2015

Scott T. Farrar, C.E.M.
Community & Customer Management
National Grid
164 Viscoloid Avenue
Leominster, MA 01453

Re: Intent to Purchase Streetlights, Ayer, MA

Dear Mr. Farrar:

In accordance with MGL C.164 s.34A, the Town of Ayer is formally requesting an inventory and price from National Grid for the intent to purchase the streetlights within the Town of Ayer. The Municipal Lighting Account Number is 90360-89003.

Should you have any questions please do not hesitate to contact me at (978) 772-8210.

Sincerely,

Robert Pontbriand
Town Administrator

C: Mark Wetzel, DPW

Mark Wetzel

From: Farrar, Scott T. <Scott.Farrar@nationalgrid.com>
Sent: Wednesday, October 14, 2015 4:28 PM
To: Robert Pontbriand; Mark Wetzel
Subject: Fwd: Town of Ayer St Light Purchase Price
Attachments: AYER_Purchase Pricing 2015-05 (Acct. 90360_89003).pdf; ATT00001.htm; AYER_Purchase Pricing 2015-05 (All Accts.).pdf; ATT00002.htm; Town of Ayer Lighting Inventory 20151006.xls; ATT00003.htm; Massachusetts Electric Co - Agreement of Sale 2015.pdf; ATT00004.htm; Massachusetts Electric Co - Overhead License Agreement 10-2015.pdf; ATT00005.htm; Massachusetts Electric Co - Underground License Agreement 10-2015.pdf; ATT00006.htm; NGrid's Guidelines for Customer Owned Street Lighting.pdf; ATT00007.htm; NGrid Customer's Cost to Consider Checklist 2014.pdf; ATT00008.htm; Customer Owned Streetlight Equip Standard.pdf; ATT00009.htm

Hi Mark and Robert, please see email below and attachments. Please review and let me know if you would like to proceed. If you have any questions, please let me know. Thanks, Scott

Scott Farrar
National Grid
978.840.3851
Sent from my iPhone

Begin forwarded message:

From: "Roseen, Paula A." <Paula.Roseen@nationalgrid.com>
Date: October 14, 2015 at 3:47:44 PM EDT
To: "Farrar, Scott T." <Scott.Farrar@nationalgrid.com>
Cc: "Fazzone, Aleta" <Aleta.Fazzone@nationalgrid.com>, "Lombardi, Edward L." <Edward.Lombardi@nationalgrid.com>, "Gonynor, Jonathan R." <Jonathan.Gonynor@nationalgrid.com>, "Galbraith, Adrienne" <Adrienne.Galbraith@nationalgrid.com>
Subject: **RE: Town of Ayer St Light Purchase Price**

Scott,

The Town of Ayer requested an updated purchase price for the streetlight assets currently billing to account 90360-89003. That price has been calculated at \$7,494.29 for 511 luminaires, 4 non-distribution poles and the supporting equipment.

Additionally, there are other streetlights that are billed to 3 other Town municipal accounts and we have calculated a 2nd purchase price that includes this lighting equipment for the town's consideration of whether to purchase them or not. The price for 517 luminaires and 8 non-distribution poles is \$7,738.71.

The billing inventories that were used for the pricing calculations is also attached. A detailed inventory and summary of the quantities is included for both options.

Since we've already provided the town with the information below, I won't restate it. However, I am providing the draft template closing documents for the town's review along with the customer

Carly Antonellis

From: Lisa Gabree <lgabree@ayer.ma.us>
Sent: Tuesday, October 27, 2015 10:45 AM
To: Robert Pontbriand
Cc: Carly Antonellis
Subject: FW: Bond Paperwork
Attachments: 55834661_1-Draft Selectmen Vote Bonds Ayer 11_15.doc

FYI...BoS Nov 3rd meeting

From: Abby Jeffers [<mailto:Abby.Jeffers@firstsw.com>]
Sent: Tuesday, October 27, 2015 10:34 AM
To: Stephanie Gintner
Cc: Peter Frazier; Lisa Gabree
Subject: RE: Bond Paperwork

Hi Stephanie,

Attached is the draft vote. You'll notice there are many blanks and edits that need to be made on the day of the sale.

As previously mentioned, the completed form of approval vote will be emailed to the Town after the bids are received on November 3rd.

Let us know if you have any questions.

