

RECEIVED  
MAR 01 2019

TOWN OF AYER  
TOWN CLERK

11:05am  
Susan E. Copland

Town of Ayer  
Board of Selectmen  
Ayer Town Hall – 1<sup>st</sup> Floor Meeting Room  
1 Main Street  
Ayer, MA 01432



**Tuesday March 5, 2019**  
**Open Session Meeting Agenda**

**7:00 PM**

**Call To Order**

Pledge of Allegiance; Review and Approve Agenda; Announcements

**7:05 PM\***

**Public Input**

**Ms. Alicia Hersey, Community Development Office**

1. Lien Subordination Request CASE #04-258E & 05-285

**7:15 PM**

**Town Manager's Report**

1. Administrative Update/Review of Warrant(s)
2. FY 2020 Budget Update
3. Request for One Day Beer/Wine License – St. Mary's Parish
4. Approval of MassWorks/MART Invoice – Depot Square
5. Approval of Representation for KP Law (Police Details Mutual Aid Agreement – Pepperell, Boxborough, Groton and Shirley)

**7:30 PM**

**New Business/Selectmen's Questions**

1. Bi-Board Update (Selectman Houde)

**7:35 PM**

**Approval of Meeting Minutes**

February 19, 2019

**7:40 PM**

**Executive Session pursuant to M.G.L. c. 30A §21A**

1. Exemption #3 (Union Contract Negotiations) *DPW Union*
2. Exemption #2 (Non-Union Contract Negotiations) *Town Manager*

**Adjournment\*\***

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

*\*\* The BOS will adjourn for the evening at the conclusion of Executive Session.*

# Town of Ayer

## Department of Planning & Development

Upper Town Hall ♦ One Main Street ♦ Ayer, MA 01432 ♦ 978-772-8221 ♦ Fax: 978-772-8208



RECEIVED

FEB 28 2019

TOWN OF AYER  
SELECTMEN'S OFFICE

### MEMORANDUM

TO: Board of Selectmen  
FR: Alicia Hersey, Community Development Office  
RE: Lien Subordination Request CASE# 04-285E & 05-285  
DT: February 28, 2019

The property owner has requested the Town subordinate its mortgages on the property in favor of a new second mortgage.

Assessed Value of Property (FY18)	\$207,600.00
Appraised Value of Property	\$250,254.00
First Mortgage	\$173,000.00
Amount of Program Assistance (liens)	\$ 6,600.00
Proposed New Second Mortgage (Line of Credit)	\$ 55,000.00
Maturity Date of Program Lien	04 -285E 7/19/2020 05 -285 2/28/2021

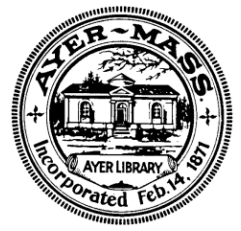
The borrower is seeking to obtain a new second mortgage (line of credit). He is seeking this loan to consolidate debt. The loan will be used to pay off the existing debt amounting to approximately \$23,000. And the rest will be available as emergency funds. The Town's liens are in force on this property until July 19, 2020 and February 28, 2021.

Based upon the subordination policy approved by the Town and State Dept. of Housing and Community Development, "a recommendation to approve with conditions, or to deny, will be made to the Board of Selectmen" where outstanding liens are more than 80% of the fair market value of the property. In the current case, the outstanding liens (first mortgage and CDBG lien) will be equal to 93.74% of the appraised value of the property.

**At this time it is the Board's decision is whether to approve or deny the subordination of the Town's liens for a second mortgage (line of credit) in the amount not to exceed \$55,000.**


**Office of the Board of Selectmen  
Office of the Town Manager**

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

**MEMORANDUM**

**DATE:** March 1, 2019  
**TO:** Ayer Board of Selectmen  
**FROM:** Robert A. Pontbriand   
Town Manager  
**SUBJECT:** **Town Manager's Report for the March 5, 2019 BOS Meeting**

Dear Honorable Selectmen,

I am pleased to transmit to you the following Town Manager's Report for the March 5, 2019 BOS meeting. If you have any questions prior to the meeting, please do not hesitate to contact me directly. Thank you.

Administrative Update/Review of Warrant(s):

- I will provide the BOS with a brief Administrative Update on the various activities, initiatives and projects of the Administration since the BOS last met on February 19, 2019.
- Review of Warrant(s): I have reviewed, approved, and signed the following Town Warrants since the BOS last met on February 19, 2019:

*Payroll Warrant #19-17 in the amount of \$335,055.71 was reviewed, approved and signed on February 26, 2019*

*Accounts Payable Warrant #19-17 in the amount of \$503,011.11 was reviewed, approved and signed on February 19, 2019*

FY 2020 Budget Update:

- I will provide a brief FY 2020 Budget Update to the BOS at the meeting.

Request for One Day Beer/Wine License for St. Mary's Parish:

- I am respectfully recommending that the BOS vote to approve the attached request for a One Day Beer/Wine License for St. Mary's Parish (See attached).

Approval of MassWorks/MART Invoice – Depot Square:

- Per the Assistant Town Manager's attached memo, I am respectfully requesting that the BOS vote to approve the MassWorks/MART Invoice for Depot Square (See attached).

