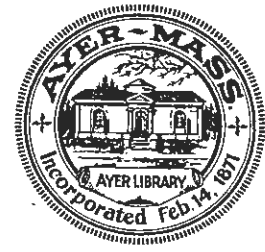


RECEIVED  
DEC 14 2018

TOWN OF AYER  
TOWN CLERK

11:05 AM *ly*

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



**Tuesday December 18, 2018**  
**Open Session Meeting Agenda**

- 7:00 PM**                    **Call to Order**  
Pledge of Allegiance; Review and Approve Agenda; Announcements
- Recognition of Ayer Fire Department Personnel Medal of Valor Recipients**
- 7:05 PM\***                   **Public Input**
- Application for Common Victualler's License**  
1. Ruby Donut Shop, 210 West Main Street
- 7:15 PM**                    **Ms. Alicia Hersey, Program Manager, Community Development Office**  
1. Lien Subordination Request Case# 06-308
- 7:20 PM**                    **Town Clerk Susan Copeland**  
1. Vote to authorize the use of new voting equipment and discontinue existing voting system pursuant to MGL c. 54 §34
- 7:25 PM**                    **Department of Public Works – Town Engineer Dan Van Schalkwyk**  
1. Sandy Pond Water Line Easement
- 7:30 PM**                    **Town Manager's Report**  
1. Administrative Update/Review of Warrant(s)  
2. January Meeting Dates  
3. Special Town Meeting Date Selection – Marijuana Bylaw and Form-Based Code  
4. Approval of Unpaid Water Lien Accounts  
5. General Code Update
- 7:45 PM**                    **New Business/Selectmen's Questions**
- 8:00 PM**                    **Approval of Meeting Minutes**  
December 4, 2018
- Adjournment**

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

*The next scheduled meeting of the Ayer Board of Selectmen is tentatively scheduled for Wednesday January 2, 2019*

# AYER FIRE DEPARTMENT

Robert J. Pedrazzi  
Chief

1 West Main Street  
Ayer, Massachusetts 01432  
Tel. (978) 772-8231  
Fax (978) 772-8230

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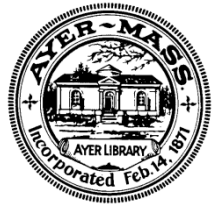
## FIREFIGHTER OF THE YEAR

On March 23<sup>rd</sup> 2018 at 5:17 P.M. the Ayer 911 Communications Center received a call for an explosion and fire at 60 Fitchburg Road. Advanced Vacuum Systems occupies the building producing industrial vacuum furnaces. Shift #2 was on duty consisting of Captain Jeremy Januskiewicz, Lieutenant John Bresnahan, Firefighter Brenton Bourne and Firefighter Tyler Schwab working a per-diem shift. They responded with Engine #2. Upon arrival they were met with heavy smoke showing and a report of a missing worker. Without hesitation and without regard for their own personal safety the crew entered a building that had just suffered a major explosion and was actively burning. The crew under the direction of Captain Januskiewicz stretched a 200 foot hand line into the building in search of the missing worker. The worker was located about two hundred feet inside the building under a pile of debris from the explosion. Under fire conditions the worker was disentangled from the debris and dragged back to a safe location. The worker suffered from blast injuries and was badly burned. Under heavy fire and smoke conditions the worker was removed from the building using a stokes basket. Lieutenant Bresnahan who is a Paramedic stayed with the victim providing continuous patient care. The victim was loaded into the ambulance and transported to Nashoba Valley Medical Center. Due to the severity of the injuries Life Flight air medical helicopter was called for. The victim was transported by helicopter to UMASS Medical Center in Worcester. Unfortunately the victim succumbed to his injuries. For their heroic effort to save a human life, on November 20<sup>th</sup> at the Firefighter of the Year Awards Ceremony in Worcester. Captain Jeremy Januskiewicz, Lieutenant John Bresnahan, Firefighter Brenton Bourne and Firefighter Per-Diem Tyler Schwab were awarded medals of valor for their efforts.




**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  
From: Carly Antonellis, Assistant Town Manager   
Date: December 14, 2018  
Re: Application for Common Victualler's License

---

Attached an application for a Common Victualler's License from Lilly Chan Phal for Ruby's Donut Shop, 210 West Main Street, which is the former Empire City.

As is standard operating procedure, this application was sent to all relevant department heads for review and feedback. The food plans are currently under review by Ms. Bridgette Braley at the Nashoba Associated Boards of Health. The Ayer Fire Department is currently reviewing the fire safety plans, as it relates to the building, sprinkler system and kitchen appliances. All other departments signed-off on the application.

I am recommending approval of the Common Victualler's License contingent upon satisfactory sign-offs from the Fire and Health Department. A Certificate of Occupancy will not be issued by the Building Commissioner until these outstanding items are satisfied.

Thank you for your consideration.

RECEIVED

DEC 11 2018

TOWN OF AYER  
SELECTMEN'S OFFICE

OFFICE OF THE BOARD OF SELECTMEN  
TOWN OF AYER, MA



APPLICATION FOR COMMON VICTUALLER'S LICENSE

*Application is hereby made for a Common Victualler's License*

NAME OF APPLICANT: Lilly Chan phal

COMPANY NAME: Ruby donut shop

COMPANY ADDRESS: 210 West Main Street - former empire city

TYPE OF BUSINESS: donut shop

NAME OF PARTNERS: \_\_\_\_\_

DESCRIPTION OF PREMISE: (Use back side if necessary)

Retail store approximately 1,650 square feet space on first floor, include two exits and two entrances. It has two bathroom one for women, and one for men. It contains 6 tables with total seating for 24 people only.

