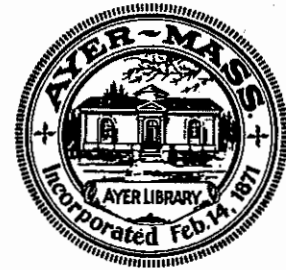


RECEIVED
TOWN CLERK
TOWN OF AYER

2017 JAN 12 PM 3:44

lf

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



Tuesday January 17, 2017
Open Session Meeting Agenda

- 7:00 PM **Call To Order**
Pledge of Allegiance; Review and Approve Agenda; Review of Warrant(s);
Announcements
- 7:05 PM* **Public Input**

Superintendent Mark Wetzel, Department of Public Works
1. East Main Street Water Main Change Order #3
2. Recommendation for New Sidewalk Fitchburg Road
- 7:15 PM **Ms. Alicia Hersey, Program Mgr., Office of Community Development**
1. Community Development Grant Extension and Office Budget
- 7:20 PM **Town Administrator's Report**
1. Administrative Update
2. Update on MART Project
3. Classification of Building Commissioner Position
4. FY' 18 Budget Discussion
5. 66 Westford Road Enforcement Update
- 7:40 PM **New Business/Selectmen's Questions**
- 7:45 PM **Approval of Meeting Minutes**
December 20, 2016; January 3, 2017
- 7:50 PM **Executive Session Pursuant to MGL 30A, §21A**
1. Exemption #3 (Collective Bargaining) Town Hall Clerical Union Contract
Negotiations
- Adjournment****

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

*** The Board of Selectmen will adjourn for the evening at the conclusion of Executive Session*

DEPARTMENT OF PUBLIC WORKS

Mark L. Wetzel, P.E., Superintendent
Daniel Vas Schalkwyk, P.E. Town Engineer
Pamela J. Martin, Business Manager



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

MEMORANDUM

Date: January 11, 2017
To: Board of Selectmen
From: Mark Wetzel, P.E. Superintendent of Public Works
Dan Van Schalkwyk, P.E., Town Engineer
Subject: **January 17 Meeting Agenda Items**

1. East Main Street Water Main Change Order- For execution by the Chairman, Change Order 3 for Cedrone Construction in the amount of \$13,445.67. This is for additional paving related to the water main construction on East Main Street and East Street.
2. Recommendation for New Sidewalk Fitchburg Road – See attached memo.

RECEIVED
JAN 11 2017
TOWN OF AYER
SELECTMEN'S OFFICE

Time and Materials Calculation sheet

PROJECT: East Main Street Water & Sewer Main Improvements - Ayer, MA
 LOCATION: East Street Date: 10/5/2016
 Description of work: Subcontractor costs to mill and pave additional areas

1	<u>Labor</u>				
	Labor Total		Total	=	\$0.00
2	<u>Direct Labor Costs</u>				
	42.5% of Labor Costs				
		42.50%	\$0.00	=	\$0.00
3	<u>Materials and Freight</u>				
	Material and Freight Total		Total	=	\$0.00
4	<u>Equipment</u>	Rate/Hr	Hours		Total
	Equipment Total		Total	=	\$0.00
<hr/>					
	Total item 1 thru 4				\$0.00
5	<u>Markup for Overhead and Profit</u>				
	20% of Totals 1 thru 4				
		20.00%	\$0.00	=	\$0.00
6	<u>Markup for General Contractor (if Subcontractor involved)</u>				\$28,507.60
	7.5 % for Subcontractor			=	\$2,138.07
7	<u>Credits</u>			=	\$0.00

Total Due	\$30,645.67
------------------	--------------------

1 Labor

Qty	Rate/Hr	Hours	Total
1 Operator/Supervisor	\$71.00		= \$0.00
1 Operator	\$68.63		= \$0.00
1 Operator/Truck Driver	\$68.63		= \$0.00
2 Laborers	\$51.25		= \$0.00
			= \$0.00
			= \$0.00
			= \$0.00
			= \$0.00
Total			\$0.00

3 Materials and Freight

Qty	Cost/Unit	Unit	Total
2 Steel Plates per day for 14 days		Day	= \$0.00
			= \$0.00
			= \$0.00
			= \$0.00
			= \$0.00
Total			\$0.00

4 Equipment

Qty	Rate/Hr	Hours	Total
Qty	Cost/Unit	Unit	Total
1 Komatsu PC-60 Excavator	\$68.00		= \$0.00
1 Komatsu W180 Loader	\$60.00		= \$0.00
1 Mack 10 Wheel Dump Truck	\$19.00		= \$0.00
1 Cat 277 Skid Steer	\$35.00		= \$0.00
1 2014 1 Ton Ford Utility Truck	\$12.00		= \$0.00
1 2012 F750 Ford Utility Truck	\$16.00		= \$0.00
Total			\$0.00