Approval of Representation for KP Law (Police Details Mutual Aid Agreement – Pepperrell, Boxborough, Groton and Shirley):

- At the request of Town Counsel, I am respectfully requesting that the BOS vote to approve the attached disclosure for Town Counsel. The Town of Pepperrell has asked KP Law to work on the issue of a mutual aid agreement. Because KP Law is Town Counsel for Pepperrell, Ayer, Groton, Shirley, and Boxborough; they are required by law to have each Town’s BOS approve a disclosure (See attached).

Thank you.

Attachment(s):           Request for One Day Beer/Wine License for St. Mary’s Church  
                                  Memo from ATM Regarding MassWorks/MART Invoice – Depot Square  
                                  Approval of Representation for KP Law and Disclosure Form

*St. Mary Parish*

31 Shirley Street  
Ayer, MA 01432

February 14, 2019



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

To the Ayer Board of Selectmen:

We will be having a St Patrick's Supper on Saturday, March 16, 2019 at 5:00pm in our Parish Hall.

We would like a permit to serve beer and wine that night between 4:30 and 9:30pm.

Thank you in advance,

A handwritten signature in black ink that reads "Betsy Diskin".

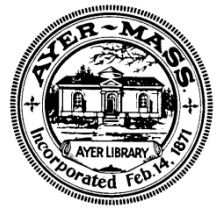
Betsy Diskin, Parish Manager

Tel. 978 772-2414

Fax 978 772-0727


**Office of the Board of Selectmen  
Office of the Town Manager**

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

**Memorandum**

To: Board of Selectmen  
Robert A. Pontbriand, Town Manager 

From: Carly Antonellis, Assistant Town Manager

Date: March 1, 2019

Re: March 5, 2019 BOS Meeting – Approval of MassWorks Invoice

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Greetings!

I am respectfully submitting the following invoice for approval by the BOS:

**Payable to:** MART                      **Amount:** \$126,284.12

**Reason for Invoice:** Paving completion, police detail, water and sewer drainage pipe installation

As you are aware, The Town of Ayer has received a MassWorks grant in the amount of \$266,667 from the Commonwealth of Massachusetts. The grant will cover certain costs associated with the Ayer Commuter Rail Trail Parking Project. Because the grant has been awarded to the Town of Ayer, Ayer must reimburse MART for the completed work, and then once the fund have been paid to MART, the Commonwealth will reimburse the Town the same amount.

This particular invoice is before you this evening, as it falls under M.G.L. c. 149 §§ 44A-44J procurement law and is over \$50,000.

Thank you for your consideration.



# MassWorks Infrastructure Program

## Monthly Invoice Form



[www.mass.gov/infrastructure](http://www.mass.gov/infrastructure)

This request for payment cover sheet should be filled out and submitted with the invoices for which you are requesting reimbursement. Request for reimbursement will not be processed without the request for payment cover sheet.

**To be completed by the Public Entity:**

Name of Public Entity: Town of Ayer Date completed: \_\_\_\_\_

Project Title: Ayer Commuter Rail Parking Expansion Project

MMARS Doc Id: 18AYERRAILTRAILPARKG

Person preparing request: Carly Antonellis

Total amount of invoices: \$126,284.12 Number of invoices attached: 4

If payment already made, amount paid: \$126,284.12

The chart below should include overall project spending information.

	Amount of This Invoice	Amount To Date (grant only)
Study Phase Funding		
Design & Engineering Funding		
Construction Funding	\$124,140.76	\$174,340.76
Other (i.e. legal, permits etc.)	\$2,143.36	\$2,143.36

The chart below is an interactive chart that can be clicked on in order to add the information requested.

Invoice Date	Payee	Invoice Amount	Dates Covered	Services
3/8/18	Ayer Police Dept	\$2,134.36	Feb 2018	Police detail
12/27/18	Dan's Paving & Excavating Inc	\$15,000.00	Dec 2018	Completion of paving
2/1/18	Commonwealth Construction & Utilities	\$107,540.76	Dec 2018	Drainage pipes
12/27/18	Dan's Paving & Excavating Inc	\$1,600.00	Dec 2018	Paving

*The total in the line above should not factor in retainage, only the total amount of invoices submitted in this request for reimbursement.*

Below, please provide a brief summary of the work completed since the commencement of the project (if this is the first request for reimbursement) or since the last request for reimbursement. All invoices submitted should accurately reflect the work completed and not deviate from the scope of services provided in Article 7 of Attachment A of the Contract.

Paving completion, police detail, water & sewer drainage pipe installed.

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Have scheduled milestones passed since the last request for payment?  
No (skip bullet questions below)      Yes (proceed to bullet questions below)

- Have milestone(s) been met? Yes
- If no, attach a description of how and why the timeline has changed.
- If no, attach a description of what is being done to get back on track with the timeline.

Check this box if this is the final payment request as further detailed in the Project Closeout Certification Form (Exhibit E).

Please attach a separate sheet listing any additional issues or concerns the Executive Office of Housing and Economic Development should be made aware of in regards to said infrastructure project.

By signing below, I, \_\_\_\_\_ certify that the expenditures enumerated by this request are in accordance with the Contract, and the funds disbursed by the MassWorks Infrastructure Program shall only be used to pay for the invoices and contractors submitted.