APPLICANT'S SIGNATURE: Lilly C. phal DATE: 12/11/2018

ADDRESS: \_\_\_\_\_

TELEPHONE #: \_\_\_\_\_  
HOME BUSINESS CELL PHONE

Selectmen's Meeting Date: 12/18/18 \_\_\_\_\_

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

12/11/18  
Date Fee Received

Cash \$50  
Payment Type

FOOD PROTECTION MANAGER LICENSE: Please attach copy

\_\_\_\_\_  
License Number

11/9/2018  
Date of Issue

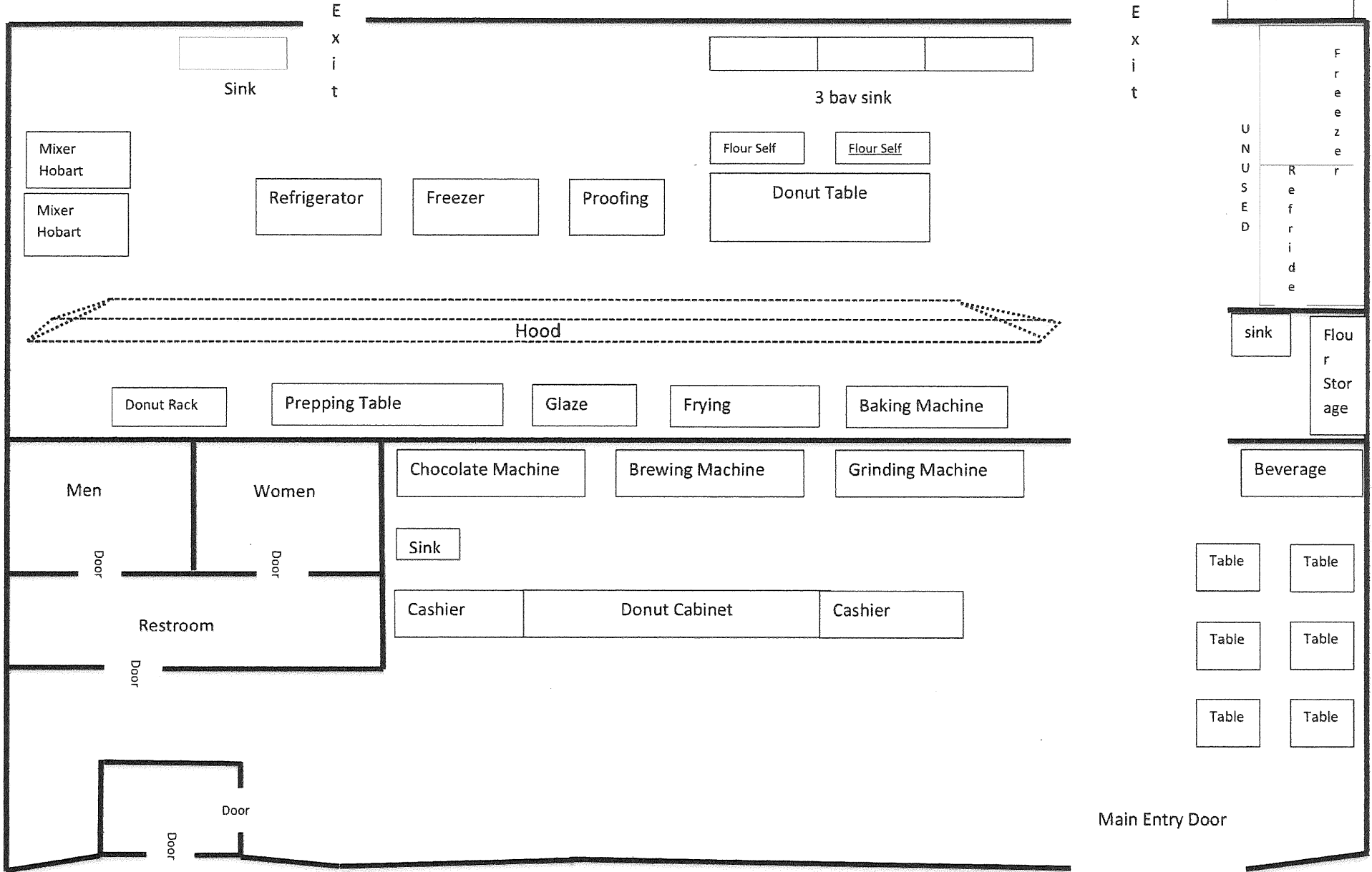
TAX COLLECTOR:

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

[Signature]  
Tax Collector

12/11/18  
Date

# RUBY DONUTS' FLOOR PLAN





**Learn 2 Serve**

6801 N. Capital of Texas Highway  
Suite 150  
Austin, Texas 78731



LILLY PHAL



**Completion Information:**

November 13, 2018

Completion Date: 11/9/2018



Provider Number: 0975

© 2018 360training.com :: 877-881-2235 :: www.360training.com

**Congratulations on becoming a Certified Food Protection Manager.**

Learn2Serve also provides training courses in:  
Food Safety Handler, Alcohol Seller/Server, HACCP, and Sexual Harassment

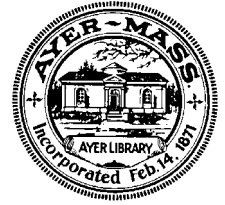
Please contact us today to learn more about how you can take advantage of these quality courses, or visit [www.Learn2Serve.com](http://www.Learn2Serve.com).



# Town of Ayer

## Department of Planning & Development

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



### MEMORANDUM

TO: Board of Selectmen  
FR: Alicia Hersey, Community Development Office  
RE: Lien Subordination Request **CASE# 06-308**  
DT: December 12, 2018

The property owner of housing at 94 Pleasant Street has requested the Town subordinate its mortgage on the property in favor of a new first mortgage.

Assessed Value of Property (FY15)	\$327,800.00
Appraised Value of Property (7/15)	\$355,000.00
First Mortgage ( <b>to be paid off</b> )	\$217,142.72
Second Mortgage ( <b>to be paid off</b> )	\$24,087.00
Amount of Program Assistance (liens)	\$14,817.25
Proposed New Mortgage Amount	\$260,000.00
Proposed Total Loan Amount	\$274,817.25
Maturity Date of Program Lien	September 25, 2022

The borrower is seeking to obtain a new first mortgage to pay-off his first mortgage and his Mass. Housing mortgage and to receive a better interest rate. The Town's lien is in force on this property until September 25, 2022.

Based upon the subordination policy approved by the Town and state Department of Housing and Community Development, "if total of liens is more than 65% but less than 80% of the appraised valuation, a recommendation to approve, or approve with conditions, will be made to the Board of Selectmen". In the current case, the outstanding liens will be equal to 77.41% of the appraised value of the property.

**Therefore, in accordance with the Town's subordination policy, I recommend the Chairman of the Board sign the subordination of the Town's lien conditioned upon a new mortgage not to exceed \$260,000.**

**From:** [Susan Copeland](#)  
**To:** [Carly Antonellis](#)  
**Cc:** [Robert Pontbriand](#)  
**Subject:** Selectmen still meeting December 18th?  
**Date:** Monday, November 26, 2018 4:01:34 PM

---

Hello,

I am in need for the BOS to take a vote in respect to the order of my new voting machines so that I can complete the capital request for election machines.

See below: (I will provide an accurate text for the vote and signatures to send to LHS and the Elections Division)

In order to use the new equipment (and discontinue using your existing system), the Board of Selectmen or City Council must take a vote as required by General Laws chapter 54, section 34. Please be aware that this vote is NOT the same as an appropriation to buy or lease the equipment. The vote must specifically state to start using the exact equipment and to discontinue the old equipment (including hand counting). Accordingly, it is not sufficient to simply have an appropriation vote or to just sign a contract. There has to be a specific vote TO USE THE EQUIPMENT and thereafter notice of the vote must be sent to this Office.

Also, there are specific deadlines by which a vote must be taken. The vote must be taken at a meeting held at least 120 days before a state or presidential primary or state election and at least 60 days before a municipal preliminary or election. Additionally, notice must be sent to this Office within 5 days of the vote. Since the date of the state primary has changed, so has the deadline to vote to change voting equipment.

I would like to have this done on December 18<sup>th</sup> so I can complete my machine order before the end of December, receive machines in January with training, and be set for the April Town Election.

Can you confirm if there is space on December 18<sup>th</sup>?




# DEPARTMENT OF PUBLIC WORKS

Mark L. Wetzel, P.E., Superintendent  
Daniel Van Schalkwyk, P.E., Town Engineer



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

## MEMORANDUM

Date: December 12, 2018  
To: Board of Selectmen  
From: Dan Van Schalkwyk, P.E. Town Engineer   
Subject: **December 18, 2018 Meeting Agenda Items**

1. **Proposed Easement for the Wright Road Cross-Country Water Main** – The purpose of this agenda item is to consider an Order of Taking for a proposed easement for the newly constructed cross-country water main between Sandy Pond Road and Wright Road (Kohler Place Subdivision). The proposed easement is located across four properties.

I have worked with Town Counsel and the four property owners affected by the proposed easement. All four property owners have agreed to waive damages related to the proposed easement across their property by signing a Waiver of Appraisal and Damages document prepared by Town Counsel.

The next step is for the Board of Selectmen to execute the attached Order of Taking prepared by Town Counsel. Lastly, all applicable documents would be recorded at the Registry of Deeds.