Thank you,
Abby

Abby Jeffers
Vice President
FirstSouthwest

direct 617.619.4404 fax 617.619.4411
54 Canal Street, Suite 320, Boston, MA 02114

From: Stephanie Gintner [<mailto:treas@ayer.ma.us>]
Sent: Tuesday, October 27, 2015 9:33 AM
To: Peter Frazier <Peter.Frazier@firstsw.com>
Cc: Abby Jeffers <Abby.Jeffers@firstsw.com>
Subject: Bond Paperwork

Good morning Peter and Abby,

I received an email this morning from Robert asking for documents for the BOS meeting next Tuesday, Nov 3rd. Isn't that the date that we set for them to sign the documents for this upcoming Bond? Is everything ok with them so you will be sending them out soon?

Thank you.

VOTE OF THE BOARD OF SELECTMEN

I, the Clerk of the Board of Selectmen of the Town of Ayer, Massachusetts (the "Town"), certify that at a meeting of the board held November 3, 2015, of which meeting all members of the board were duly notified and at which a quorum was present, the following votes were unanimously passed, all of which appear upon the official record of the board in my custody:

Voted: that the sale of the \$1,873,000 General Obligation Municipal Purpose Loan of 2015 Bonds of the Town dated November 19, 2015 (the "Bonds"), to _____ at the price of \$ _____ and accrued interest is hereby approved and confirmed. The Bonds shall be payable on November 15 of the years and in the principal amounts and bear interest at the respective rates, as follows:

<u>Year</u>	<u>Amount</u>	<u>Interest Rate</u>	<u>Year</u>	<u>Amount</u>	<u>Interest Rate</u>
2016	\$413,000		2024	\$75,000	
2017	335,000		2025	70,000	
2018	210,000		[2026]		
2019	115,000		[2027]		
2020	100,000		[2028]		
2021	85,000		[2029]		
2022	85,000		2030		
2023	80,000				

[Further Voted: that the Bonds maturing on [November 15, 20__ (a "Term Bond")] [and November 15, 2030 (each a "Term Bond")] shall be subject to mandatory redemption or mature as follows:

Term Bond due November 15, 20__

<u>Year</u>	<u>Amount</u>
20__	\$
20__	
20__*	

*Final Maturity

Term Bond due November 15, 2030

<u>Year</u>	<u>Amount</u>
2029	\$60,000
2030*	60,000

*Final Maturity]

[Further Voted: to approve the sale of a \$1,534,235 ___ percent General Obligation Bond Anticipation Notes of the Town dated November 20, 2015, payable November 18, 2016 (the "Notes"), to _____ at par and accrued interest plus a premium of \$ _____.]

[Further Voted: to approve the sale of \$1,534,235 General Obligation Bond Anticipation Notes of the Town dated November 20, 2015, payable November 18, 2016 (the "Notes"), at par and accrued interest plus the premiums indicated as follows:

<u>Number</u>	<u>Denomination</u>	<u>Interest Rate</u>	<u>Premium</u>	<u>Purchaser</u>
---------------	---------------------	----------------------	----------------	------------------

Further Voted: that in connection with the marketing and sale of the Bonds, the preparation and distribution of a Notice of Sale and Preliminary Official Statement dated October 26, 2015, and a final Official Statement dated November 3, 2015 (the "Official Statement"), each in such form as may be approved by the Town Treasurer, be and hereby are ratified, confirmed, approved and adopted.

Further Voted: that in connection with the marketing and sale of the Notes, the preparation and distribution of a Notice of Sale and Preliminary Official Statement dated October 26, 2015, and a final Official Statement dated November 3, 2015, each in such form as may be approved by the Town Treasurer, be and hereby are ratified, confirmed, approved and adopted.

Further Voted: that the Bonds shall be subject to redemption, at the option of the Town, upon such terms and conditions as are set forth in the Official Statement.

Further Voted: that the Town Treasurer and the Board of Selectmen be, and hereby are, authorized to execute and deliver continuing and significant events disclosure undertakings in compliance with SEC Rule 15c2-12 in such forms as may be approved by bond counsel to the Town, which undertakings shall be incorporated by reference in the Bonds and Notes, as applicable, for the benefit of the holders of the Bonds and Notes from time to time.