6 Subcontractor

PJ Albert			= \$28,507.60
Total			\$28,507.60

INVOICE



PH: 978-345-7828 • FAX: 978-345-1425 • 800-370-7828
P.O.BOX 2165 FITCHBURG, MASSACHUSETTS 01420

Invoice # 226829

Bill To: CEDRONE CORP
ATTN: FABIO
12 HADLEY STREET
BILLERICA, MA 01862

Date: 9/30/2016

PO# / EST#: CHANGE ORDER #1

Job#: A16-1279

Job Description: EAST STREET

TERMS: PER CONTRACT

Quantity	Description	Unit Price	Tax	Amount
2100.00	SY MILLING EAST STREET	\$4.00		\$8,400.00
236.56	TONS PAVING EAST STREET	\$85.00		\$20,107.60
TOTAL DUE:				\$28,507.60

THANK YOU FOR YOUR BUSINESS

DEPARTMENT OF PUBLIC WORKS

Mark L. Wetzel, P.E., Superintendent
Dan Van Schalkwyk, P.E. Town Engineer
Pamela J. Martin, Business Manager

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

Memorandum

Date: January 12, 2017

To: Ayer Board of Selectmen

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



Re: Proposal for Sidewalk – Fitchburg Road

The Complete Streets Workgroup has identified the need for a sidewalk on Fitchburg Road (Rt 2A) from Park Street to Shop and Save. This stretch of road has a significant number of pedestrians and pedestrian safety is a concern. Fitchburg Road is a State maintained highway and I have discussed the need for a sidewalk with MassDOT with a lukewarm response. However, MassDOT will be repaving the road within the next couple of years and it would be unfortunate if they do not include a sidewalk in this area. In addition, The Town's Complete Streets Policy states:

Implementation of the Town of Ayer Complete Streets Policy will be carried out cooperatively within all departments in the Town of Ayer with multi-jurisdictional cooperation, to the greatest extent possible, among private developers, and state, regional, and federal agencies.

I am requesting the Board of Selectmen's support in contacting MassDOT and possibly our State Delegation to implement this important sidewalk project as part of any repaving of Fitchburg Road.

RECEIVED
JAN 11 2017

TOWN OF AYER
SELECTMEN'S OFFICE

Town of Ayer

Office of Community & Economic Development

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



TO: Ayer Board of Selectmen

FR: Alan S. Manoian, Director of Community & Economic Development Office
Alicia Hersey, Community Development, Program Manager

RE: Community Development Grant Extension and Office Budget

Cc: Robert Pontbriand

DT: January 9, 2017

Honorable Members:

The office of Community Development CDBG Grant for FY15 has been extended for an additional 6 months. This will allow us to finish our work on Pleasant Street and Housing Rehabilitation. With this extension we will be allowed to use the remainder of the money budgeted for administration, to continue to run the office of Community Development. This administration money should last the OCED through March 2017.

The Office of Community Development is requesting approval, by the Ayer Board of Selectmen to use Program Income funds to support the Office of Community Development once CDBG FY15 grant funds have run out. Current Program Income balance is \$51,074.20. Of this figure \$40,576.45 is available for Department use. The Office of Community and Economic Development will be coming before the BOS in February to update potential grant activity for 2017.

Office of the Ayer Board of Selectmen
Office of the Ayer Town Administrator



Town of Ayer | Ayer Town Hall | 1 Main Street | Ayer, MA 01432 | 978-772-8220 | Fax 978-772-3017 | www.ayer.ma.us

MEMORANDUM

DATE: January 13, 2017

TO: Ayer Board of Selectmen

FROM: Robert A. Pontbriand
Town Administrator

SUBJECT: Town Administrator's Report for the January 17, 2017 BOS Meeting

Dear Honorable Selectmen,

I am pleased to submit to you the following Town Administrator's Report for the January 17, 2017 BOS Meeting. If you have any questions prior to the meeting, please do not hesitate to contact me directly. Thank you.

Administrative Update:

I will offer a brief Administrative Update at the meeting of various activities and projects of the Administration since the last BOS Meeting on January 3, 2017.

Update on MART Project:

I will offer a brief update on the MART Project: Ayer Commuter Rail Surface Parking Lot and Access Improvement Project at the meeting. The following are the project update highlights as of January 13, 2017:

- MART and the Consultant will have conceptual drawings for public review and comment by the beginning of February. This has been delayed and I have expressed the Town's and BOS frustration with the delay to MART. Once we have these conceptual drawings we can have ATSA review and move forward with the public review process.
- MART will be implementing the improved lighting for the rail trail parking lot within the next week. This had also been significantly delayed and I expressed the Town's frustration with this.
- The interim fence at Depot Square will be going in within the week.
- After an exhaustive effort, MART was only able to secure one of the three Park Street private properties (the Nu Car Property is under agreement). MART is constrained by the federal property acquisition parameters and the other two private property owners would not sell. In the end, though this is unfortunate and frustrating, MART cannot compel private property owners to sell their private land.