Requested Motion – To execute the Order of Taking (signed by the Board).

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS.

TOWN OF AYER

ORDER OF TAKING

At a regularly convened meeting of the Town of Ayer Board of Selectmen, held this 18th day of December, 2018, it was voted and ordered:

The Ayer Board of Selectmen, acting in its capacity as the Ayer Board of Water Commissioners, by virtue of and in accordance with the authority of the provisions of G.L. c. 40, §39B, and any and every other power and authority that is hereunto in any way enabling, hereby takes, on behalf of the Town, for public water supply purposes, permanent easements over, in, under, along, and through a parcel of land shown as “Proposed Waterline Easement” (the “Easement Premises”) on a plan entitled “Plan of Easement Ayer, Mass. Owned by Town of Ayer,” dated June 2018, prepared by David E. Ross Associates, Inc., recorded with the Middlesex South Registry of Deeds as Plan \_\_\_\_\_ of 2018 (the “Plan”), which Plan contains a more particular description of the Easement Premises.

Said easements are taken for the purposes of constructing, installing, operating, inspecting, maintaining, repairing, replacing, removing, or abandoning in place water supply pipes, conduits and any facilities and/or appurtenances associated therewith, and to do all other acts incidental thereto, subject to the condition that should the Town’s exercise of said rights disturb the surface of said Easement Premises, the Town shall restore such surface to its original condition, or as close to its original condition, as is reasonably practicable.

The Town shall have the right to pass and re-pass over the foregoing Easement Premises, and the adjacent property, from time to time and at any time, by foot and motor vehicle, including heavy equipment, for the purposes set forth above and all uses incidental thereto.

The taking includes the right of the Town to remove any buildings, structures, objects, utilities and/or vegetation (including trees and shrubs) now or hereafter located within the Easement Premises whenever their removal shall be necessary or convenient to exercise the rights taken hereunder and/or for the purposes set forth herein. The Town does not by this Order take any interest in existing easements, if any, affecting the Easement Premises. The taking does not include any other utilities, including, without limitation, electric, telephone, cable television and gas utilities, located within the Easement Premises.

The parcel of land subject to the aforesaid easement is owned or supposed to be owned and/or formerly owned by the parties listed in Exhibit A, attached hereto and incorporated herein, which parties are hereinafter collectively referred to as Owners. If in any instance the name of an Owner is not correctly stated, the names of the supposed Owner being given as of

this Order of Taking, it is understood that in such instance said parcel of land is owned by an Owner or Owners unknown to us, and said easement(s) is hereby taken.

The Board of Selectmen, acting in its capacity as the Board of Water Commissioners, hereby awards no damages to those parties with rights in the easements taken, as said parties have executed waivers of appraisal and damages.

[Signature Page to Follow]

DRAFT

IN WITNESS WHEREOF, the Board of Selectmen, acting in its capacity as the Board of Water Commissioners has hereunto set its hand and seal on this 18th day of December, 2018.

TOWN OF AYER,  
By the Board of Selectmen,  
Acting as the Board of Water Commissioners

\_\_\_\_\_  
Jannice L. Livingston, Chair

\_\_\_\_\_  
Christopher R. Hillman, Vice Chair

\_\_\_\_\_  
Scott A. Houde, Clerk

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

On this 18th day of December, 2018, before me, the undersigned notary public, personally appeared \_\_\_\_\_, member of the Ayer Board of Selectmen, acting in its capacity as the Ayer Board of Water Commissioners, as aforesaid, proved to me through satisfactory evidence of identification which was \_\_\_\_\_, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he/she signed it voluntarily for its stated purpose on behalf of the Town of Ayer.

\_\_\_\_\_  
Notary Public  
My Commission Expires:



EXHIBIT A

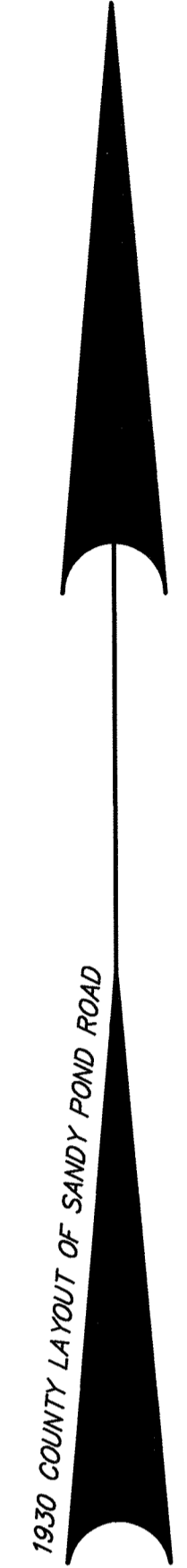
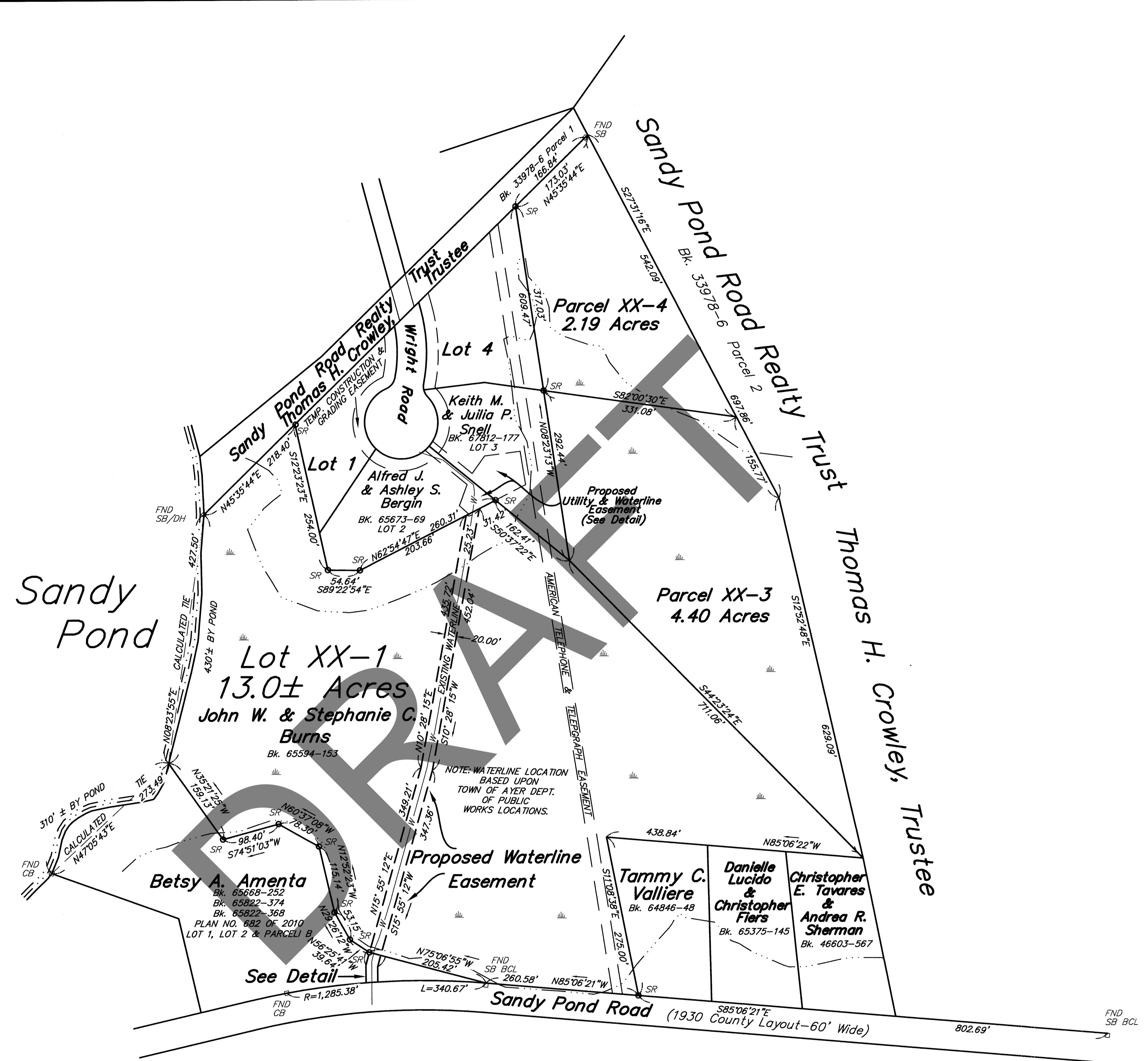
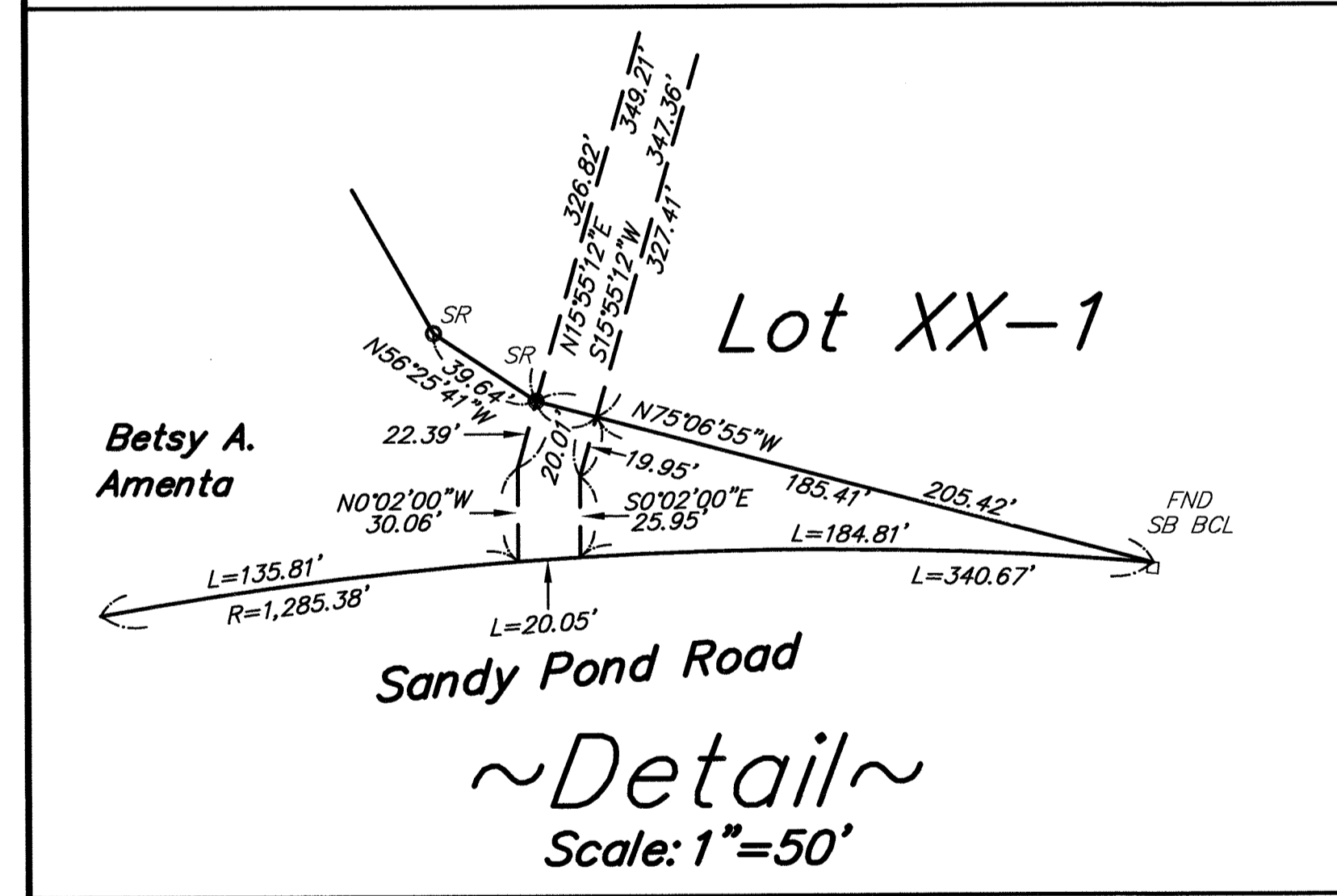
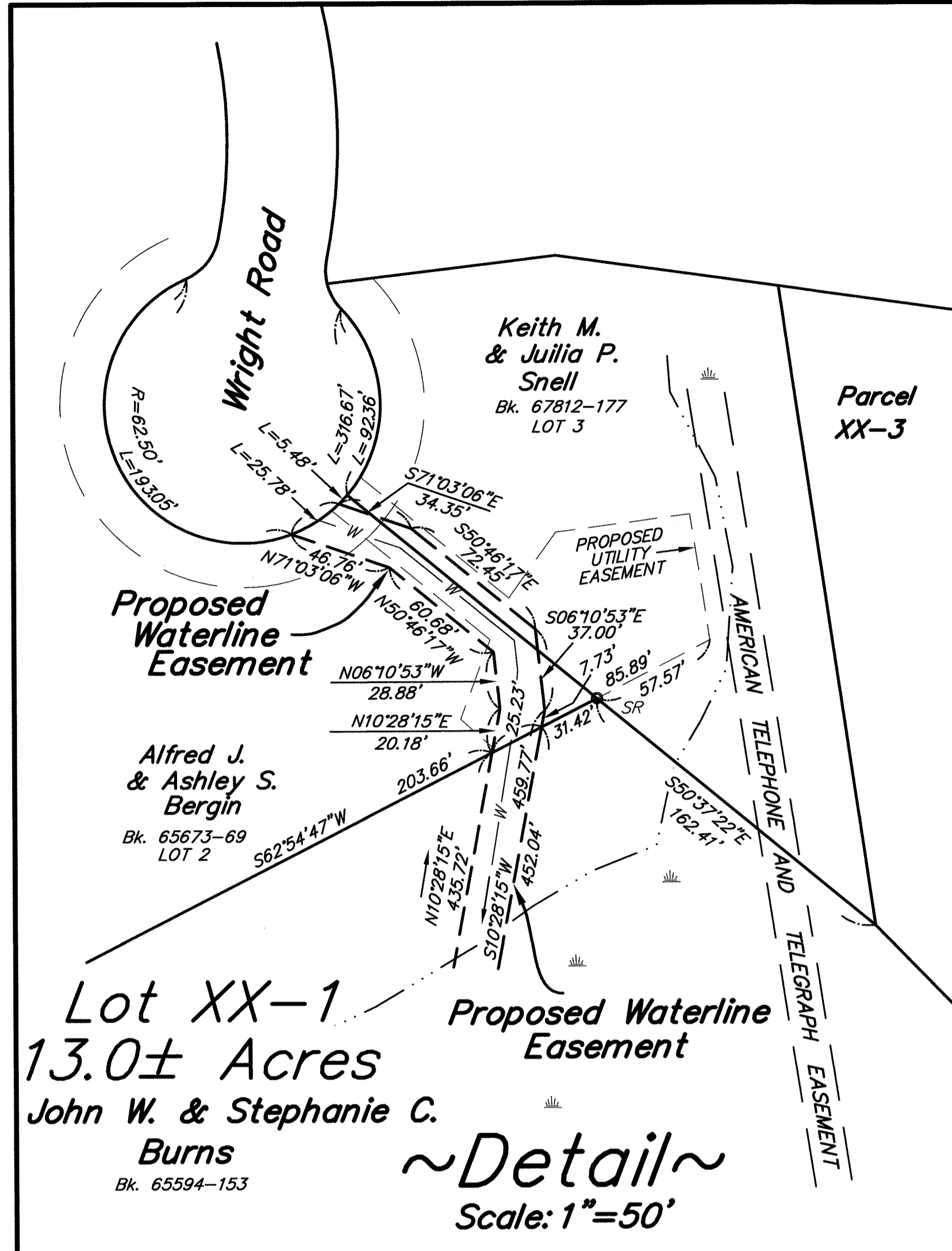
LIST OF OWNERS