---

Signature of person preparing request

Date



MONTACHUSETT REGIONAL TRANSIT AUTHORITY

76900

Grant Management

76900

AYERPOLICEDEPT AYER POLICE DEPARTMENT 00004979 3/22/2018

00015635 18-13-DV 3/8/2018 \$2,143.36 \$2,143.36 \$0.00 \$0.00 \$2,143.36

\$2,143.36 \$2,143.36 \$0.00 \$0.00 \$2,143.36

TO VERIFY AUTHENTICITY, SEE REVERSE SIDE FOR DESCRIPTION OF THE 11 SECURITY FEATURES

MONTACHUSETT REGIONAL  
TRANSIT AUTHORITY  
R1427 WATER STREET  
FITCHBURG, MASSACHUSETTS 01420

ENTERPRISE BANK AND TRUST COMPANY  
LEOMINSTER MASSACHUSETTS 01453

76900

53-274-113

DATE

AMOUNT

3/22/2018

76900

PAY

Two Thousand One Hundred Forty Three Dollars and 36 Cents

\$2,143.36

TO THE  
ORDER  
OF:

AYER POLICE DEPARTMENT  
54 PARK STREET

AYER MA 01412

*Ernest J. [Signature]*  
AUTHORIZED SIGNATURE

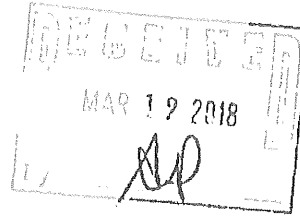


MONTACHUSETT REGIONAL TRANSIT AUTHORITY

76900

**AYER POLICE DEPARTMENT**

54 Park Street  
Ayer, MA 01432



**Invoice For Details**

MART  
Attention: ROB BENOIT/PROJECT MANAGER  
1427R WATER ST  
FITCHBURG, MA 01420

Today's Date	03/08/2018
Page	1 of 1
Billing Date	02/21/2018
Invoice #	18-13-DV
Total	2143.36

Name: Detail Officer SCOTT T HUGHES				
Worked: 02/14/2018	Entered: 02/14/2018	Comments: 8hrs @\$48.57		
Hours: 8.00	Cost: 388.56	Admin Fee: 0.00	Other Fee: 0.00	Total: 388.56
Name: Patrol BRIAN F CUNNINGHAM				
Worked: 02/15/2018	Entered: 02/15/2018	Comments: 8hrs @\$51.53/2hrs @\$77.30		
Hours: 8.00	Cost: 412.24	Admin Fee: 0.00	Other Fee: 0.00	Total: 412.24
Hours: 2.00	Cost: 154.60	Admin Fee: 0.00	Other Fee: 0.00	Total: 154.60
Name: Sergeant MICHAEL J EDMONDS				
Worked: 02/16/2018	Entered: 02/16/2018	Comments: 8hrs @\$62.86		
Hours: 8.00	Cost: 502.88	Admin Fee: 0.00	Other Fee: 0.00	Total: 502.88
Name: Patrol STEPHEN H LUCIER				
Worked: 02/19/2018	Entered: 02/19/2018	Comments: 4hrs @\$74.13/HOLIDAY RATE		
Hours: 4.00	Cost: 296.52	Admin Fee: 0.00	Other Fee: 0.00	Total: 296.52
Name: Detail Officer TIMOTHY IALEGGIO				
Worked: 02/20/2018	Entered: 02/20/2018	Comments: 8hrs @\$48.57		
Hours: 8.00	Cost: 388.56	Admin Fee: 0.00	Other Fee: 0.00	Total: 388.56
All Charges For This Invoice				Total: 2143.36
Cost: 2143.36				Admin Fee: 0.00
Other Fee: 0.00				Total: 2143.36
Signature: 			Date: 3/9/18	

**Robert Benoit** Digitally signed  
by Robert Benoit  
Date: 2018.03.21  
16:12:21 -04'00'

MONTACHUSETT REGIONAL - TRANSIT AUTHORITY  
MONTACHUSETT REGIONAL

78122

78122

DANSPAVINGANDEX DAN'S PAVING & EXCAVATING INC 00000000000091907 1/11/2019

00000000000163247	1081	12/27/2018	\$15,000.00	\$15,000.00	\$0.00	\$0.00	\$15,000.00
00000000000163160	1803	12/31/2018	\$3,200.00	\$3,200.00	\$0.00	\$0.00	\$3,200.00

\$18,200.00 \$18,200.00 \$0.00 \$0.00 \$18,200.00

TO VERIFY AUTHENTICITY, SEE REVERSE SIDE FOR DESCRIPTION OF THE 11 SECURITY FEATURES

MONTACHUSETT REGIONAL  
TRANSIT AUTHORITY  
1427R WATER ST  
FITCHBURG, MASSACHUSETTS 01420

ENTERPRISE BANK AND TRUST COMPANY  
LEOMINSTER, MASSACHUSETTS 01453

78122

53-274-113

DATE

AMOUNT

1/11/2019

78122

PAY

Eighteen Thousand Two Hundred Dollars and 00 Cents

\$18,200.00

TO THE  
ORDER  
OF:

DAN'S PAVING & EXCAVATING INC  
642 RIVER STREET

FITCHBURG MA 01420

*Bruno J. Luby*  
AUTHORIZED SIGNATURE

REGIONAL - TRANSIT AUTHORITY

78122

# Dan's Paving & Excavating Inc.

642 River Street  
Fitchburg, MA 01420  
978-342-4832

Montachusett Regional Transit Authority  
1427R Water Street  
Fitchburg, MA 01420

December 27, 2018

P.O. #: 07663

**Invoice #1081**

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<u>Date</u>	<u>Service</u>	<u>Cost</u>
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12/26/18	Completion of MART, Ayer property, paving project.....	\$15,000.00
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**Total Amount Due for Services ..... \$15,000.00**