- As a result of only being able to secure one of the three Park Street private properties, the project parking will have to be conceptually reconfigured to satisfy the FTA Grant requirements in terms of the number of spaces. This is in part (and only in part) responsible for some of the design delay by MART and the Consultant as this was a recent development as of last month when MART was not able to secure two of the properties after the exhaustive process.
- The Town is in the process of completing the transfer of the rail trail parking lot from the State (DCR) to the Town. As part of this transfer, the State is requiring that the project have a bathroom facility for the rail trail users (and of course for commuters). This will be incorporated into the project and funded by the project. ATSAC will be consulted on the potential location of these facilities (the State may require that they go where the existing portable toilets are; but there may be an opportunity for them to be located at Depot Square).
- The Town hired (required by law) the professional property relocation specialist to legally relocate Ross Fitness and Advocates from the Advocates Building at Depot Square. This statutory process will be concluded by May 1st. At which time, MART will proceed with the demolition of the Advocates Building.

Additionally, Members of ATSAC will be in attendance at the BOS meeting.

Classification of Building Commissioner Position:

- I am respectfully recommending that the Board of Selectmen appoint Mr. Charles Shultz to the position of Building Commissioner effective immediately on a provisional basis subject to the completion of the Building Commissioner's State Examination within one year from the date of appointment.
- The Personnel Board approved the new job description for the position of Building Commissioner on December 7, 2016 (See Attached). Additionally, I recommended to the Personnel Board that the position be classified as a GRADE 13 (See Attached). The Personnel Board conducted the classification of the position and voted unanimously at their January 4, 2017 meeting to recommend a classification of GRADE 14.
- Therefore, I am respectfully recommending that the Board of Selectmen appoint Mr. Charles Shultz as Building Commissioner on a provisional basis (subject to the completion of the Building Commissioner's State Examination within one year from the date of appointment) at a GRADE 14, Step 1 (Salary: \$76,441.68 per year)

FY 2018 Budget Discnssion:

- I will take a few moments with the BOS at the meeting to give a brief update on the FY 2018 Budget Process and to specifically discuss some of the budget line items for the BOS Office for FY 2018.

66 Westford Road Enforcement Update:

- I will offer a brief public update on the Town's ongoing enforcement efforts at 66 Westford Road since the last public update given at the January 3, 2017 BOS Meeting.

Thank you.

Attachment(s)



Office of the Ayer Board of Selectmen
Office of the Ayer Town Administrator

Town of Ayer | Ayer Town Hall | 1 Main Street | Ayer, MA 01432 | 978-772-8220 | Fax 978-772-3017 | www.ayer.ma.us

MEMORANDUM

DATE: December 7, 2016

TO: Ayer Personnel Board

FROM: Robert A. Pontbriand
Town Administrator

SUBJECT: Approval of Building Commissioner Job Description and Grading of Position

Dear Personnel Board,

I am respectfully requesting that the Personnel Board approve the job description for the position of Building Commissioner and rate the position using the Town's Municipal Position Classification and Rating Manual to assign a grade to the position.

The previous Building Commissioner was in the AFSCME 93 Town Hall/Union Contract and was a part-time position. The incumbent Building Inspector was hired at 35 hours a week at a rate of \$25 per hour (Annual Salary of \$45,500). It is now the intent of the Town to appoint the Building Inspector to the position of Building Commissioner to be a full-time, salaried position at 40 hours a week and to not be in the Union. Additionally, the position of Building Commissioner is the Department Head for the Building and Inspectional Services Department and has administrative oversight of multiple positions within the department as well as full budgetary authority in terms of formulation, implementation, and oversight of the departmental budget.

Therefore, I am respectfully recommending that the Personnel Board review and approve the attached DRAFT Job Description (See Attached) and to rate the position using the Town's Municipal Position Classification and Rating Manual to assign a grade to the position.

The DRAFT Job Description was developed by the Town Administrator in consultation with the Building Department and was modelled after comparable Building Commissioner positions in Massachusetts.

Additionally, the Town Administrator is respectfully recommending a position rating and classification of GRADE 13 for the position of Building Commissioner. This recommendation is being made after performing the classification and rating using the Town's approved system and manual using the attached DRAFT job description as well as looking at comparable salary range

information of comparable communities and positions to Ayer (See attached rating and classification performed by the Town Administrator).

Assuming that there is concurrence on GRADE 13, the position would be put forth to the Board of Selectmen at GRADE 13, STEP 3 (\$72,996.48). This recommendation in terms of the GRADE is subject to the determination of GRADE by the Personnel Board.