Further Voted: that we authorize and direct the Treasurer to establish post issuance federal tax compliance procedures in such form as the Treasurer and bond counsel deem sufficient, or if such procedures are currently in place, to review and update said procedures, in order to monitor and maintain the tax-exempt status of the Bonds and Notes.

Further Voted: that each member of the Board of Selectmen, the Town Clerk and the Town Treasurer be and hereby are, authorized to take any and all such actions, and execute and deliver such certificates, receipts or other documents as may be determined

by them, or any of them, to be necessary or convenient to carry into effect the provisions of the foregoing votes.

I further certify that the votes were taken at a meeting open to the public, that no vote was taken by secret ballot, that a notice stating the place, date, time and agenda for the meeting (which agenda included the adoption of the above votes) was filed with the Town Clerk and a copy thereof posted in a manner conspicuously visible to the public at all hours in or on the municipal building that the office of the Town Clerk is located or, if applicable, in accordance with an alternative method of notice prescribed or approved by the Attorney General as set forth in 940 CMR 29.03(2)(b), at least 48 hours, not including Saturdays, Sundays and legal holidays, prior to the time of the meeting and remained so posted at the time of the meeting, that no deliberations or decision in connection with the sale of the Bonds and the Notes were taken in executive session, all in accordance with G.L. c.30A, §§18-25, as amended.

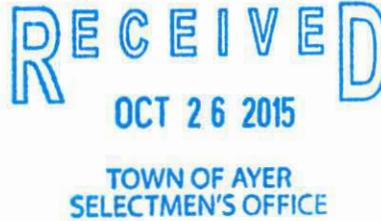
Dated: _____, 2015

Clerk of the Board of Selectmen

AM 55834661.1

St. Mary Parish

31 Shirley Street
Ayer, MA 01432



October 23, 2015

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

To the Ayer Board of Selectmen:

We will be having a Fall Supper on Saturday, November 7, 2015 at 5:30pm in our Parish Hall.

We would like a permit to serve beer and wine that night between 5:00 and 9:30pm.

Thank you in advance,

Betsy Diskin, Parish Business Manager

Tel. 978 772-2414

Fax 978 772-0727

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



Tuesday October 20, 2015
Meeting Minutes

Broadcast and Recorded by APAC

Present: Jannice L. Livingston, Chair; Gary J. Luca, Vice-Chair; Christopher R. Hillman, Clerk
Robert A. Pontbriand, Town Administrator
Carly M. Antonellis, Assistant to the Town Administrator

Call to Order: J. Livingston called the meeting to order at 7:00 PM.

Review and Approval of Agenda: R. Pontbriand asked to amend the agenda by adding “items 5 & 6” under the Community Development Agenda Item; specifically consideration of the RFQ for the DHCD grant consultant and the FY ’15 CDFI grant. G. Luca asked to amend the agenda by adding a discussion about Nashoba Tech and the Ayer Shirley Regional School District and an issue regarding scheduling of student visits.

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

Announcements: J. Livingston made the following announcements:

- The Fall Town Meeting will take place at the Town Hall on October 26, 2015 at 7:00 PM.
- The DPW will be making upgrades at the transfer station beginning Wednesday October 21, 2015 and the traffic pattern will be modified.
- Trick or Treat sponsored by the Ayer Business Alliance will take place on October 31, 2015 from 12:00 PM – 3:00 PM.
- Regular Trick or Treat will be held on October 31, 2015 from 6:00 PM – 8:00 PM.

Public Input: None

Chief William A. Murray, Ayer Police Department: Chief Murray and retired officer Dan Morrison were in attendance. Chief Murray is requesting that the Board appoint Mr. Morrison as a Reserve Officer for the Ayer Police Department.

Motion: A motion was made by G. Luca and seconded by C. Hillman to happily approve the appointment of Mr. Daniel Morrison as a Reserve Officer for the Ayer Police Department, effective immediately. **Motion passed 3-0.**

Ms. Alicia Hersey, Program Manager, Office of Community Development & Mr. David Maher, Office of Economic Development: J. Livingston, on behalf of the Board, thanked Mr. David Maher for his service to the Town and wished him well on his move to South Carolina.

Contract Award: Lead Specialist - Ms. Hersey and Mr. Maher are recommending that Caulfield Environmental be awarded the contract for Lead Paint Specialist for the FY’15 CDBG grant.