Thanks for giving us the opportunity to provide our services to you

**Robert** Digitally signed  
by Robert  
Benoit  
**Benoit** Date: 2019.01.08  
09:18:25 -05'00'



MONTACHUSETT REGIONAL - TRANSIT AUTHORITY

78224

MONTACHUSETT REGIONAL

78224

COMMONWEALTHCON COMMONWEALTH CONSTRUCTION C0000000000092555 2/14/2019

00000000000166007 09-12-2018 JAN19 2/1/2019 \$113,200.80 \$107,540.76 \$0.00 \$0.00 \$107,540.76

\$113,200.80 \$107,540.76 \$0.00 \$0.00 \$107,540.76

TO VERIFY AUTHENTICITY, SEE REVERSE SIDE FOR DESCRIPTION OF THE 11 SECURITY FEATURES

MONTACHUSETT REGIONAL  
TRANSIT AUTHORITY  
1427R WATER ST  
FITCHBURG, MASSACHUSETTS 01420

ENTERPRISE BANK AND TRUST COMPANY  
LEOMINSTER, MASSACHUSETTS 01453

78224

53-274-113

DATE

AMOUNT

2/14/2019

78224

PAY

One Hundred Seven Thousand Five Hundred Forty Dollars and 76 Cents

\$107,540.76

TO THE  
ORDER  
OF:

COMMONWEALTH CONSTRUCTION  
& UTILITIES INC  
PO BOX 972

WATERTOWN MA 02172

*Mohammed H. Chae*  
AUTHORIZED SIGNATURE

MONTACHUSETT REGIONAL - TRANSIT AUTHORITY

78224

TO OWNER PROJECT Water & Sewer Project at 12 Main St Opposite Depot Square APPLICATION NO: 1 Distribution to

FROM CONTRACTOR: VIA ENGINEER: PERIOD: 12/31/18

Commonwealth Construction & Utilities, Inc. CONTRACT NO. 09-12-2018 CONTRACT DATE: 10/11/2018

CONTRACT FOR: Massachusetts Regional Transit Authority

CONTRACTOR'S APPLICATION FOR PAYMENT  
Application is made for payment, as shown below, in connection with the Contract.  
Continuation Sheet, AIA Document G703, is attached.

The undersigned Contractor certifies that to the best of the Contractor's knowledge, information and belief the Work covered by this Application for Payment has been completed in accordance with the Contract Documents, that all amounts have been paid by the Contractor for Work for which previous Certificates for Payment were issued and payments received from the Owner, and that current payment shown herein is now due.

1 ORIGINAL CONTRACT SUM			\$	197,861.20
	Adjusted Contract Price		\$	-
2 Net change by Change Orders			\$	
3 CONTRACT SUM TO DATE (Line 1 + 2)			\$	197,861.20
4 TOTAL COMPLETED & STORED TO DATE (Column G on G703)			\$	117,580.80
5 RETAINAGE				
a	% of Completed Work	\$	5,879.04	
b	% of Stored Material			
	(Column F on G703)			
Total Retainage (Lines 5a + 5b or Total in Column I of G703)		\$	5,879.04	
6 TOTAL EARNED LESS RETAINAGE (Line 4 less Line 5 Total)		\$	111,701.76	
7 LESS PREVIOUS CERTIFICATES FOR PAYMENT (Line 6 from prior Certificate)		\$	0.00	
8 CURRENT PAYMENT DUE (Line 6 less Line 7)		\$	111,701.76	
9 BALANCE TO FINISH, INCLUDING RETAINAGE (Line 3 less Line 6)		\$	86,159.44	
<b>CHANGE ORDER SUMMARY</b>				
Total changes approved in previous months by Owner		ADDITIONS	DEDUCTIONS	
				\$0.00
Total approved this Month				\$0.00
TOTALS		\$0.00	\$0.00	
NET CHANGES by Change Order				\$0.00

CONTRACTOR

By: *Walter O. Griffin* Date: 2/1/19

State of \_\_\_\_\_ County of \_\_\_\_\_  
Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_  
Notary Public  
My Commission expires \_\_\_\_\_

ENGINEER'S CERTIFICATE FOR PAYMENT

In accordance with the Contract Documents, based on on-site observations and the data comprising the application, the Engineer certifies to the Owner that to the best of the Engineer's knowledge, information and belief the Work has progressed as indicated, the quality of the Work is in accordance with the Contract Documents, and the Contractor is entitled to payment of the AMOUNT CERTIFIED.

AMOUNT CERTIFIED \$ \_\_\_\_\_

(Attach explanation if amount certified differs from the amount applied. Initial all figures on this application and with Continuation Sheet that are changed to conform with the amount certified.)

ENGINEER

By: \_\_\_\_\_ Date: \_\_\_\_\_

This Certificate is not negotiable. The AMOUNT CERTIFIED is payable only to the Contractor named herein. Issuance, payment and acceptance of payment are without prejudice to any rights of the Owner or Contractor under this Contract.