It is the expectation of the Board of Selectmen for the purposes of moving forward with a full-time, non-union Building Commissioner and for the purposes of the FY 2018 Budget that a formal recommendation will be brought forth to the Board of Selectmen at their January 17, 2017 meeting.

I look forward to working with the Personnel Board. Thank you for your time and consideration.

Attachment(s): Proposed DRAFT Job Description for Building Commissioner
Town Administrator's Classification and Rating Sheet for the Position

Cc: Ayer Board of Selectmen

BUILDING COMMISSIONER

Position Purpose:

The purposes of this position is to perform professional, administrative, and technical work responsible for the management of operations of the Town of Ayer's Building Department and Inspectional Services and for the enforcement of the building and related inspectional codes in accordance with applicable federal, state, and local regulations to include the Town of Ayer's zoning and nuisance bylaws.

Supervision:

Supervision Scope: Performs highly responsible work of a complex nature requiring the exercise of considerable independent judgment. Provides professional advice to a variety of officials, departments, boards and committees concerning the building code; zoning bylaw; and nuisance bylaw. Performs and analyzes complex inspections and oversees and recommends the implementation of policies, goals, regulations, and statutory requirements pertaining to the building code and relevant zoning and inspectional bylaws and decisions.

Supervision Received: Works under the policy direction of the Board of Selectmen and under the administrative direction of the Town Administrator.

Supervision Given: Responsible for the administration and day-to-day operations of the Building Department. Provides direct supervision of the Assistant Building Inspector; Assistant Zoning Officer; Plumbing Inspector; Electrical Inspector; Sealer of Weights and Measures; and the Administrative Coordinator.

Job Environment:

The job functions are divided into administrative work and inspectional field work.

Administrative work is performed under typical office conditions. Required to work outside of normal business hours and attend evening meetings as needed. Also may be contacted at home at any time to respond to important situation and emergencies.

Inspectional field work is performed regularly outside and inside various building structures and environments. Noise level is moderate; includes working from heights and around electrical components; outdoor work entails exposure to varied weather conditions and varied construction sites, environments, and conditions. Inspectional field work and enforcement of the town's nuisance bylaw may require exposure to fumes, odors, filth, debris, and other environmental conditions.

Operates automobile, computer, printer, computer peripherals, copier, and other standard office equipment.

Makes frequent contact with subordinate staff and town departments. Makes frequent contact with the public, private contractors, residential/industrial/commercial property owners. Interfaces with applicable state and local inspectional officials, law enforcement, and enforcement agencies. Makes frequent contact with the Zoning Board of Appeals, Board of Health, and Board of Selectmen.

Has access to department-related confidential information. Has access to department-related personnel confidential information. Is responsible for personnel discipline; hiring/firing recommendations of department personnel. Handles confidential information as it pertains to inspectional matters, building enforcement matters, and building application/permits.

Errors in administrative decisions and/or inspectional decision could result in lower standards of services, substandard construction, excessive costs, damage to property, endangerment of public safety/health and could result in financial and/or legal repercussions.

Essential Functions:

(The essential functions listed below are intended only as an illustration of the various types of work that may be performed. The omission of specific statements of duties does not exclude them from the position if the work is similar, related or a logical assignment to the position).

Directly oversees the administration of the Building and Inspectional Services Department to include the implementation of the annual goals and objectives of the department; manages the daily operations of the department; oversees the management of the department's employees including evaluation, discipline as well as recommendations on hiring and firing of departmental personnel. Responsible for the review and approval of the department's payroll and accounts payables.

Responsible for overseeing and coordinating the Town's building permitting software database with departmental staff and other Town Departments.

Prepares and administers the annual operating budget of the department; reviews and makes recommendations regarding permit fees and provides appropriate reports about activity and revenue levels.

Communicates policies, regulations, programs, procedures, and departmental decision to staff, departments, various boards/commissions/committees, and the general public.

Explains, interprets and provides guidance regarding all applicable building codes and inspectional rules, regulations, and laws to property owners, architects, engineers, contractors, developers and other interested parties.

Responsible for the administration of the building, electrical, gas and plumbing, and permitting functions of the department in accordance with all appropriate federal, state, and local regulatory and legal requirements.

Responsible for plan review, inspections and enforcement recommendations/actions.

Interprets and enforces the zoning bylaw, nuisance bylaw and is responsible for initiating inspection and enforcement actions as prescribed by statute and/or bylaw. Prepares complaints for legal action against violators and works with Town Counsel, the Town Administrator, and/or other relevant enforcement entities for representation and prosecution through the courts.

Responsible for and performs public safety inspection in conjunction with the Board of Health, Fire and Police Departments.

Responsible for the evaluation and determination of buildings and structures for structural stability and public safety as a result of fire and/or other accidents.

Responsible for coordinating and conducting inspections in the field to include written field notes, photographs, video footage, etc. in a variety of building and physical environments subject to the elements and other conditions.

Other duties and responsibilities as required.