*Property Owner:* Betsy A. Amenta  
*Property Address:* Sandy Pond Road, Ayer, Massachusetts  
*Mailing Address:* 100 Sandy Pond Road, Ayer, MA 01432  
*Interest Taken:* Permanent water line easement  
*Deed Reference:* Middlesex South Registry of Deeds, Book 65822, Page 374

*Property Owner:* John W. Burns and Stephanie C. Burns  
*Property Address:* Sandy Pond Road, Ayer, Massachusetts  
*Mailing Address:* 63 Wright Road, Ayer, MA 01432  
*Interest Taken:* Permanent water line easement  
*Deed Reference:* Middlesex South Registry of Deeds, Book 65594, Page 153

*Property Owner:* Alfred J. Bergin and Ashley S. Bergin  
*Property Address:* 65 Wright Road, Ayer, Massachusetts  
*Mailing Address:* 65 Wright Road, Ayer, MA 01432  
*Interest Taken:* Permanent water line easement  
*Deed Reference:* Middlesex South Registry of Deeds, Book 65673, Page 69

*Property Owner:* Keith M. Snell and Julia P. Snell  
*Property Address:* 64 Wright Road, Ayer, Massachusetts  
*Mailing Address:* 64 Wright Road, Ayer, MA 01432  
*Interest Taken:* Permanent water line easement  
*Deed Reference:* Middlesex South Registry of Deeds, Book 67812, Page 177



**M.G.L. C41 S81-X Surveyor's Certificate**  
 I HEREBY CERTIFY THAT THE PROPERTY LINES SHOWN ON THIS PLAN ARE THE LINES DIVIDING EXISTING OWNERSHIPS, AND THE LINES OF THE STREETS AND WAYS SHOWN ARE THOSE OF PUBLIC OR PRIVATE STREETS OR WAYS ALREADY ESTABLISHED, AND THAT NO NEW LINES FOR THE DIVISION OF EXISTING OWNERSHIP OR FOR NEW WAYS ARE SHOWN.

6/14/2018  
 DATE

*Mark K. Wheeler*  
 SURVEYOR

**LEGEND**

FND □ ..... FOUND CONCRETE BOUND  
 CB □ ..... FOUND STONE BOUND WITH DRILL HOLE  
 FND SB/DH □ ..... FOUND STONE BOUND BACK CENTERLINE  
 FND SB BCL □ ..... FOUND STONE BOUND BACK CENTERLINE  
 SR ○ ..... SET STEEL REBAR WITH SURVEYOR'S CAP  
 ..... WETLAND  
 -W- ..... APPROXIMATE LOCATION WATERLINE

**NOTES:**

LOT XX-1, PARCEL XX-3 AND PARCEL X-4 APPEAR ON A PLAN ENTITLED "PLAN OF LAND IN AYER, MASS. OWNED BY JOHN W. & STEPHANIE C. BURNS" DATED MAY, 2016 BY DAVID E. ROSS ASSOCIATES, INC., PLAN NO. L-12925, ENDORSED BY THE TOWN OF AYER PLANNING BOARD JUNE 2, 2016.

LOT 1, LOT 2, LOT 3 LOT 4 AND PROPOSED UTILITY EASEMENT ON WRIGHT ROAD APPEAR ON A PLAN ENTITLED "DEFINITIVE SUBDIVISION OF LAND IN AYER, MASS. PREPARED FOR SANDY POND INVESTMENT TRUST" DATED APRIL, 2007 BY DAVID E. ROSS ASSOCIATES, INC., PLAN NO. L-10364 AND RECORDED AT THE MIDDLESEX SOUTH DISTRICT REGISTRY OF DEEDS AS PLAN NO. 683 OF 2010.

0 50 100 150 200 250 300  
 FEET

0 25 50 75 100  
 METERS

1"=100'

6/14/2018  
 DATE

*Mark K. Wheeler*  
 SURVEYOR

PLAN OF EASEMENT  
**Ayer, Mass.**  
 OWNED BY  
**Town of Ayer**  
 SCALE: 1"=100' JUNE 2018

**David E. Ross Associates, Inc.**  
 CIVIL ENGINEERS - LAND SURVEYORS  
 ENVIRONMENTAL CONSULTANTS  
 PO BOX 795-6 LANCASTER COUNTY ROAD-HARVARD, MASS., 01451  
 (TEL. NO. 978-772-6232)

JOB NO. 32218 PLAN NO. L-11692-A

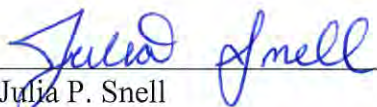
COMMONWEALTH OF MASSACHUSETTS  
TOWN OF AYER

Waiver of Appraisal and Damages

Keith M. Snell and Julia P. Snell, having an address of 64 Wright Road, Ayer, MA 01432 (the "Owners"), are the owners of property located at Wright Road, Ayer, Massachusetts, described in a deed recorded with the Middlesex South Registry of Deeds in Book 67812, Page 177. The Owners, in consideration of the sum of \$1.00 paid by the Town of Ayer (the "Town"), hereby acknowledge such consideration to be full compensation for all damages sustained by the Owners on account of an eminent domain taking to be made by the Town of a water line easement shown on a plan entitled "Plan of Easement Ayer, Mass. Owned by Town of Ayer," dated June 2018, prepared by David E. Ross Associates, Inc., pursuant to an Order of Taking to be recorded with respect to said water line easement, for themselves, their heirs, successors and assigns, hereby waive, release and forever discharge the Town and its successors and assigns from all debt, demands, actions, reckonings, bonds, covenants, contracts, agreements, promises, damages, liabilities, and any and all other claims of every kind, nature and description whatsoever, both in law and equity, from or in consequence of said taking, consent to said taking and waive all rights to an appraisal and damages for said taking. The Owners acknowledge receipt of a copy of the Order of Taking and the aforesaid plan.

Witness our hands and seals on this 7<sup>th</sup> day November, 2018.