OWNER:

By: \_\_\_\_\_ Date: \_\_\_\_\_

Robert Benoit  
Digitally signed by Robert Benoit  
Date: 2019.02.13 11:54:27 -05'00'



Ayer - MRTA Water/Sewer  
Estimated Quantities to Date

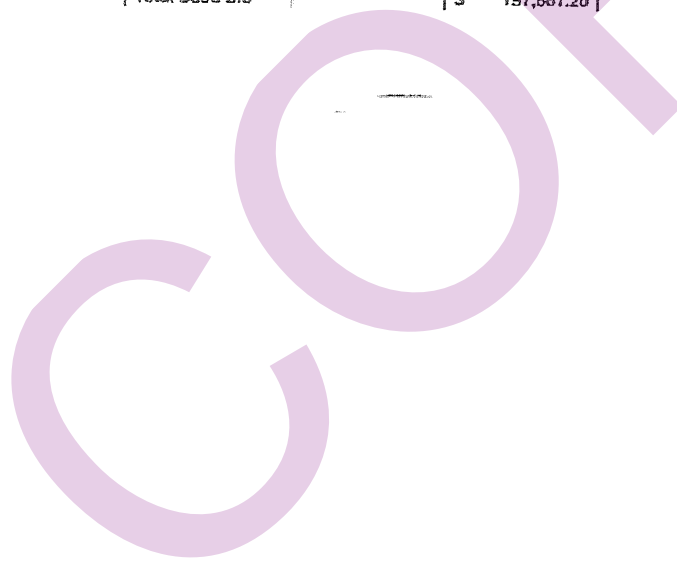
Item No.	Description	Quantity	Unit	Unit Price	Total Price	Quantity to date	Unit Price	Total Price To Date
1	6" Diameter DI Water Main	25	LF	\$ 100.00	\$ 2,500.00	35	\$ 100.00	\$ 3,500.00
2	Hydrant Assembly	1	EA	\$ 8,000.00	\$ 8,000.00	1	\$ 8,000.00	\$ 8,000.00
3	1" Corporation Stops	1	EA	\$ 1,200.00	\$ 1,200.00	1	\$ 1,200.00	\$ 1,200.00
4	Curb Stops & Boxes	3	EA	\$ 1,200.00	\$ 3,600.00	3	\$ 1,200.00	\$ 3,600.00
5	1" Copper Service Pipe	290	LF	\$ 100.00	\$ 29,000.00	290	\$ 100.00	\$ 29,000.00
6A	12" HDPE Drainage Pipe	30	LF	\$ 125.00	\$ 3,750.00		\$ 125.00	\$ -
6B	15" HDPE Drainage Pipe	165	LF	\$ 130.00	\$ 21,450.00	60	\$ 130.00	\$ 7,800.00
7	8" PVC Sewer Pipe	240	LF	\$ 105.00	\$ 25,200.00	246	\$ 105.00	\$ 25,830.00
8A	5' Diameter Precast Doghouse Manhole	1	EA	\$ 15,000.00	\$ 15,000.00	1	\$ 15,000.00	\$ 15,000.00
8B	Precast Concrete Sewer Manhole	1	EA	\$ 8,000.00	\$ 8,000.00		\$ 8,000.00	\$ -
9	Catch Basins	2	EA	\$ 8,000.00	\$ 16,000.00		\$ 8,000.00	\$ -
10	Stormwater Treatment Unit	1	EA	\$ 20,000.00	\$ 20,000.00		\$ 20,000.00	\$ -
11	Ledge/Boulder Excavation	10	CY	\$ 0.01	\$ 0.10		\$ 0.01	\$ -
12	Common Borrow to Replace Unstable Material	10	CY	\$ 50.00	\$ 500.00	65	\$ 50.00	\$ 3,250.00
13	Gravel Subbase	110	CY	\$ 0.01	\$ 1.10	80	\$ 0.01	\$ 0.80
14A	2" Temporary HMA OFF Main Street	320	SY	\$ 45.00	\$ 14,400.00	320	\$ 45.00	\$ 14,400.00
14B	4" Temporary HMA Main Street	20	SY	\$ 300.00	\$ 6,000.00	20	\$ 300.00	\$ 6,000.00
15A	1" Pavement Overlay OFF Main Street	830	SY	\$ 22.00	\$ 18,260.00		\$ 22.00	\$ -
15B	1 1/2" Cold Plane and Overlay Main Street	100	SY	\$ 50.00	\$ 5,000.00		\$ 50.00	\$ -
Total Base Bid					\$ 197,861.20			\$ 117,580.80

2,500.00

25,200.00

500.00

113,200.80



✓  
pay Less 5%  
Retainage  
(5660.04)

113,200.80  
- 5660.04  
pay: 107,540.76

MONTACHUSETT REGIONAL - TRANSIT AUTHORITY

78237

MONTACHUSETT REGIONAL

78237

DANSPAVINGANDEX DANS PAVING & EXCAVATING INC 0000000000092569 2/15/2019

00000000000166101 CO#C02 PO#07663 1/20/2019 \$1,600.00 \$1,600.00 \$0.00 \$0.00 \$1,600.00

\$1,600.00 \$1,600.00 \$0.00 \$0.00 \$1,600.00

TO VERIFY AUTHENTICITY, SEE REVERSE SIDE FOR DESCRIPTION OF THE 11 SECURITY FEATURES

MONTACHUSETT REGIONAL  
TRANSIT AUTHORITY  
1427R WATER ST  
FITCHBURG, MASSACHUSETTS 01420

ENTERPRISE BANK AND TRUST COMPANY  
LEOMINSTER, MASSACHUSETTS 01453

78237

53 274-113

DATE

AMOUNT

2/15/2019

78237

PAY

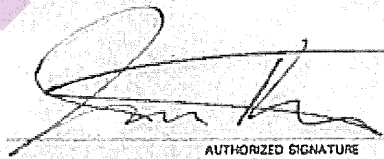
One Thousand Six Hundred Dollars and 00 Cents