Recommended Minimum Qualifications:

Education, Training and Experience:

Bachelor's degree in a related field, Master's preferred; at least five years of progressively responsible experience in the fields of building construction and/or inspectional services; or any equivalent combination of education and experience.

Special Requirements:

Massachusetts Building Inspector's Certification

Massachusetts Building Commissioner's Certification (Must obtain within three years of appointment)

Possession of a valid motor vehicle operator's license

CORI Certified

Knowledge, Ability and Skill:

Knowledge: Thorough knowledge of the state and local building code to include the Town's zoning bylaw and nuisance bylaw. Thorough knowledge of the principles and practices of residential, commercial and industrial building construction; building structures; plumbing and electrical code; fire code; building stretch code; weights and seals; and other related structural inspectional rules and regulations.

Ability: Ability to deal effectively and diplomatically with other town departments, government agencies, enforcement agencies, the courts, and the general public; ability to supervise and evaluate the work of professional and non-professional subordinates.

Skill: Excellent customer service skills. Excellent inspectional skills with a keen sense of observational details. Excellent interpretive skills of complex technical and legal rules, policies, and regulations. Excellent judgement skills in dealing with confidential inspectional information. Proficiency in the use of computers. Skill in operating and maintaining the building department permitting software and database. Excellent presentation skills for the purposes of testifying in court on behalf of the Town and/or in other adjudicatory environments.

Physical Requirements:

(The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disability to perform the essential functions.)

Performs administrative functions in a typical office environment requiring the employee to regularly walk, stand, sit, talk and hear; use hands to finger, handle, feel or operate objects, picking up paper, files, and other common office objects. Minimal physical effort generally required for work performed in the office. Vision and hearing at or correctable to normal ranges.

Performs field inspections in a variety of environmental and construction conditions. The physical demands of the field inspections require moderate physical effort, spending time standing, walking and performing work outdoors sometimes in adverse weather conditions. Employee required to lift and/or moving objects weighing up to 100 pounds. Required to wear appropriate safety equipment (hard hat; eyewear) in some field/construction environments.

(This job description does not constitute an employment agreement between the employer and employee and is subject to change by the employer as the needs of the employer and requirements of the job change.)

Sequence No: _____

Position Rating Summary Sheet

Position Classification Title: Building Commissioner

Evaluators' Points

	<u>Factors</u>	One	Two	<u>Final Rates</u>	<u>Final Points</u>
1.	Physical Environment	20			
2.	Knowledge, Training, Education	60			
3.	Problem Solving Skills & Effort	26			
4.	Physical Skills & Effort	40			
5.	Experience	40			
6.	Interactions with Others/ Customer Service	40			
7.	Confidentiality	20			
8.	Occupational Risks	20			
9.	Complexity	20			
10.	Supervision Received	40			
11.	Supervision Given	40			
12.	Supervision Scope	60			
13.	Judgment and Initiative	60			
14.	Accountability	30			
	Total Points:	516			

Evaluator 1: Robert A. Pentbrind Date: 12/6/2016
 Evaluator 2: _____ Date: _____

Date Finalized: 12/6/2016

516 = Grade 13



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

Tuesday December 20, 2016
Meeting Minutes

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

Call to Order: G. Luca called the meeting to order at 7:00 PM.

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

Review and Approve Agenda: C. Hillman asked to add the discussion of a public records request to the Department of Agriculture and the MSPCA relative to 66 Westford Road under the Town Administrator's Report Item #3.

Motion: A motion was made by J. Livingston and seconded by C. Hillman to approve the agenda, as amended.
Motion passed 3-0.

Announcements: None

Public Input: None

Superintendent Mark Wetzel, Department of Public Works: *Street Light Purchase from National Grid* – M. Wetzel stated that the Town has been in the process of purchasing the street lights from National Grid. National Grid is selling the infrastructure to the Town of Ayer for \$1.00.

Motion: A motion was made by J. Livingston and seconded by C. Hillman to execute agreement between the Town of Ayer and National Grid for the purchase of designated street and area lights in the amount of \$1.00 with signature by the Chair. **Motion passed 3-0.**

Review of Warrants: G. Luca stated that he had signed the following warrants:

- 17-10 Account Payable \$2,125,958.90
- 17-11 Payroll \$317,251.72

Town Administrator's Report: *Administrative Update* – R. Pontbriand gave a brief administrative update stating that the majority of the Administration's time since the last meeting has been focused on 66 Westford Rd. He reported that the FY'18 Capital Planning Budget was underway and that his office has been coordinating training and compliance with changes to the public records law. He also stated that he and the DPW Superintendent have been interviewing firms that responded to the RFP for solar field development on town land.

Indemnification Agreement – R. Pontbriand stated that as part of the eminent domain taking of Depot Square, he is asking the BOS to sign an Indemnification Agreement as drafted by Town Counsel. The agreement is to rectify the

title problems with the former property owner having land listed in a corporation's name that was already dissolved.