Motion: A motion was made by G. Luca and seconded by C. Hillman to award the lead paint specialist contract to Caulfield Environmental with signature by the Chair, Town Administrator and the Town Accountant effective immediately until December 31, 2016. **Motion passed 3-0.**

Contract Award: Rehab Specialist - Ms. Hersey and Mr. Maher are recommending that Bucchianeri Management Services be awarded the contract for Housing Rehabilitation Specialist for the FY'15 CDBG grant.

Motion: A motion was made by G. Luca and seconded by C. Hillman to award the housing rehabilitation specialist contract to Bucchianeri Management Services with signature by the Chair, Town Administrator and the Town Accountant effective immediately until December 31, 2016. **Motion passed 3-0.**

Contract Award for Infrastructure Consultant – Ms. Hersey and Mr. Maher are recommending that Communities Opportunities Group (COG) be awarded the contract for the Infrastructure Project Consultant for the FY'15 CDBG grant. COG will be responsible for all the CDBG compliance and will act as a liaison among the residents, DPW, Town Hall and DHCD.

Motion: A motion was made by G. Luca and seconded by C. Hillman to award the infrastructure project consultant contract to Communities Opportunities Group with signature by the Chair, Town Administrator and the Town Accountant effective immediately until December 31, 2016. **Motion passed 3-0.**

Lien Subordination Request, Case #06-316E, 56 Westford Rd - Ms. Hersey explained that the homeowner is refinancing by combining their 1st and 2nd mortgage to obtain a better interest rate. She's asking that the Board approve the subordination of the Town's lien for a first mortgage in the amount of \$204,034.

Motion: A motion was made by G. Luca and seconded by C. Hillman to approve the subordination of the Town's lien for a first mortgage in the amount of \$204,034 for Case # 06-316E, 56 Westford Road. **Motion passed 3-0.**

RFQ Grant Consultant – Ms. Hersey and Mr. Maher are asking that the Board award the CDBG Grant Consultant contract to Communities Opportunities Group (COG) in response to the RFQ issued by the Town. The contact will not exceed \$15,000.

Motion: A motion was made by G. Luca and seconded by C. Hillman to award the CDBG Grant Consultant contract to Communities Opportunities Group (COG) with signature by the Chair. **Motion passed 3-0.**

BOS Approval of Chairman's Signature for Document for FY15 CDFI Grant – Ms. Hersey explained that she is preparing the 1st quarterly report of the FY'15 CDBG and is requesting approval of the Chair's signature to the report narrative.

Motion: A motion was made by G. Luca and seconded by C. Hillman to approve the Chair's signature for the 1st quarter grant narrative for the Community Development Block Grant. **Motion passed 3-0.**

Town Administrator's Report: R. Pontbriand gave a brief administrative update pertaining to the Fall Special Town Meeting, the free cash certification of \$1.3 million dollars, and the Ayer Shop 'n Save ribbon cutting event.

Appointments – R. Pontbriand is requesting that the Board make two appointments to the Personnel Board. He has received letters of interest from Mr. Ron Defilippo and Mr. Sam Goodwin. He is requesting that Mr. Defilippo be appointed to the vacated term expiring on June 30, 2017 and Mr. Goodwin be appointed to the vacated term expiring June 30, 2016.

Motion: A motion was made by G. Luca and seconded by C. Hillman to appoint Mr. Ron Defilippo to the Personnel Board to fill a vacated term expiring on June 30, 2017. **Motion passed 3-0.**

J. Livingston recused herself from taking the next vote.

Motion: A motion was made by G. Luca and seconded by C. Hillman to appoint Mr. Sam Goodwin to the Personnel Board to fill a vacated term expiring on June 30, 2016. **Motion passed 2-0.**

Planning Board Administrative Support Proposal – R. Pontbriand presented his proposal to address the request from the Planning Board for administrative support. He has been in contact with the Union and they have agreed to providing 5 hours a week from a current AFSCME 93 member until June 30, 2016. The scope of the work will include, but not be limited to: posting agendas, coordinating meeting packets, transcribing Planning Board minutes, and answering basic questions from the public. The funding, not to exceed \$5,000, would come from the UDAG account with a replenishment mechanism at the 2016 Annual Town Meeting. The larger issue of a land use department will be addressed through the FY'17 budget process.