  
\_\_\_\_\_  
Keith M. Snell

  
\_\_\_\_\_  
Julia P. Snell



COMMONWEALTH OF MASSACHUSETTS  
TOWN OF AYER

Waiver of Appraisal and Damages

Alfred J. Bergin and Ashley S. Bergin, having an address of 65 Wright Road, Ayer, MA 01432 (the "Owners"), are the owners of property located at Wright Road, Ayer, Massachusetts, described in a deed recorded with the Middlesex South Registry of Deeds in Book 65673, Page 69. The Owners, in consideration of the sum of \$1.00 paid by the Town of Ayer (the "Town"), hereby acknowledge such consideration to be full compensation for all damages sustained by the Owners on account of an eminent domain taking to be made by the Town of a water line easement shown on a plan entitled "Plan of Easement Ayer, Mass. Owned by Town of Ayer," dated June 2018, prepared by David E. Ross Associates, Inc., pursuant to an Order of Taking to be recorded with respect to said water line easement, for themselves, their heirs, successors and assigns, hereby waive, release and forever discharge the Town and its successors and assigns from all debt, demands, actions, reckonings, bonds, covenants, contracts, agreements, promises, damages, liabilities, and any and all other claims of every kind, nature and description whatsoever, both in law and equity, from or in consequence of said taking, consent to said taking and waive all rights to an appraisal and damages for said taking. The Owners acknowledge receipt of a copy of the Order of Taking and the aforesaid plan.


Witness our hands and seals on this 20<sup>th</sup> day November, 2018.

On this 20<sup>th</sup> day of November, 2018, before me, the undersigned notary public, personally appeared Alfred Bergin & Ashley S. Bergin and proved to me through satisfactory evidence of identification, which were

MA license  
to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he/she signed it voluntarily for its stated purpose.

Elizabeth H. Field  
ELIZABETH H. FIELD, Notary Public  
My Commission Expires February 17, 2023

  
\_\_\_\_\_  
Alfred J. Bergin

  
\_\_\_\_\_  
Ashley S. Bergin



COMMONWEALTH OF MASSACHUSETTS  
TOWN OF AYER

Waiver of Appraisal and Damages

John W. Burns and Stephanie C. Burns, having an address of 63 Wright Road, Ayer, MA 01432 (the "Owners"), are the owners of property located at Sandy Pond Road, Ayer, Massachusetts, described in a deed recorded with the Middlesex South Registry of Deeds in Book 65594, Page 153. The Owners, in consideration of the sum of \$1.00 paid by the Town of Ayer (the "Town"), hereby acknowledge such consideration to be full compensation for all damages sustained by the Owners on account of an eminent domain taking to be made by the Town of a water line easement shown on a plan entitled "Plan of Easement Ayer, Mass. Owned by Town of Ayer," dated June 2018, prepared by David E. Ross Associates, Inc., pursuant to an Order of Taking to be recorded with respect to said water line easement, for themselves, their heirs, successors and assigns, hereby waive, release and forever discharge the Town and its successors and assigns from all debt, demands, actions, reckonings, bonds, covenants, contracts, agreements, promises, damages, liabilities, and any and all other claims of every kind, nature and description whatsoever, both in law and equity, from or in consequence of said taking, consent to said taking and waive all rights to an appraisal and damages for said taking. The Owners acknowledge receipt of a copy of the Order of Taking and the aforesaid plan.

Witness our hands and seals on this 20<sup>th</sup> day November, 2018.

On this 20<sup>th</sup> day of November, 2018, before me, the undersigned notary public, personally appeared John W. Burns & Stephanie C. Burns and proved to me through satisfactory evidence of identification, which were

MA license  
to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he/she signed it voluntarily for its stated purpose.

Elizabeth H. Field  
ELIZABETH H. FIELD, Notary Public  
My Commission Expires February 17, 2023

John W. Burns  
John W. Burns

Stephanie C. Burns  
Stephanie C. Burns

COMMONWEALTH OF MASSACHUSETTS  
TOWN OF AYER

Waiver of Appraisal and Damages

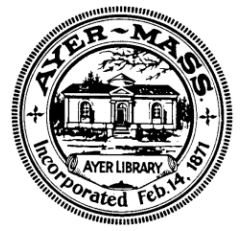
Betsy A. Amenta, having an address of 100 Sandy Pond Road, Ayer, MA 01432 (the "Owner"), is the owner of property located at Sandy Pond Road, Ayer, Massachusetts, described in a deed recorded with the Middlesex South Registry of Deeds in Book 65822, Page 374. The Owner, in consideration of the sum of \$1.00 paid by the Town of Ayer (the "Town"), hereby acknowledges such consideration to be full compensation for all damages sustained by the Owner on account of an eminent domain taking to be made by the Town of a water line easement shown on a plan entitled "Plan of Easement Ayer, Mass. Owned by Town of Ayer," dated June 2018, prepared by David E. Ross Associates, Inc., pursuant to an Order of Taking to be recorded with respect to said water line easement, for herself, her heirs, successors and assigns, hereby waives, releases and forever discharges the Town and its successors and assigns from all debt, demands, actions, reckonings, bonds, covenants, contracts, agreements, promises, damages, liabilities, and any and all other claims of every kind, nature and description whatsoever, both in law and equity, from or in consequence of said taking, consents to said taking and waives all rights to an appraisal and damages for said taking. The Owner acknowledges receipt of a copy of the Order of Taking and the aforesaid plan.

Witness my hand and seal on this 28 day August, 2018.

  
\_\_\_\_\_  
Betsy A. Amenta

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

---



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

**MEMORANDUM**

**DATE:** December 14, 2018

**TO:** Ayer Board of Selectmen

**FROM:** Robert A. Pontbriand  
Town Manager *R.A.P.*

**SUBJECT: Town Manager's Report for the December 18, 2018 Board of Selectmen's Meeting**

Dear Honorable Selectmen,

I am pleased to transmit to you the following Town Manager's Report for the December 18, 2018 Board of Selectmen's 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 offer a brief Administrative Update at the meeting regarding the status of various activities, initiatives, and project of the Administration since the last meeting on December 4, 2018.
- There are two items which have just presented themselves which will impact the FY 2020 Budget and I would like to notify the Board about and discuss with you further on December 18, 2018. These items are as follows:

**New OSHA Requirements Effective February 1, 2019:**

- The Commonwealth of Massachusetts will be implementing new OSHA requirements effective February 1, 2019 pursuant to MGL Chapter 149, Section 6 ½ which will impact all municipalities in Massachusetts. The State Department of Labor Standards will be responsible for implementation of the OSHA requirements by the State. Some of these new OSHA requirements will have financial impacts to the Town and thus the FY 2020 Budget. The Administration is in the process of working with the Department of Labor Standards and Town Counsel to further define and understand the implementation of these new OSHA requirements; including the financial implications to the Town.
- Additionally, the Administration has created an internal Safety Committee consisting of the Town Manager's Office, Fire Chief, Police Chief, DPW Superintendent, Parks Director, Facilities Directors, and Benefits & Payroll Manager to be responsible for the oversight and implementation of these new requirements. The Safety Committee will meet monthly. Additionally, I have asked certain Town Departments which will incur costs to implement these OSHA requirements to put "budget placeholders" in their proposed FY 2020 budgets at this time. I will continue to keep the Board updated on this matter including the financial impacts as we move forward.

Unforeseen I.T. Capital Request for Town-wide Computer Operating Systems:

- Last week, the I.T. Systems Administrator, Ms. Knox was notified that effective January 14, 2020 that Windows 7.0 which is the operating system on all Town computers will expire and all of the security parameters will no longer be effective. Therefore, the Town will need to update/convert the operating systems on all Town computers and in some instances replace some of the computers.
- The I.T. Director is currently putting together a Capital Request which is estimated to be approximately \$50,000 for the conversion/update of all Town computer operating systems. This also will include those computers that will need to be replaced. This is an unforeseen issue that has just presented itself. Fortunately, though the deadline for capital budgets was in November; the Capital Planning Committee is still meeting and I have asked the I.T. Director to meet with the Committee at their January meeting to further review and discuss this unforeseen, critical capital need. I will continue to keep the Board updated on this matter including the financial impacts as we move forward.