Motion: A motion was made by J. Livingston and seconded by C. Hillman to execute the indemnification agreement as drafted by Town Counsel between the Town of Ayer and Worthen Dale Realty Corp. **Motion passed 3-0.**

66 Westford Road Enforcement Update – R. Pontbriand gave an enforcement update relative to 66 Westford Road highlighting that the Middlesex Superior Court had issued a No Trespass Order on the property and that initial estimates for the extermination and removal of debris is upwards of \$75,000 dollars. The primary goal of the Town at this point is removal of the remaining animals and containing the rat infestation until extermination can begin. R. Pontbriand thanked the following people: Building Inspector Charlie Shultz, Health Inspector Bridgette Braley, Animal Inspector Carlenc Purdy, Ayer Police Dept. Officers Burns and Callahan and Sgt. Crumpton, Assistant to the Town Administrator Carly Antonellis and the Ayer Water Dept. for their work thus far.

C. Hillman expressed interest in getting the inspectional reports from both the Dept. of Agriculture and the MSPCA. He would like the Town to send a formal letter requesting all inspection reports.

Mr. Peter Edwards, 1 Orchid Lane expressed his concern with the condition of the property.

Ms. Erica Tamlyn, 15 Loon Hill Road asked about containment of the rats. R. Pontbriand explained that the situation is being closely monitored by professional exterminators.

Mr. James Jones, 5 Lilac Lane stated that he has seen evidence of rodent infestation at his property.

Mr. Paul Magno, 5 Rose Lane asked if the Town will be taking measures to reassess the job their inspectors have been doing. J. Livingston stated that a Town employee cannot just walk onto people's property unless they've been given permission.

Mr. Mark Stewart, 21 Loon Hill Road asked about Mr. McNiff entering the property. R. Pontbriand explained that the Middlesex Superior Court has issued a No Trespass Order but that Mr. McNiff may enter the property with a police escort with advance notification to the Town Administrator's Office.

Motion: A motion was made by C. Hillman and seconded by J. Livingston to authorize a Public Records Request from the BOS to the Massachusetts Dept. of Agriculture and the MSPCA requesting any and all reports relative to the condition at 66 Westford Road. **Motion passed 3-0.**

Procurement Threshold Authorization Change – R. Pontbriand is recommending and requesting a change in contract signature authorization from \$35,000 to \$50,000 pursuant to changes in the procurement thresholds from the Massachusetts Modernization Act. Any purchases of more than \$50,000 must go before the BOS for consideration.

Motion: A motion was made by C. Hillman and seconded by J. Livingston to increase the Town Administrator's contract signature approval and authorization to \$50,000. **Motion passed 3-0.**

New Business/Selectmen's Questions: G. Luca reported that the 30 day comment period for the MPO is now in effect. G. Luca also recognized A. Manoian for the successful Holiday Tree Lighting and Winter Stroll that took place on December 10, 2016.

Approval of Meeting Minutes:

Motion: A motion was made by J. Livingston and seconded by C. Hillman to approve the meeting minutes of December 6, 2016. **Motion passed 3-0.**