\$1,600.00

TO THE  
ORDER  
OF:

DANS PAVING & EXCAVATING INC  
642 RIVER STREET

FITCHBURG MA 01420



AUTHORIZED SIGNATURE



MONTACHUSETT REGIONAL - TRANSIT AUTHORITY

78237

# Dan's Paving & Excavating Inc.

642 River Street  
Fitchburg, MA 01420  
978-342-4832

Change Order

December 27, 2018

Change order #: 002

To: Montachusett Regional Transit Authority  
1427R Water Street Fitchburg, MA 01420

RE: Paving project of MART property in Ayer, MA  
P.O. #: 07663

Description of Work Changes:

The paving project start date was delayed due to the water and sewer line contractors installation project. This schedule delay, at this time of year, requires hauling the asphalt material from a supplier located much further from the jobsite and at a much higher cost per ton. This increased material cost and hauling is not part of the original contracted proposal.

Total Amount for this Change Order:

\$1,600.00

Owner Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Contractor Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**Robert** Digitally signed  
by Robert Benoit  
**Benoit** Date: 2019.02.14  
09:33:33 -05'00'



Page 1/1  
 Purchase Order  
 Purchase Order No. 07716  
 Date 2/14/2019

**Montachusett Regional Transit Authority**  
 TRANSIT AUTHORITY  
 1427R WATER STREET  
 FITCHBURG MA 01420  
 Procurement 978-665-2251 TAX EXEMPT #04-2677160

Vendor: DANS PAVING & EXCAVATING INC  
 642 RIVER STREET  
 FITCHBURG MA 01420

Ship To: Montachusett Regional Transit Authority  
 840 North Main Street  
 Leominster MA 01453

Contract Number:	Payment Terms	Confirm With	Shipping Method
	Net 15		MAIL

L/N	Item Number	Description	Req. Date	U/M	Ordered	Unit Price	Ext. Price
Shipping Method		Reference Number	FOB				
1	Off season rate for as		2/14/2019	Each	1.00000	\$1,600.00	\$1,600.00
MAIL		OFF SEASON RATE FOR ASPHALT	None				

Subtotal	\$1,600.00
Trade Discount	\$0.00
Freight	\$0.00
Miscellaneous	\$0.00
Tax	\$0.00
Order Total	\$1,600.00
Prepayment	\$0.00

\*\*\*\*Purchasing Manager\*\*\*\*

\_\_\_\_\_  
 Authorized Signature



February 27, 2019

**David J. Doneski**  
ddoneski@k-plaw.com

Hon. Jannice L. Livingston and  
Members of the Board of Selectmen  
Ayer Town Hall  
One Main Street  
Ayer, MA 01432

Re: Determination and Consent Pursuant to Massachusetts Rules of Professional Conduct,  
Rule 1.7 - Representation of the Towns of Pepperell and Ayer, Boxborough, Groton, and  
Shirley, for Police Details Mutual Aid Agreement

Dear Members of the Board of Selectmen:

We have been requested by the Town of Pepperell, which we represent as Town Counsel, to review and provide advice on a proposed intermunicipal agreement ("the Agreement") for police details mutual aid among Pepperell and several neighboring communities, many of which we also represent as either Town Counsel or Special Counsel (Boxborough, Groton, Shirley, and Ayer). Per communication with Pepperell Police Chief David Scott, we understand that the police chiefs in these other communities are also interested in having KP Law review the agreement, in order to facilitate matters relating to mutual aid among the various towns.

Our relationship with Pepperell and these other towns creates interests that require disclosure pursuant to the Rules of Professional Conduct of the Massachusetts Bar that require us to obtain the express permission of the Appointing Authority of each town before we can represent another town. The purpose of this letter is to make such disclosure and to request that you determine whether you will permit such representation. In addition, while the State Ethics Commission has determined that KP Law, P.C. and its individual attorneys are not "municipal employees" pursuant to the Conflict of Interest Law, we provide this letter to dispel any appearance of a conflict on the firm's behalf in this matter.

#### MULTIPLE REPRESENTATION DISCLOSURE

The representation of multiple clients is regulated under the Massachusetts Rules of Professional Conduct. The relevant provision, Rule 1.7, states that an attorney may not represent multiple clients if the interests of one client are directly adverse to those of another client, or if his representation of one client may be materially limited by his responsibilities to another client or his own interests. If, however, the attorney reasonably believes that the representation of either client will not be adversely affected, and each of the clients consents after consultation, the attorney may represent the client in such a situation. Where representation of multiple clients in a single matter is undertaken, we are also required to disclose and explain the implications of the common representation and the advantages and risks involved.

Hon. Jannice L. Livingston and  
Members of the Board of Selectmen  
Ayer Town Hall  
February 27, 2019  
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In our opinion, our position as Town Counsel or Special Counsel to the towns stated above will not adversely affect the representation we may provide to Pepperell with respect to the Agreement. It is our further opinion that this joint representation provides the advantage of cost effectiveness (i.e., the cost of our time spent reviewing the Agreement will be split among the communities) and efficiency. The only risk I would note would be in the unlikely event that negotiations or implementation of the Agreement breaks down among the parties, to the point where one municipality seeks legal redress from the other. Under these circumstances, KP Law, P.C. would likely have to cease representing all towns with regard to the Agreement. You must consider whether our representation of the other named towns as described above will be likely to adversely affect our ability to exercise independent professional judgment on behalf of Ayer.