Review of Warrant(s):

- I have reviewed, approved and signed the following Town warrants since the Board last met on December 4, 2018: Accounts Payable Warrant #19-11 in the amount of \$2,966,259.52 was reviewed, approved and signed on December 11, 2018.

**January Meeting Dates:**

- As the Board discussed at the December 4, 2018, the first Tuesday of January is New Year's Day which is a holiday. Therefore the Board needs to set a new date for its first meeting in January. The Board tentatively discussed Wednesday, January 2, 2019 as a potential meeting date. Respectfully, the Board should confirm this date at the meeting. The date for the second meeting in January would be January 15, 2018 which poses no issue.

**Special Town Meeting Date Selection – Marijuana Bylaw and Form-Based Code:**

- At the December 4, 2018 meeting the Board discussed the request/recommendation from the Administration for a Special Town Meeting to be held sometime after the Annual Town Meeting on May 13, 2019 but no later than after the middle of June 2019. I would like to further discuss some proposed options with the Board at the meeting.

**Approval of Unpaid Water Lien Accounts:**

- The Board is respectfully requested to vote to approve the attached unpaid water lien accounts (See Attached).

**General Code Update:**

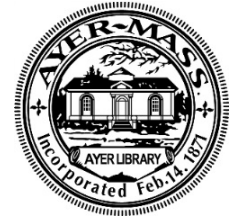
- The Assistant Town Manager and I will give a brief update to the Board regarding the General Code update of all of the Town's existing Bylaws, Codes, and Traffic Regulations including next steps in the process.

Thank you.

Attachment: Unpaid Water Lien Account List



**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 December 4, 2018**  
**Open Session Meeting Minutes**

**BOS Present:** Jannice L. Livingston, Chair; Scott A. Houde, Clerk

**Absent:** Christopher R. Hillman, Vice – Chair

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

**Call To Order:** J. Livingston called the meeting to order at 7:01 PM.

**Moment of Silence:** At the request of J. Livingston, the BOS and meeting attendees observed a moment of silence in observation of the passing of President George H.W. Bush.

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

**Review and Approve Agenda:**

**Motion:** A motion was made by S. Houde and seconded by J. Livingston to approve the agenda. **Motion passed 2-0.**

**Announcements:** J. Livingston made the following announcements:

- The Special Town Election for the Debt Exclusion Question will be on Tuesday, December 11<sup>th</sup> in the Great Hall from 7am – 8pm
- The 2019 Dog Tags are available in the Town Clerk's Office
- The Holiday Concert & Sing-Along will be held on Saturday, December 8, 2018 at 2:00pm
- The Tuba Christmas 2018 will be held on Sunday, December 9, 2018 at 2:00pm

**Public Input:** None

**Joint Appointment by BOS and Planning Board for Planning Board Vacancy:** The BOS was joined by Planning Board members Ken Diskin and Julie Murray for the purposes of making a joint appointment to the Planning Board. Mr. Jonathan Kranz introduced himself and conveyed his interest and enthusiasm in serving on the Planning Board.

**Motion:** A motion was made by S. Houde and seconded by J. Livingston to appoint Mr. Jonathan Kranz to the vacant position on the Ayer Planning Board until the next election in April of 2019. **Motion passed 4-0.**

*The Planning Board members left the table.*

**Approval of Meeting Minutes:**

**Motion:** A motion was made by J. Livingston and seconded by S. Houde to approve the meeting minutes of November 13, 2018. **Motion passed 2-0.**

**Public Hearing – FY' 19 Tax Classification with the Board of Assessors:** S. Houde opened the public hearing by reading the Public Hearing Notice as advertised on November 16, 2018 and November 23, 2018 in the Nashoba Valley Voice. The BOS was joined by the Assessing Administrator and the Ayer Board of Assessors. T. Hogan presented four items as it relates to the FY' 19 tax rate, pursuant to MGL c.40 §56: 1) open space discount, 2) residential exemption 3) small commercial exemption 4) and the adoption of a residential factor. T. Hogan reported that the total property values in Ayer increased about 6.8%.

T. Hogan gave a brief overview of the open space discount and reported that the Board of Assessor's are not recommending adoption.

**Motion:** A motion was made by S. Houde and seconded by J. Livingston to not adopt the open space discount.  
**Motion passed 2-0.**

T. Hogan gave a brief overview of the residential exemption citing it was very common in seasonally popular communities and communities with a large rental market.

**Motion:** A motion was made by S. Houde and seconded by J. Livingston to not adopt the residential exemption.  
**Motion passed 2-0.**

T. Hogan stated that he and the Board of Assessor's spent a large amount of time working on the analysis of the small commercial exemption based on the interest last year. He stated that eligible properties must be included on a list provided annually by the Massachusetts Department of Labor and Workforce Development. The property must also be valued at less than one millions dollars and have an average annual employment of 10 or fewer people. He cautioned that with the adoption of the small commercial exemption, the tax burden is shifted within the Commercial and Industrial tax class. The Assessor's office estimated that as few as 43 properties would be impacted, with another 104 potentially qualifying. T. Hogan stated that though the exemption looks good on paper, the implementation will be challenging and is recommending that if the BOS adopt this, that it be implemented in FY'20.

J. Livingston stated that though well intentioned, the administrative burden with changing the format of the tax bills could be challenging.

S. Houde stated that he would like the Town to further explore the small business exemption and prepare a recommendation to the BOS for next year.

C. Antonellis recommended that this item be added to the Town Budget Calendar to be discussed in August of 2019.

**Motion:** A motion was made by S. Houde and seconded by J. Livingston to not adopt the small commercial exemption. **Motion passed 2-0.**

T. Hogan gave the BOS a brief overview of the adoption of the Residential Factor. He said that the residential market is very strong in Ayer. He then stated that the total tax levy is dropping by eight tenths of 1%. He also added that the Town's Excess Levy Capacity is now over \$2.5 million dollars.

L. Gabree attributed the decrease in the tax levy to the refinancing of old debt and cautioned that a decrease in the levy would likely not be the case moving forward. She also said that some of the debt exclusion projects that passed last year, have not begun, so therefore there has been no need to go out to borrow yet.

Ed Kelley, 20 Oak Ridge Drive stated that the commercial tax rate is not competitive with any other surrounding Town. He feels that the gap between the residential payers and the commercial and industrial payers is too large.

S. Houde stated that the Town has a robust infrastructure and offers strong police , fire and public works services.

E. Kelley asked the BOS to consider the future of the Town of Ayer.

**Motion:** A motion was made by S. Houde and seconded by J. Livingston to adopt a residential factor of .728773.  
**Motion passed 2-0.**

**Motion:** A motion was made by J. Livingston and seconded by S. Houde to close the public hearing at 8:14 PM.

**Multifamily Affordable Housing Proposal- Request for L.I.P. Endorsement – 0 Washington Street:** Attorney Adam Costa was in attendance on behalf of his client, Ayer Solar II to give the BOS an informational/conceptual overview of a proposed 40B project at the same location, off of Washington Street, where the already permitted

Solar II project is proposed. Attorney Costa explained that abutters have appealed a constructive ANR approval relating to the proposed solar development. The new proposal for the property is the construction of 55 units of town houses, where 25% would be designated as low-to-moderate income. He stressed that this is in the conceptual phase and wanted to introduce the project to the BOS to begin the Local Initiative Program (LIP) through DHCD.