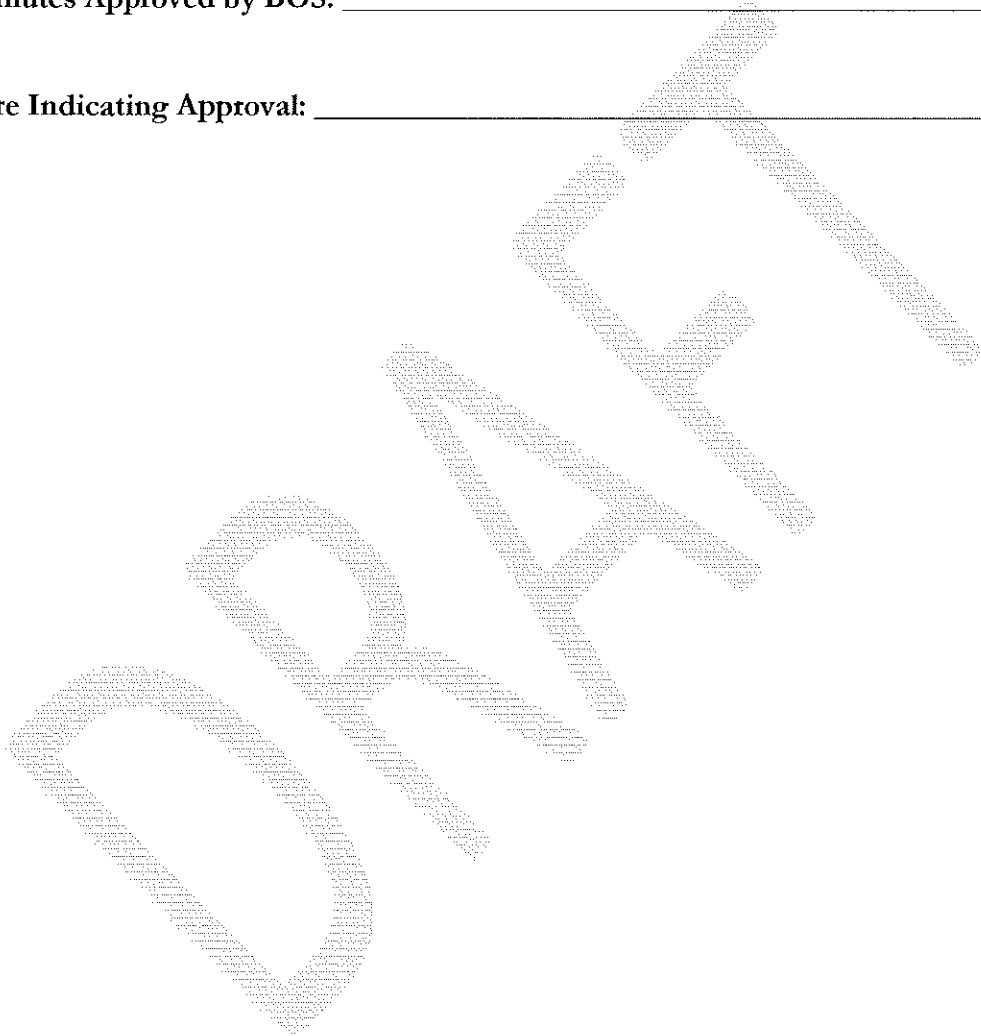
G. Luca and Board Members wished everyone a Happy New Year.

Adjournment: A motion was made by J. Livingston and seconded by C. Hillman to adjourn at 8:44 PM. **Motion passed 3-0.**

Minutes Recorded and Submitted by Carly M. Antonellis

Date Minutes Approved by BOS: _____

Signature Indicating Approval: _____





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

Tuesday January 3, 2017
Meeting Minutes

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

Robert A. Pontbriand, Town Administrator
Carly M. Antonellis, Assistant to the Town Administrator

Absent: Gary J. Luca, Chair

Call to Order: C. Hillman called the meeting to order at 7:00 PM.

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

Announcements: C. Hillman announced that the Senior Citizen Property Tax Work-Off Abatement Program will be available beginning this month and that the Winter Parking Ban is in effect.

Public Input: None

Review and Approve Agenda: R. Pontbriand asked to amend the agenda by removing consideration of the December 20, 2016 Meeting Minutes because they were not ready and would be by the next BOS meeting.

Motion: A motion was made by J. Livingston and seconded by C. Hillman to approve the agenda, as amended.
Motion passed 2-0.

Review of Warrants: C. Hillman stated that G. Luca signed the following warrant:

- 17-11 Accounts Payable \$637,931.36

Consideration and Action on the Declaration of a State of a Emergency Pursuant to G.L. C. 44 sec. 31 – McNiff Farm, 66 Westford Road: R. Pontbriand stated that with the unforeseen emergency situations at the McNiff Farm located at 66 Westford Road that pose an immediate threat to the health and safety of persons, property, and the public; the Town of Ayer responded immediately and effectively to ensure the public's safety and health. R. Pontbriand further stated that given the emergency nature of the situation, none of these expenses were foreseen as part of the FY 2017 Budget. The costs to date are considerable and vendors and contractors need to be compensated for the work/services they have performed (and in some cases continue to perform) at 66 Westford Road. R. Pontbriand then stated after considerable research and in consultation with the Department of Revenue and Town Counsel; that he and the Town Accountant/Finance Director are recommending that the BOS enact a declaration of a state of emergency pursuant to G.L. c. 44, sec. 31., which enables the Town to deficit spend as permitted to fund all costs related to the Town's abatement and remediation of the nuisances and dangerous conditions of 66 Westford Road as authorized by the Court.

J. Livingston read the Declaration of State of Emergency: Whereas, the property located at 66 Westford Road (the

“Property”) has been long operated as a farm primarily for the raising of animals, including cows, pigs, and fowl, for slaughter; and

Whereas, the Property is located in a neighborhood with adjacent residential properties; and

Whereas, the Property has fallen into significant decay and disrepair; and

Whereas, significant hazardous conditions exist at the Property, including, but not limited to, 100 sick and neglected animals, rodent infestation and rat burrows, dead pigs, calves with improper/inadequate shelter and no access to water that are suffering from communicable diseases, animal waste throughout the Property, non-functional heat and unsafe electrical wiring in the residential structure, large amounts of accumulated trash and debris and structural dangers, including collapsing floors and unsafe ceilings in the Property’s structures; and

Whereas, the failure of the owners of the Property to comply with the State Sanitary Code, the State Building Code and the Town’s Condemnation Orders present immediate and significant threats to the health and wellbeing of the persons and animals at the Property, area residents and the surrounding environment; and

Whereas, on December 16, 2016 the Middlesex Superior Court, upon complaint of the Town, issued an order authorizing the Town to take certain actions, including the removal of animals, animal food, and animal waste, as the Town deems necessary to abate the threat to public health and safety at the Property; and

Whereas, the Court order authorized the Town to enter the Property and take such actions as may be deemed necessary to exterminate any and all infestations of rats and other vermin; and

Whereas, the Court order authorized the Town to secure the Property in the interest of protecting public health and safety.