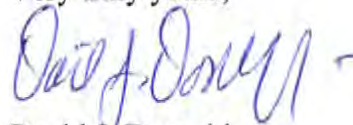
## DETERMINATION

It is our belief that our representation of the other named towns, for the purposes and under the conditions described in this letter, will not affect the exercise of our independent professional judgment on behalf of Pepperell with regard to the Agreement or any other matter. It is your determination as Appointing Authority, however, as to whether the representation described herein will not impair the integrity of this firm's services to Ayer.

Accordingly, I request that you, as Appointing Authority, consent to our representation of the Town of Ayer and the other named towns regarding the proposed Agreement. Should you so consent, I ask that you sign the enclosed determination as required by the Rules of Professional Conduct. Please sign the two originals provided, return one copy to this office, and retain one copy for your records.

Thank you for your consideration. Of course, if you have any questions, please do not hesitate to contact me.

Very truly yours,

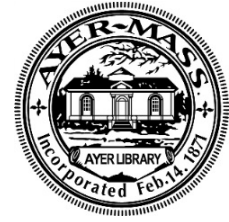


David J. Doneski

DJD/man  
Enc.



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



*Broadcast and Recorded by APAC*

**Tuesday February 19, 2019**  
**Open Session Meeting Minutes**

**BOS Present:** Jannice L. Livingston, Chair; Christopher R. Hillman, Vice – Chair; Scott A. Houde, Clerk

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

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

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

**Approval of Agenda:** R. Pontbriand asked to have the DPW Union agenda item removed under Executive Session Exemption #3. This matter will be tabled until March 5, 2019.

**Motion:** A motion was by S. Houde and seconded by C. Hillman to approve the agenda, as amended. **Motion passed 3-0.**

**Announcements:** None

**Public Input:** Mr. Ken Diskin, 180 Washington Street, addressed the Board about the upcoming LIP endorsement request. He questioned the BOS on the review process completed by department heads. J. Livingston said that it was standard practice for department heads to review all matters that come before the BOS.

Mr. Kevin Horgan, 16 Madigan Lane also spoke about the LIP endorsement request. He stated to endorse a project without more detailed information is irresponsible.

**Dr. Denise Pigeon, Nashoba Valley Technical School District:** *FY '20 Budget Update* – Dr. Pigeon was joined by Business Manager Jeanne Savoie and NVTSD Committee Member Christopher Prehl. Dr. Pigeon stated that their budget process began in October and the number of Ayer students attending is up by 3 students, but overall enrollment has decreased by 17. Dr. Pigeon stated that Ayer's assessment for FY 20 would be \$764,256, which is an increase of \$83,711 over last year's assessment. Dr. Pigeon also reported that the school district was accepted into the MSBA's accelerated repair program for roof repairs and that the MSBA will reimburse 55% of the project costs. The school district is hoping to go to bid on the project by mid-March. C. Prehl then discussed the potential for partnerships between the Town and the school district for community enhancement projects.

**Multifamily Affordable Housing Proposal, Amended - Request for L.I.P. Endorsement – 0 Washington Street:** *Attorney Adam Costa* – Attorney Costa was joined by Engineer Cal Goldsmith from GPR to discuss a revised concept plan for a LIP endorsement at 0 Washington Street. Attorney Costa gave an overview of the 40B process and stated that concept plans are presented to gain early support from the BOS and the Town. C. Goldsmith stated that the concept plans have evolved since the first presentation made in December into a traditional neighborhood design, based on input from Town Departments. The total site is 34 acres, but they are seeking to develop 8.5 acres, leaving the remainder as Open Space. Based on the state's guidelines, there would be 25% percent affordable component and the remainder of the units would be market rate. There would be a mix of one, two, and three bedroom units.

C. Hillman said that he appreciated the fact that the project proponents came before the BOS prior to going to the state because the Town has initial input before the project is submitted.

S. Houde stated he was interested in the impacts of the project and was looking for more detailed information.

K. Diskin stated that he was upset that the abutters weren't notified. J. Livingston informed K. Diskin that the item was on the publically posted agenda and that any future discussions about the request would be placed on the BOS meeting agenda. K. Diskin then submitted a Planning Board procedure from a neighboring Town for BOS consideration on LIP endorsement requests.

K. Horgan stated that the "pretty picture" presented by the project proponents does not adequately depict the issues with the site.

C. Hillman said he had concerns with the project, including the intersection of Washington Street and the proposed project driveway. He then asked what if the ZBA was to deny the comprehensive permit for the project. A. Costa stated that the project proponent could go to the state's Housing Appeals Committee for an appeal.

S. Houde stated that it is clear that the public would like to be part of the discussion and suggested setting up a separate BOS meeting to discuss. R. Pontbriand will look for meeting dates in the month of March.

**Superintendent Mark Wetzel, Dept. of Public Works:** *Execution of Contract for Highway Storage Garage Bid* –M. Wetzel presented the contract for the Highway Storage Garage project for execution by the BOS between the Town and Nadeau Corporation in the amount of \$746,600.

**Motion:** A motion was made by S. Houde and seconded by C. Hillman to execute the contract between the Town of Ayer and Nadeau Corporation in the amount of \$746,600 for the construction of the Highway Storage Garage.

**Motion passed 3-0.**

*Approval of Change Order 2 – Waterline Industries* – M. Wetzel presented Change Order #2 for Waterline Industries. The change order is for \$44,641.72 for the replacement of a primary sludge pump, wall modifications and replacement of tertiary filter media.