G. Luca cautioned against the UDAG account being used as a piggy bank, but would support it under these circumstances.

Motion: A motion was made by G. Luca and seconded by C. Hillman to approve the Town Administrator's Proposal dated October 16, 2015 for Planning Board administrative support from a current AFSCME 93 member for 5 hours a week through June 30, 2016, cost not to exceed \$5,000. **Motion passed 3-0.**

Request for change in Sunday Hours, Nashoba Club, 14 Central Ave. – Mr. Robert Rakip has requested a change in hours for Sunday alcohol license sales from 12:00 PM to 10:00 AM pursuant to MGL c. 138 sec.33B.

Motion: A motion was made by G. Luca and seconded by C. Hillman to approve the request to change Sunday hours for alcohol sales at the Nashoba Club to 10:00 AM, pursuant to Massachusetts General Laws, c. 138, sec.33B. **Motion passed 3-0.**

Draft Affordable Care Act (ACA) Look Back Policy – Benefits and Payroll Manager Kevin Johnston presented the Board with a DRAFT policy relating to the look back policy, pursuant to the Affordable Care Act. The policy as presented defines a measurement window of twelve months.

Motion: A motion was made by C. Hillman and seconded by G. Luca to approve the policy as presented by the Benefits and Payroll Manager effective immediately. **Motion passed 3-0.**

R. Pontbriand suggested moving to the next agenda item being that the time was 7:40 PM.

Discussion of Audit Management Letter: Town Account Lisa Gabree was joined by Mr. James Giusti from Giusti, Hingston and Company. Mr. Giusti went over the details of the management letter; specifically the Tax Collector's Depository Bank Account, Cyber Security, Payroll Procedures at the Ayer Public Library, GASB 68 – Accounting and Financial Reporting for Pensions; Health Insurance for Retirees; Non-Sufficient Funds Checks and proposed legislation on pension reform. Mr. Guisti recommends that the Treasurer put in place a Non-Sufficient Funds Checks policy.

C. Hillman expressed interest in having the library administration come before the Selectmen at the November 3, 2015 meeting to discuss the payroll procedures issue referenced in the Management Letter.

L. Gabree stated that the current contract for services with Giusti, Hingston and Company has expired. She is recommending that a three (3) year contract be awarded to Giusti, Hingston and Company for auditing services in the amount of \$22,000 per year.

Motion: A motion was made by G. Luca and seconded by C. Hillman to approve a three year contract between the Town of Ayer and Giusti, Hingston and Company for auditing services in the amount of \$22,000 per year. **Motion passed 3-0.**

The Board of Selectmen return to the Town Administrator's Report.

FY 2017 Budget Process Discussion & Proposed Tax Classification Public Hearing on November 17, 2015 –R. Pontbriand stated that the FY'17 budget process will officially kick off after the completion of the Special Town Meeting on October 26, 2015 and with the Tax Classification Hearing on November 17, 2015. He is also getting ready to convene the Capital Planning Committee for FY'17 capital requests.

G. Luca stated that he would like to have more of an active role in crafting the budget and to be more proactive in the process.

R. Pontbriand asked the Chair to make a statement by a point of personal privilege. J. Livingston allowed for R. Pontbriand to make a point of personal privilege.

R. Pontbriand stated that he wanted to clarify several misunderstandings and erroneous information put forth by Members of the Finance Committee as a result of the October 6th Board of Selectmen Meeting and the October 14th Finance Committee Meeting regarding the proposed Non-Union Classification and Compensation Study.

New Business/Selectmen's Questions:

G. Luca asked to briefly discuss a miscommunication issue between the Ayer Shirley Regional School District and the Nashoba Tech School District. The issue stems from Nashoba Tech's attempt to schedule ASRSD students taking an informational tour of Nashoba Tech. G. Luca asked if R. Pontbriand could serve as an intermediary between the two school districts.

Approval of the Minutes:

Motion: A motion was made by G. Luca and seconded by C. Hillman to approve the meeting minutes of October 6, 2015. **Motion passed 3-0.**

Adjournment:

Motion: A motion was made by G. Luca and seconded by C. Hillman to adjourn at 8:58 PM. **Motion passed 3-0.**

Minutes Recorded and Submitted by Carly M. Antonellis

Minutes Approved by BOS: _____

Christopher R. Hillman, Clerk: _____