Now, therefore, based upon the conditions at the Property and the obligations of the Town to protect public health and safety, the Board of Selectmen hereby declares:

1. That the conditions at the Property constitute a major disaster and catastrophe which pose an immediate threat to the health or safety of persons or property within the Town;
2. That the Town shall undertake such measures as are necessary in accordance with all lawful authority to address the catastrophic conditions at the Property in the interest of protecting the health and safety of persons and property within the Town; and
3. That pursuant to the provisions of G.L. c. 44, sec. 31, payments of liabilities incurred by the Town as a result of this declaration shall be made, with the written approval of the Director of Accounts in the Department of Revenue, from any available funds in the Town treasury, and the amounts of such liabilities incurred shall be reported by the Town accountant to the assessors who shall include the amounts so reported in the aggregate appropriations assessed in the determination of the next subsequent annual tax rate.

Motion: A motion was made by C. Hillman and seconded by J. Livingston to approve the Declaration of a State of Emergency. **Motion passed 2-0.**

Ms. Susan Copeland, Town Treasurer stated that the property is currently in tax title and there is approximately \$25,000 in unpaid taxes. She is moving forward with the next step in the tax title process.

Ms. Elizabeth Edwards, 1 Orchid Lane stated that the homeowner was given an advantage because “he knew somebody”.

Mr. Paul Magno, 5 Rose Lane asked if the previous Building Inspector could be held liable. C. Hillman informed him no.

R. Pontbriand again stressed that the focus right now is working through the Court Order with the exterminators and the contractor to abate the rat infestation. He reported further that DEP will be onsite this week to do an assessment of the cars, barrels of liquid and an initial site assessment.

Ms. MC Stewart, 21 Loon Hill Road said that on the night of Thanksgiving she saw a Blood Farms truck at the property loading pigs.

J. Livingston expressed her concern about the quality of the animals going to butcher and who at the state was monitoring the process.

Mr. James Jones, 5 Lilac Drive asked if the DA's office was involved. R. Pontbriand stated that there are two tracks to the situation: criminal and civil. The DA's office is involved with the animal cruelty charges.

Mr. Ken Bishara, 1 Rose Lane asked where the exterminators were with the rat infestation. R. Pontbriand explained that 4-5 exterminators are on site daily and that the infestation is contained. Exterminators will be onsite daily for 5 weeks, then monthly.

Mr. Patel, 3 Lilac Lane asked if the exterminators were going to check all the houses in the neighborhood. C. Hillman stated that no, the rats are contained to the 66 Westford Road property.

R. Pontbriand then reiterated that the initial extermination is a 5 week process; all debris must be removed from the site except for the cars (by court order); there is a No Trespass Order still in effect; and the Town and the Property Owner are due back in Court on January 13, 2017 for a status hearing.

C. Hillman stated that he would like to explore any legal recourse with the state because he feels that didn't do their job inspecting the property. He then urged the residents to contact their legislators and news and media outlets.

Appointment of the Police Lt. as Police Department Records Access Officer – R. Pontbriand is requesting that the Police Lieutenant be appointed as the Police Dept. Records Access Officer in accordance with recently made changes in the Public Records Law. The Police Lieutenant will have jurisdiction as it pertains to records held solely at the Ayer Police Department.

Motion: A motion was made by C. Hillman and seconded by J. Livingston to appoint the Police Lieutenant as the Records Access Officer for the Ayer Police Department. **Motion passed 2-0.**

New Business/Selectmen's Questions: C. Hillman is requesting that the Police Dept., Building Inspector and Health Inspector come to the next meeting to make sure everyone is on the same page for nuisance bylaw enforcement.

Approval of Meeting Minutes:

Motion: A motion was made by C. Hillman and seconded by J. Livingston to approve the meeting minutes of December 8, 2016. **Motion passed 2-0.**

Adjournment:

Motion: A motion was made by J. Livingston and seconded by C. Hillman to adjourn at 8:20 PM. **Motion passed 2-0.**

Minutes Recorded and Submitted by Carly M. Antonellis

Date Minutes Approved by BOS: _____

Signature Indicating Approval: _____

DRAFT