**Motion:** A motion was made by S. Houde and seconded by C. Hillman to approve Change Order 2 for Waterline Industries in the amount of \$44,641.72. **Motion passed 3-0.**

*Parking Management Update* – M. Wetzel said that now that the MART project has been awarded, a meeting is in the process of being scheduled to discuss both the temporary parking plan and the long-term parking project schedule. Once the overall plan is more concrete, the DPW will begin distributing parking passes to residents in the Pleasant Street/West Street neighborhood. A Transfer Station sticker can also serve as a residential parking pass.

*Groton Harvard Road & Central Ave. Intersection* – M. Wetzel gave an update on upcoming improvements to the intersection of Groton Harvard Road and Central Ave. He has been working with the Police Chief to identify next steps for safety improvements, such as line painting and realigning the intersection.

*Grove Pond PFAS Update* – M. Wetzel said there have been developments with the PFAS issue between the EPA and the Department of Defense. The treatment plant design is at 60% and should be out to bid by early April.

*East Main Street TIP Update* – M. Wetzel reported that the 75% design has been accepted by the MassDOT. The 100% design should be completed by April. The project is scheduled for 2021 on the state's TIP list. M. Wetzel said that he is working with the MPO to move the project up on the list.

*LED Streetlight Upgrade* – M. Wetzel reported that a majority of the streetlights were running, but he had identified several on Westford Road that have connection issues; he will contact the contractor to mitigate the issues on Westford Road. He also reported that since the Town has bought the streetlights, the streetlight budget has been reduced by half.

**Chief William A. Murray, Ayer Police Department:** *Radio Infrastructure Upgrade Update* – Chief Murray gave an update of the infrastructure upgrade project for the Police, Fire and DPW. He stated that the project is 90% complete; though only at 90% completion, the department has noticed that radio communication is much better than before.

*Regional Dispatch Update* – Chief Murray noted that regionalizing dispatch with the Town of Shirley has been completed. The regionalization center is fully staffed.

*Evidence Room Upgrade Update* – Chief Murray stated that the evidence room upgrade had just been finished and he is pleased with the increase in space. The only one person with access to the evidence room is the Evidence Officer. The Deputy Chief also has a key to do inventory 3 times a year.

C. Hillman then asked if the Chief thought it made sense to put the School Resource Officer funding in the School's budget rather than in the Department's budget.

**Town Manager's Report:** *Administrative Update/Review of Warrant(s)* – R. Pontbriand referenced the warrants in the packet which he reviewed and approved since the BOS last met. He stated that the Administration has been convening to ensure compliance with the state's OSHA requirements; that he and C. Antonellis will be meeting with the new Vice-President of Devens, Ms. Jessica Strunkin; the Administration continues to meet with John and Mark Hillier regarding the upcoming opening of Gage Cannabis; FY '18 Free Cash has also been certified for the General Fund at \$960,232.00. R. Pontbriand stated that the amount of Free Cash is a testament to the Town's effective management, conservative fiscal practices, and a team effort of all Departments, Boards, Commissions, Committees, and Employees.

*FY 2020 Budget Update* – R. Pontbriand presented a "budget snapshot" of the FY 20 budget process, noting that Town's budget, without the school assessments typically increases about 5% per year.

*MBTA Advisory Board Membership* – R. Pontbriand is requesting that the BOS reappoint him as the Town's representative on the MBTA Advisory Board.

**Motion:** A motion was made by J. Livingston and seconded by S. Houde to reappoint the Town Manager as the Town's representative on the MBTA's Advisory Board. **Motion passed 3-0.**

*Opening of Annual Town Meeting Warrant, May 13, 2019* – R. Pontbriand is requesting that the BOS open the May 13, 2019 Annual Town Meeting Warrant and close the Warrant at 12:00 PM on Friday April 12, 2019.

**Motion:** A motion was made by S. Houde and seconded by C. Hillman to open the Annual Town Meeting Warrant and close the Warrant on Friday April 12, 2019. **Motion passed 3-0.**

**New Business/Selectmen's Questions:** *New Outdoor Basketball Hoops for Sandy Pond Beach (Selectman Hillman)* – C. Hillman is recommending that the Town invest in new basketball hoops at Sandy Pond Beach. He stated that the current ones are over 13 years old and originally made for indoor use. C. Hillman is suggesting that the Town appropriate \$10,000 from Free Cash at the Annual Town Meeting for the purposes of replacing the basketball hoops at Sandy Pond. BOS members agreed.

**Approval of Meeting Minutes:**

**Motion:** A motion was made by S. Houde and seconded by C. Hillman to approve the meeting minutes from February 5, 2019. **Motion passed 3-0.**

**Executive Session:** A motion was made by C. Hillman at 9:30 PM and seconded by S. Houde to enter into Executive Session pursuant to M.G.L. c. 30A §21A Exemption #3 (Union Contract Negotiations) *Police Superiors*, Exemption #3 (Litigation Strategy) *Worthen Dale v. Town of Ayer* and to adjourn at the conclusion of Executive Session. C. Hillman further stated that to discuss these matters in Open Session would be detrimental to the Town's negotiating strategy. **By Roll Call Vote:** J. Livingston, aye; C. Hillman aye; S. Houde, aye. **Motion passed by Roll Call Vote 3-0.**

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

**Date Minutes Approved by BOS:** \_\_\_\_\_

**Signature Indicating Approval:** \_\_\_\_\_