Project Engineer Cal Goldsmith of GPR, Inc. stated that the proposed location presents difficult construction; he is confident that the engineering can be done to build the proposed 40 B project.

Attorney Costa Adam said that the parcel was 49.78 acres. The project proponent is offering that 14 units of the proposed project be designated as low-to-moderate income units in perpetuity.

J. Livingston asked if this proposed 40B would replace the proposed Solar II project. Attorney Costa said yes. She further stated that though project is conceptual in nature, several departments brought up concerns relating to the surrounding wetlands, the site access driveway. She wants to ensure that all those concerns are addressed. The BOS did not make a decision regarding the LIP request.

**Town Manager's Report:** *Administrative Update/Review of Warrant(s)* – R. Pontbriand referred the BOS to the meeting packet, to review the list of warrants signed. He stated that FY' 20 budgets are due 12/14/18 and that the Capital Planning Committee starts meeting on Wednesday December 5, 2018.

*Appointments – Ayer Recycling Committee* – Ms. Lauri Sabol, Chair of the Ayer Recycling Committee introduced Ms. Rebecca Jones who had sent a letter of interest to serve on the Recycling Committee.

**Motion:** A motion was made by J. Livingston and seconded by S. Houde to appoint Ms. Rebecca Jones to the Recycling Committee to fill an unexpired term ending on June 30, 2020. **Motion passed 2-0.**

L. Sabol also reported that the Town of Ayer received an award from the Dept. of Environmental Protection for the Town's recycling efforts.

*Ridge View Heights Approval of Quitclaim Deed* – R. Pontbriand presented two quitclaim deeds relative to Ridge View Heights, as authorized by the May 14, 2012 and October 22, 2019 Town Meetings. He is recommending approval of both deeds.

**Motion:** A motion was made by S. Houde and seconded by J. Livingston to approve both quitclaim deeds as presented by the Town Manager. **Motion passed 2-0.**

*2019 BOS Issued License Renewals* – C. Antonellis presented the list of 2019 License Renewals, which are as follows:

<b>Business Name</b>	<b>Business Address</b>	<b>License Type</b>
Toreku Tractor & Equipment, Inc.	4 Littleton Road	Class 1
Gervais Inc.	5 Littleton Road	Class 1
Trailer Home Sales	1 Fitchburg Road	Class 1
L-3 Communications	90 Nemco Way	Class 1
Central Collision Center	121 Central Avenue	Class 2
Don's Auto Sales	9 Bishop Road	Class 2
J.C. Madigan, Inc.	8 Shaker Road	Class 2
Terranova Auto Body	40 Littleton Road	Class 2
Sean's Auto & Truck Center, Inc.	42 Littleton Road	Class 2
Rt 2A Auto Sales, Inc.	77 Fitchburg Road	Class 2
Power of Honesty, Inc.	179 West Main Street	Class 2
Ayer Auto Repair	85-87 Central Ave.	Class 2
Turbo Lube	21 Fitchburg Road	Class 2
Harry Schwartz & Sons, Inc.	20 Sandy Pond Road	Class 3
Subway	1 Mill Street	CV
Ayer Convenience	60 Park Street	CV

<u>Business Name</u>	<u>Business Address</u>	<u>License Type</u>
Deven's Pizza & Deli	210 West Main Street	CV
McDonald's Restaurant	2 Sandy Pond Road	CV
Wendy's Restaurant	2 Barnum Road	CV
Woo Jung Restaurant	174 West Main Street	CV
Verona Pizza & Seafood	18 Park Street	CV
Dunkin Donuts	18 Park Street	CV
Karyn's Kitchen	200 West Main Street	CV
Ayer Gulf	26 Park Street	CV
The Cottage Restaurant	18 Main Street	CV
Wok & Roll	49 Park Street	CV
Lazy Mary's	30 Littleton Road	CV
Taco Bell	4 Sandy Pond Road	CV
Union Coffee	25 Main Street #1	CV
Tipo Taco's	35 Main Street	CV
The Vineyard	63 Park Street	s15BW
Ayer Shop 'n Save	22 Fitchburg Road	s15BW
Ayer Package Store, Inc.	48 Main Street	s15AA
Traffic Circle Liquors, Inc.	2 Littleton Road	s15AA
Barnum Road Liquors, Inc.	1 Barnum Road	s15AA
Archer's Mobil	70 Main Street	s15BW; CV
Chung Ge Market	210D West Main Street	s15BW; CV
Pauline's Variety	67 1/2 East Main Street	s15BW; CV
Ayer Gun & Sportsmen's Club	225 Snakehill Road	s12BWC; CV
Carlin's	7 Depot Square	s12AA; CV; Amusement; Sunday Entertain;
Billiard's Café	39 Main Street	s12AA; CV; Amusement; Sunday Entertain;
Lucia's Tavola Ristorante	31 Main Street	s12AA; CV
Markoh's on Main	43 Main Street	s12AA; CV
Shaker Hills Country Club	146 Shaker Road	s12AA; CV
Tiny's Restaurant	2 Groton School Road	s12AA; CV; Amusement
Nashoba Club	14 Central Avenue	s12AA; CV; Amusement
Parthenon Pizza	60 West Main Street	CV; Amusement
Osawa Bistro	9 Main Street	s12AA; CV
Bar25	25 Main Street	S12AA; CV
Mango Grill – <b>Not Renewing</b>	38 Littleton Road	s12AA; CV – <b>Not Renewing</b>

C. Antonellis stated that pursuant to Bylaw XLII, a license will not be issued if there are outstanding bills, taxes, fees, assessments, liens, or betterments. Also a license will not be issued without the renewal fee being paid in full and that all requirements set forth by Massachusetts General Laws are met.

**Motion:** A motion was made by S. Houde and seconded by J. Livingston to approve the list of 2019 License Renewals, subject to the conditions set forth above. **Motion passed 2-0.**

*Proposed Zoning Bylaw Town Meeting Discussion with Town Planner & Economic and Community Development Director* – R. Pontbriand was joined by Town Planner Mark Archambault and Community and Economic Development Director Alan Manoian to discuss upcoming proposed changes to the Ayer Zoning Bylaw, specifically, adult-use marijuana zoning and form based code zoning.

M Archambault and A. Manoian gave brief presentations on the proposed timeline to make the zoning changes. BOS

members agreed that these matters should be taken up at a Town Meeting in the spring as a separate meeting, not as part of the Annual Town Meeting. The BOS will discuss dates for a Special Town Meeting at the next BOS meeting.

January 2019 Meeting Schedule – The January 2019 BOS meeting schedule will be finalized at the next BOS meeting.

**New Business/Selectmen's Questions:** *Executive Bi – Board Meeting Debrief (Selectman Houde)* – S. Houde gave an overview of the last Bi-Board meeting held in November. The Bi-Board discussed the FY 20 Budget and associated budget timelines. Department budgets are due to the Town Accountant and Town Manager on Friday December 14, 2018. The budget directive sent in November includes no new personnel and the review of sustainability of operating expenses. The Bi-Board also discussed the upcoming school field project, budget book and financial policies.

**Adjournment:**

**Motion:** A motion was made by S. Houde and seconded by J. Livingston to adjourn at 9:23 PM. **Motion passed 2-0.**

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

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

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

DRAFT